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Government, Military and Veterans Affairs Committee
February 10, 2017

[LB68 LB628]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Friday, February 10, 2017, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB628, and LB68. Senators present: John Murante, Chairperson; Tom Brewer, Vice Chairperson; Carol Blood; Tom Briese; Joni Craighead; Mike Hilgers; John Lowe; and Justin Wayne. Senators absent: None.

SENATOR MURANTE: (Recording malfunction)...Government, Military and Veterans Affairs Committee. My name is John Murante. I am the State Senator for District 49, which includes Gretna and northwest Sarpy County and I am the Chairman of this committee. We are here today for the purposes of discussing two legislative bills and conducting public hearings on them. We will be taking those bills up in the order on which they appear on the agenda outside of this room. If you wish to testify on either of the matters before us, we ask that you fill out one of these green sheets of paper. These green sheets are located on either side of the room. If you are here and wish to state support or opposition for either of the matters before us, but do not wish to testify, we ask that you fill in this sign-in sheet, where you will be given an opportunity to list your support or opposition. Again, the sign-in sheet is located on either side of the room. If you do testify, we ask that you begin your testimony by stating and spelling your name for the record, which is very important for our transcribers office. The order of proceedings is that the introducer will be given an opportunity to open on his bill, we will then proceed to proponent testimony, and then we will listen to opponent testimony, that will be followed by neutral testimony, and the introducer will be given an opportunity to close. We ask that you listen very carefully and try not to be repetitive. If someone has already articulated a point that you wish to make, we again ask you to fill in the sign-in sheet and suggest your support or opposition for the matters before us. And I can assure you that your opinion will be given the same amount of weight as if you had testified. In this committee we do use the light system. Each testifier is permitted three minutes. When the yellow light comes on you have one minute remaining and we ask that you begin concluding your remarks. When the red light comes on your time has expired and we will open the committee up at that time for any questions they may have of you. At this time I would ask everyone to turn off or silence any cellphones or other electronic devices, anything that makes noise. This is a committee which is equipped for technology, so you may see members referencing computers, laptops, or cellphones. I can assure you that they are just researching and taking notes for the matters before us. If you have an exhibit, a statement or anything you want distributed to the committees, we ask that you provide 12 copies to our page. If you don't have 12 copies, that's fine. Give it to the page and our page will make the copies for you. And our page for today is Joe Gruber. Joe is from Omaha. And with that, we'll proceed to the introduction of members. To the far left is Sherry Shaffer, Sherry is the Government Committee clerk. To her right is State Senator Carol Blood, Senator Blood represents Bellevue. To her right is Senator Joni Craighead, Senator Craighead represents

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Omaha. To my immediate left is Senator Justin Wayne, Senator Wayne also represents Omaha. He has a bill at this time in the Revenue Committee, but I anticipate him being here at some point today. To my immediate right is Andrew La Grone, Mr. La Grone is the Government Committee's legal counsel. To his right is State Senator Tom Brewer, Senator Brewer is from Gordon, Nebraska, and he is the Vice Chairman of this committee. Senator Brewer will be with us, he is also in the same Revenue Committee hearing. To his right, State Senator Mike Hilgers, who represents Lincoln. To his right, Senator Tom Briese, Senator Briese represents Albion, Nebraska. And on the far right is Senator John Lowe, Senator Lowe represents Kearney. And with that, we have dispensed with the formalities. Senator Larson, your boycott of the Government Committee has come to an end and we appreciate that. And welcome back.

SENATOR LARSON: Lasted two years, but I made it. [LB628]

SENATOR MURANTE: It was a painful boycott, but we endured it. [LB628]

SENATOR LARSON: Good afternoon, Chairman Murante and members of the Government, Military and Veterans Affairs Committee. My name is Tyson Larson, T-y-s-o-n L-a-r-s-o-n, and I come before you today to present LB628. LB628 was introduced with entities such as Airbnb and HomeAway in mind, which would prohibit cities, villages, or counties from adopting an ordinance or resolution that prohibits the use of residential property as a short-term rental. The bill would not, however, restrict a political subdivision from adopting a related ordinance or resolution that protects the public health and safety where that is in accordance with current law. Short-term rentals have been an up-and-coming trend over the past decade and they have evolved into cities across the United States, as well as into other countries. It is an opportunity both for owners of residential property and for travelers, regardless of business or leisure, providing a more home-like feeling, similar to that of a bed and breakfast atmosphere. And absent of the hotel environment, short-term rentals have become increasingly popular and a well-utilized option. Today, we have a new market economy and a world of individual entrepreneurs. I believe members of this Legislature and the state of Nebraska need to support and enable the growth and expansion, without hindering or obstructing in a local level of government. And with that, I would encourage your consideration of LB628. And I'd be happy to take any questions. [LB628]

SENATOR MURANTE: Thank you, Senator Larson. Senator Blood. [LB628]

SENATOR BLOOD: Thank you, Senator Murante. Senator Larson, I read through this and I actually am going to start with a question as to is there another bill that addresses having a mechanism that would collect perhaps a rental tax, like a bed tax, like most states do with a b&b like this? [LB628]

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SENATOR LARSON: No. And from my understanding, a lot of states that on Airbnb and whatnot don't necessarily collect that. I know New York has started, but I'm not aware of any...I think New York was the only one that I found that... [LB628]

SENATOR BLOOD: I saw different in my research. [LB628]

SENATOR LARSON: Okay. [LB628]

SENATOR BLOOD: And I'm not quarreling about it. But I think one of the most recent was perhaps Arizona. So my reasoning is much like the Internet sales tax. It is right and just that we collect Internet sales tax, because they are closing down brick and mortar stores, that we're trying to create an even playing field. And obviously, that's what you're trying to do with this legislation. It's great legislation. But would you be open to perhaps amending it to open it up for municipalities to collect a transaction privilege, a sales tax, use tax, hotel tax? Because if indeed we're trying to create an even playing field, hotels and motels are required to pay a hotel tax to a municipality. And I support Airbnbs, but the bottom line is that they're taking business away from hotels and motels. And so if we're truly creating an even playing field, wouldn't it be right and just to allow them to have municipalities or counties to be able to place a bed tax? [LB628]

SENATOR LARSON: You know, that brings up interesting concepts. Obviously, you're referring to Airbnb and HomeAway in the essence of just the, you know, one or two night rentals. They can also be used as more long-term rentals as well. [LB628]

SENATOR BLOOD: Absolutely. [LB628]

SENATOR LARSON: And so there creates an interesting dynamic of, you know, there's executive housing apartments and things of that nature that aren't subject to the bed tax. And because that's just somebody subletting or leasing an apartment. So I think that's a tricky thing for me to say that I'd automatically be open to an amendment, because then you're going to be putting anybody that uses Airbnb as a platform to, in the longer term rental, and when I say longer term I mean, you know, two week to a month, which Airbnbs can be used for, they're going to be taxed. Whereas, if somebody just goes and finds a home to rent for a month or sublet a room in a home to sublet for a month, they won't be subject. So it's interesting. I mean, I get what you're pointing at and maybe there is some common ground in there that if it's less than so many nights then maybe it would be subject, but if it's more than so many nights it wouldn't be. So I'm not saying I'm opposed to it, but I think we have to be careful on that as well. [LB628]

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SENATOR BLOOD: And I hear what you're saying. You know, I think of like the stay in places, the hotels that are specifically designed for like construction workers. I know we have construction going on at Offut Air Force Base right now, and of course people need hotel rooms that they need to stay for more than a night or two. And if I hear you saying that your intent is to create an even playing field, then I feel it's important that we create an even playing field and also do the legislation right from this starting gate. So the nice thing about it for us is that we're not reinventing the wheels being done in other states, so we have templates that we can use. [LB628]

SENATOR LARSON: Happy to look at it. [LB628]

SENATOR BLOOD: All right. And I would be appreciative of that because I would only want to support something like this if I felt that it had all the foundation that it needed to be really good policy. [LB628]

SENATOR LARSON: Sounds good, thank you. [LB628]

SENATOR BLOOD: Thank you. [LB628]

SENATOR MURANTE: Senator Lowe. [LB628]

SENATOR LOWE: Thank you, Senator. Senator Larson, are there cities or villages or counties that are proposing not allowing this? [LB628]

SENATOR LARSON: None in the state right now. This is more what we would preemption day of the government...preemption of the city being able to do this. We've seen in other states, whether it be with Airbnb or services such as Lyft and Uber, cities put on heavy restrictions that essentially would...that take these opportunities away from individual entrepreneurs to offer their services because of extra regulations and whatnot. For example, in Austin, Texas, the city of Austin pretty much had a showdown with Uber and Lyft. And last year, I was lucky enough to work with Senator Mello on making sure that this wouldn't happen in Nebraska with Uber and Lyft. But they pretty much put local ordinances and said that the city of Austin is too important for Uber and Lyft. They won't leave if they put on all the restrictions, and Uber and Lyft said goodbye. So there is none in the state right now, but this is much more a preemption and making sure it doesn't happen. [LB628]

SENATOR MURANTE: Thank you, Senator Lowe. Any final questions for Senator Larson? Seeing none, thank you very much for your opening. [LB628]

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SENATOR LARSON: Thank you. [LB628]

SENATOR MURANTE: We'll proceed to proponent testimony on LB628. Are there any proponents? Is there opposition testimony to LB628? Welcome. [LB628]

CHRISTY ABRAHAM: Good afternoon, Senator Murante--I am so sorry, I got too excited--and members of the Government Committee. Who doesn't want to talk about Airbnb? My name is Christy Abraham, Abraham is spelled A-b-r-a-h-a-m, and I'm here representing the League of Nebraska Municipalities. And I think this may be the theme of the day today, the League is all for local control. And we certainly appreciate Senator Larson's bill and the League certainly doesn't want to ban Airbnb in any way, shape, or form, but we are committed to the idea that not every community is going to handle this the same way and not all shoes fit all feet I guess is what I'm trying to say. The National League of Cities did a survey sort of how are cities responding to Airbnb, and it said about 13 percent nationwide have enacted some sort of ordinances regarding this issue. And a very small minority have banned short-term rentals altogether. But the vast majority of cities have not done any regulation in this area. Lincoln, who is also here and will testify, they do have an ordinance on short-term rentals. And Omaha has tried to adopt an ordinance, but it hasn't passed. And we don't know of any other city that has attempted these ordinances. And I just want to mention, on a national level, a lot of cities have really grappled with this issue. And some of those issues include are we going to limit it to a primary residence, can we cap the number of short-term rentals in residential zones, does the renter need to get a license, does the renter need to pay lodging tax and sales tax. And these are all issues that various ordinances and various cities have dealt with in different ways. So we would just encourage the committee to consider that, that it's best really left to local officials listening to their local citizens about what is best for their community. And I'm happy to answer any questions if you have them. [LB628]

SENATOR MURANTE: Thank you very much for your testimony. Are there any question? Seeing none, thanks for coming down today. Oh, Senator Briese. [LB628]

SENATOR BRIESE: Thank you, Senator Murante. And thank you for being here. [LB628]

CHRISTY ABRAHAM: Yes. [LB628]

SENATOR BRIESE: Of those four issues you mentioned there, anything there that you would prefer to see implemented in something like this, regarding licensing or lodging sales tax or limiting it to primary residences? [LB628]

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CHRISTY ABRAHAM: And we are always happy to work with Senator Larson on this. Again, our mantra would be, you know, as much flexibility to cities as possible to let them sort of grapple with those issues themselves. And certainly if the bill can be written in a way that provides, you know, a great deal of flexibility to cities to sort of deal with all these issues that other cities have, you know, we'd certainly be open to looking at that. [LB628]

SENATOR BRIESE: Okay, thank you. [LB628]

SENATOR MURANTE: Thank you, Senator Briese. Seeing no additional questions, thanks for coming down today. [LB628]

CHRISTY ABRAHAM: Thank you. [LB628]

SENATOR MURANTE: Much appreciate it. Welcome. [LB628]

DAVID CARY: (Exhibit 1) Thank you. Good afternoon, my name is David Cary, C-a-r-y. I am the director of the Lincoln/Lancaster County Planning Department. I'm here this afternoon on behalf of the city of Lincoln to testify in opposition to the LB628 as currently written. I do want to thank Senator Larson for identifying this topic for discussion, as well as the time in front of the Government, Military and Veterans Affairs Committee. Short-term rentals are a choice of modern travelers and they enjoy that and expect it in our cities today. This is a topic that the city of Lincoln is actively studying to gain as much understanding of this topic as possible, so that our local policies can best meet the needs of the travel industry while still meeting the needs of our community. Before acting on this proposed legislation, we believe that this topic needs additional study, perhaps through a joint effort between this committee and Lincoln and perhaps some other cities throughout the state in order to craft the best strategy possible for local jurisdictions. A one size fits all approach may not meet the varying needs of the varying cities of our state. You think about Lincoln and Omaha and Bellevue and Albion as examples of large and small cities. They may have some different issues and challenges, or opportunities for that matter, that they would like to address with this topic. If this committee feels it would be appropriate to sponsor a study to look more closely at this topic, the city of Lincoln would be very happy to work with this committee and help in any way possible. Such a study would be very helpful to Lincoln, and I think it would also be very helpful to some other cities around the state. Thank you, and again for the opportunity to discuss the topic. And I'd be happy to answer any questions you might have. [LB628]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thanks for coming down. [LB628]

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DAVID CARY: Thank you very much. [LB628]

SENATOR MURANTE: Appreciate it. Still on opposition testimony to LB628. Welcome.
[LB628]

KRISTY PHALEN: (Exhibit 2) Thank you. Good afternoon, Mr. Chairman and members of the committee. My name is Kristy Phalen, K-r-i-s-t-y P-h-a-l-e-n. I currently serve as the president of the Nebraska Hotel and Lodging Association. I have submitted written comments and would like to touch base on a few points containing in our testimony. The Nebraska Hotel Lodging Association is opposed to LB628. This bill creates several serious concerns for local political subdivisions, the lodging industry, and consumer safety. Our members support competition in the lodging industry, which is a highly competitive marketplace. We are constantly working to improve guest services, promote innovation, expand growth, and increase jobs. These goals can only be accomplished on a level playing field and in a legal manner that safeguards our consumers. If short-term rentals and the platforms that support them wish to be considered legal players in the lodging industry, they need to follow the rules, as does the rest of the industry. Enforcement of these rules, whether state or local, can only happen if short-term rentals register as businesses which provide trackable data. Without registration and data collection, there is no way to enforce safety issues or tax obligations. This bill will limit the ability of a city, village, or county to adopt an ordinance or rules that will provide the security and characters of residential areas. The governing bodies of these political subdivisions have a responsibility to the people they serve. This bill would limit those governing bodies from protecting their communities and visiting guests. A major concern of the hotel industry has, and will continue to be, our consumer safety. Our business is heavily regulated by local codes, ordinances, and internal regulations. We strive to ensure sanitation, health, and emergency plans that meet or exceed regulations. Many of the rules we work under are set by local governments which have working knowledge of what is best for our communities which we serve and operate in. Another major shortcoming of the bill is it makes no effort to address the tax issue. Hotels in Nebraska, depending on location, collect up to 18 percent in tax revenue. This tax base goes to state, county, and local governments to support a wide range of programs and general funds. This issue not only affects the local lodging businesses, but the local tax base. Without some form of legal business entity in place, short-term rental properties and the companies that support them avoid their tax responsibilities to the people of Nebraska. I have included in our written testimony information I hope will be useful to the committee regarding the lodging taxes in Nebraska. Last summer, our staff compiled lodging tax information from across the state and how it was utilized, the attachment in a summary, and some of the highlights of that research. I believe that some of these questions were brought up at last Wednesday during your hearing. We would ask the committee to kill LB628. [LB628]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions?
[LB628]

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KRISTY PHALEN: Yes. [LB628]

SENATOR BLOOD: I'm sorry, he has to give me permission first. Thank you, Senator Murante. You never want to cross him. [LB628]

KRISTY PHALEN: Sorry. [LB628]

SENATOR BLOOD: Thank you for your testimony. So eye-opening when you look at the occupation taxes on hotel rooms in Nebraska. And the nice thing about this tax, which I know nobody ever thinks taxes is nice, is that these are usually people from outside of Nebraska. Or frequently people from...so it's nice to have somebody come in and give us some tax dollars. What a lot of people don't understand is how dependent municipalities, especially the larger they tend to be, are on occupation taxes; one of them being the city of Bellevue. That is why we have such a great event center, is because we utilize part of our hotel tax to pay for that so it doesn't come out of our taxpayers' pockets. It's a wonderful thing which generates more people for you guys to have in your hotels. So it's very symbiotic. So obviously, as you heard, I'm a big supporter of making sure that if we are creating an even playing field that a tax be paid. If indeed we were able to negotiate with Senator Larson a component where it truly was an even playing field, where we were able to charge a bed tax or some sort of lodging tax, much as we do on hotels, would that change in any way your support of it? [LB628]

KRISTY PHALEN: Yes, it would. I think as long as we can get all the regulations put in place, make it an even playing field, then we might be on the same page with that. [LB628]

SENATOR BLOOD: So what other regulations are you most concerned about besides the taxes? [LB628]

KRISTY PHALEN: The taxes and then the safety as well. We put a lot of interest in making sure that the guests are safe when they stay at hotels. And we want to make sure that those same regulations are put into homes and other places that they may be staying. [LB628]

SENATOR BLOOD: And I certainly don't want to minimize how important I think safety is, but you know, it's kind of like when you get in an Uber. You know what you're getting. So I don't know if, especially based on the other legislation I've seen in other states, if indeed that's even a possibility. I personally would not want to stay in somebody's home, but I'm not a Millennial. So, but I hear what you're saying. It's important that we truly do make it an even playing field and I can't stress enough I'm glad you brought those numbers. These are important dollars for every municipality in Nebraska. Thank you. [LB628]

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KRISTY PHALEN: Thank you. [LB628]

SENATOR MURANTE: Thank you. Senator Lowe. [LB628]

SENATOR LOWE: Thank you for coming and speaking today. My family is in the rental business, whether it be commercial, residential, or farming real estate and we do have rental houses. Some of those we rent on a six-month basis. We don't like to, just because of turnaround and everything else. But what would be a good time period to cut off from a commercial...or a residential rental and into the motel industry where you wish to put in all the safety features and everything else? Or are you concerned about the apartment houses that we rent by the year not having the same safety features as a motel or a hotel? [LB628]

KRISTY PHALEN: Those are great questions. We can...I can take that back to my board and then get some better answers for you. [LB628]

SENATOR LOWE: Thank you. [LB628]

KRISTY PHALEN: I just don't want to give you the wrong information. [LB628]

SENATOR LOWE: All right. [LB628]

SENATOR MURANTE: Thank you, Senator Lowe. Any final questions? Seeing none, thank you very much for your testimony. [LB628]

KRISTY PHALEN: Thank you. [LB628]

SENATOR MURANTE: Much appreciate it. Is there additional opposition testimony to LB628? Any additional opponents? Welcome. [LB628]

MELODY VACCARO: I wasn't planning on testifying against this bill, but I think a really important point was missed and I want to bring it up. My name is Melody Vaccaro, M-e-l-o-d-y V-a-c-c-a-r-o, and I am opposed to this bill. I think one thing it doesn't take into consideration is homeowners and the balance between rental properties in a city that has heavy tourism and homeowners who also live there. And I think local government is really best to handle that balance, as every city is going to have some really unique needs when it comes to that. You know, I live in an older neighborhood that is residents are dying in their homes. And sometimes young families move in, sometimes they turn into rentals. And so that's certainly something I'm

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seeing just in my own neighborhood, and I think when it comes to things like Airbnb and HomeAway, you know, if you live in a heavy touristed city, as a homeowner you would want to make sure that you're protected and your property value is protected. And so I think this bill doesn't sound like it would leave that open for city governments to handle. [LB628]

SENATOR MURANTE: Okay. Senator Blood. [LB628]

SENATOR BLOOD: So it's interesting that they say that. So the question I have is do you believe that municipalities get their foundation for policy from state statute? [LB628]

MELODY VACCARO: I think state statute generally should be creating a skeleton that cities work under. But all of the furniture, you know, the city ordinances, should be coming from the cities in general. [LB628]

SENATOR BLOOD: Which unfortunately, we have to use state statute as the foundation for policy. So I hear what you're saying, but I don't know if it's a problem, but the truth is that you cannot just create your own policy. There's state statute that you have to utilize as the foundation to create your policy. And so, although I'm not okay with the way the bill is written right now, if it were indeed to address the issues that we have concerns with, it would be right and just and set a good foundation for municipalities to move forward and create additional policy. [LB628]

MELODY VACCARO: Absolutely. Absolutely. And that, you know, that seems like a problem just in general with this new technology: Uber, drones, Airbnbs. There needs to be state policy, but just this bill when I read it, it's missing that exception for cities to sort out. It seems like it's preempting them. [LB628]

SENATOR BLOOD: I hear what you're saying. And again, I just always have to stress to people state statute is what public entities have to use as the foundation to create their own policy. So it starts here in Lincoln and it works its way down. And so if we get it right up here, then they can get it right down here. [LB628]

MELODY VACCARO: So that's...I just want to make sure homeowners are considered in this discussion. [LB628]

SENATOR BLOOD: Thank you. [LB628]

MELODY VACCARO: Thank you. [LB628]

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SENATOR MURANTE: Any additional questions? Seeing none, thank you for your testimony. Is there additional opposition testimony to LB628? Any additional opponents? Is there any neutral testimony? Seeing none, Senator Larson. [LB628]

SENATOR LARSON: Thank you, members of the Government Committee. Real quick, I think we have to be very mindful that we have these now in the state of Nebraska. And we also have to look at what we have that brings people to this area. Senator Hilgers represents part of Lincoln, he has at least probably six or seven weekends a year that a lot of people from outstate Nebraska would love to rent a home. We have, you know, great tourist areas throughout the state, whether that's Lake Mc or other areas like that. And then obviously we have three senators from the greater Omaha area that where we have Berkshire Hathaway, we have a number of those types of things. I understand where the cities are coming from, they want the control. And usually, you know, I can understand the local control. But we've also seen across this nation a lot of cities get carried away on restricting these because of, you know, being strong armed by the hotels in the area to shut down the competition. And I think that's something that we have to be mindful of. I think Senator Lowe brought up a great point of what, you know, these are defined as short-term rentals, not hotel rooms. And those are clear and distinct differences. And if Senator Blood wants to work...and it's obviously up to the committee in terms of room taxes and whatnot, but I think we do have to be mindful of that, that these are defined as short-term rentals. And that isn't the same as a hotel. [LB628]

SENATOR MURANTE: (Exhibit 3) Okay. Thank you very much, Senator Larson. Seeing no additional questions. Before we close the hearing on LB628, I do have a letter of neutral, in the neutral, from Andy Pollock of the Nebraska Travel Association. And with that, we'll close the public hearing on LB628. We'll move to the next item on the agenda, LB68. Senator Hilgers, welcome to your Committee on Government, Military and Veterans Affairs. [LB68]

SENATOR HILGERS: Thank you, Mr. Chairman and fellow members of the Government, Military and Veterans Affairs Committee. My name is Mike Hilgers, M-i-k-e H-i-l-g-e-r-s, and I'm the State Senator for District 21, representing nearly 40,000 Nebraskans living in northwest Lincoln and Lancaster County. I'm here today to open on LB68, which is an important bill designed to eliminate our patchwork of firearms laws, helping to protect both the fundamental rights of citizens of Nebraska and to ensure that Nebraskans have fair notice about the laws under which they are governed. The problem that LB68 solves is simply stated. Political subdivisions in Nebraska have created a patchwork of laws governing firearm possession. Such laws vastly differ across jurisdictions, putting Nebraskans unknowingly at risk of daily and constant violation of city ordinances, including the risk of fines and confiscation of their property. The solution to this problem is equally simple. LB68 will provide certainty, creating a statewide framework for firearms possession laws. LB68 will ensure that Nebraskans' fundamental due process rights and their right guaranteed under our state constitution to own and

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possess firearms to protect their families and property are protected. My opening will proceed under three parts: First, I will provide some context regarding the depth and seriousness of the problem. Second, I intend to speak on the details of LB68 and why it solves this problem and how it solves this problem. Third and finally, I will briefly address some of the arguments against LB68 which are largely based on a misunderstanding of how our current gun law framework works and how LB68 will impact that framework. Colleagues, there is no right in our state's constitution that is subject to the patchwork of laws except for the right to own a firearm. Take, for example, the following rights in the Nebraska Constitution. Article I, Section 5 guarantees your freedom of speech. It also guarantees the freedom of the press. Article I, Section 6 guarantees your right to a trial by jury. Article I, Section 4 guarantees our religious freedom. Article I, Section 12 guarantees our right to avoid double jeopardy and our right against self-incrimination. None of these rights, not one, differ one bit if you are in Omaha, Alliance, Grand Island, or Hooper or anywhere in between. There's a consistent statewide legal framework for each of these constitutional rights. But our right to bear arms, which I will note is in the very first section of the very first article of our constitution and was recently reaffirmed in 1988 is treated differently. For gun rights, unlike other constitutional rights, Nebraska political subdivisions have created a patchwork of laws. What does this mean in practice? Well, I'll give you a few practical examples. If you live in Lincoln, as I do, you do not have to register your firearm if you own one. Omaha, however, requires you to register a firearm if you own one. Therefore, if you drive from Lincoln to Omaha, then the moment, the very moment you cross the city's limits, you are in violation of Omaha's ordinance at the risk of a charge on your record, a fine of up to \$500, potential imprisonment up to six months, and the loss of your firearm. This is especially problematic, for example, for our friends who work at Offutt Air Force Base. If a Nebraskan or anyone else works at Offutt Air Force Base and lives not in Omaha but in the greater metropolitan area, for instance, the moment they go into Omaha to shop, see their families, or go to a restaurant, they are in violation of the law. Those individuals' jobs in particular are subject to yearly compliance checks and a firearms charge could put their job at risk. Here's another example. We generally agree that if someone is convicted of a felony they lose their right under the Second Amendment and under Nebraska's Constitution to possess firearms. Because the loss of any constitutional right is a very big deal, we give them fair notice of the loss of that right. So if someone is charged with a felony and they plead guilty to that charge, before they plead they are given notice by the court on the record that the guilty plea will result in the loss of their constitutional rights and that they knowingly give up those rights. That's a settled framework and it's not in dispute. That is not how it works in Lincoln. In Lincoln, individuals who are convicted of certain misdemeanors--including, for example, DUI--lose their right to possess a gun. But those individuals receive no notice of the potential loss of their right before pleading guilty. We can have a separate argument about whether some of those individuals should have the right to own firearms. In other words, we can have a separate argument as to whether someone who has been convicted of a DUI should own a firearm. But the question here is not that question. The question here is one of fair notice and not unknowingly relinquishing our constitutional rights.

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These are not abstract examples. I have received support from dozens upon dozens of citizens from around Nebraska, and I'm going to give you two recent pieces of correspondence that I've received. This is a note from Michael in Papillion. When traveling from my home in Papillion, I am often subjected to local, municipal, county, and substate jurisdictional laws. These laws are so varied and spatially distinct that it is impossible to be aware/informed as one travels from one jurisdiction to another. I have been a law-abiding citizen my entire life. At nearly 70 years old and despite my adherence, I am almost certain I have inadvertently violated some statute or ordinance in my travels about the state to compete. Here is a note from Jeremy, a constituent. Those of us Nebraskans who are very careful to abide by the law are at a serious disadvantage when we venture outside our hometowns and we can see us breaking multiple ordinances purely by accident. My family and I are grateful for this attempt in LB68 to remove the patchwork systems where our firearms are concerned. So that's the problem, colleagues. The solution is simple. LB68 solves this problem by making our statewide gun laws consistent. It takes away from cities and counties the ability to regulate firearm possession--it's distinct from discharge and that's important. I'll talk about it in a second. This is a right that is already, it's already provided to our concealed carry permit owners. Currently under state law, those individuals who can afford a significant fee for a permit and who have the time and the resources to take a concealed carry class are already exempt from these local ordinances. LB68 would eliminate this regressivity of our current gun law system and extend currently existing preemption to regular citizens. Last, it's important to note what LB68 does not do. It does not take away local control to regulate the discharge of firearms or otherwise take away the ability of local municipalities to regulate gun violence. The most powerful tools that have been proven successful time and again in reducing gun violence, not gun possession, are improved policing techniques, education. Laws relating to discharge and the like remain totally and completely within local control. It also does not take away the power of property owners, from homeowners to domestic violence shelters and the like, the power to prohibit firearm possession on their properties. It also does not make us less safe. While there may be superficial attempts to equate gun registration laws with gun violence, every published study we could find state unanimously...and I've looked, colleagues. I have looked and I have read these studies and they are unanimous that there is no correlation, let alone causation, between gun registration laws and gun violence, none. It does also...another argument I've heard is that it might create an avenue for trial lawyers. It does not do so. What it does is create an enforcement mechanism to allow ordinary citizens the ability to enforce their constitutional rights when those rights have been infringed by a local political subdivision. This bill was presented last year and had significant support. It fell one vote short of a filibuster. At the time, the Omaha Police Officers Association had expressed concerns regarding some aspects of this preemption law. We have been working very diligently with our friends at the OPOA to address their concerns and are working on an amendment that we believe will address the concerns that they have raised. In addition, we've also had conversations with our local county sheriff, Sheriff Wagner, about potential concerns that he has; and we are working to ensure that those concerns are also adequately addressed. At the end of the day, colleagues, LB68 addresses

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an important concern for law-abiding Nebraskans; and I urge this committee to advance the bill to General File for debate. I very much appreciate the committee's time. And if there are any questions now, I'd be happy to take them. [LB68]

SENATOR MURANTE: Thank you very much, Senator Hilgers. Senator Blood. [LB68]

SENATOR BLOOD: Thank you, Senator Murante. Thank you, Senator Hilgers. I have a couple of questions that I'm not finding or hearing in the notes, and so I'm hoping you can help me, as a freshman senator, clarify some of this. What I'm not hearing is how many people this has actually affected. Do we know who this has actually happened to in the last, say, 12...I'll make it real easy, last 12 months how many people have been violated because they carried a weapon from, say, Adams County to Douglas County or Sarpy County to Webster County or? Do we have a number on that? Are there...do we have actual examples? [LB68]

SENATOR HILGERS: So we do have actual examples of individuals who have been, but it's anecdotal. The data is hard to come by, Senator Blood. The number that I do know that I've seen from published reports, this data, again, is within the control of the various municipalities so, for instance, the city of Omaha. They have produced some data reflecting how many arrests they have made using one aspect of their gun registration law. It's a little north of 1,000. Any published data in terms of what I'm talking about, innocent bystanders who are just driving through who were caught up in this... [LB68]

SENATOR BLOOD: Right. I'd like to see that because that's really what we keep saying is the brunt of this bill is that here are these law-abiding citizens. And as you know, I have nothing against responsible gun ownership. I always throw in the word "responsible." Is that...and I'm not seeing anything in the research that I've done--and you know I like to research the heck out of everything--so that for me is something that I'd like to see because we had a gun bill in 2009 that authorized people to carry a concealed handgun. And in 2010 we passed another one about no registration for concealed weapon carriers, which then invalidated how Omaha did business with their certifications. And so in theory it sounds...it makes sense. But I've not come across anybody that this has actually happened to. And outside of, say, Douglas County...I mean, in general, don't most of the counties have, when it comes to this, the same policy? Or are we talking about we've got 49 different policies or are we talking about that there's 47 different policies and maybe 3 counties that are different? Can you tell me? [LB68]

SENATOR HILGERS: There's actually a fairly wide variety between jurisdictions. You'll find even Grand Island and some of the greater Nebraska jurisdictions that may have some gun registration laws. I will tell you, though, Senator Blood, the two jurisdictions that have the most number of gun ordinances are Lincoln and Omaha. And to your first question, you and I see the

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world the same way. I love to see the data. I'd love to see it. I've looked. I haven't seen anything that directly addresses my problem. My position on that would be, when we're talking about constitutional rights, one time is too many. But if we can find that kind of data, if I come across it--believe me, I've searched and will continue to search--I'd be happy to give it to you. [LB68]

SENATOR BLOOD: Well, and again, I don't disagree to what you're saying, to never hurt someone's constitutional rights. But at the same token, sometimes I think that because it does sound very grandiose and, you know, we're doing the right thing, but are we addressing a problem that in theory could happen but hasn't happened in the last decade or? I guess that's what I'm looking for is that I want to make sure that if we're going to do that...because my concern is, is that when we have like a mandated one-size-fits-all approach to firearms regulation that preempts these statutes, that it's going to deprive the public of some critical problem-solving resources and that resource being local innovation. So, you know, I'm all about the (inaudible). [LB68]

SENATOR HILGERS: Oh, I know. Do you mind if I... [LB68]

SENATOR BLOOD: And I hear what you're saying. So I'm at a loss in the fact that, again, I definitely understand people's concern. There are many, many law-abiding citizens here in Nebraska that are gun owners that are responsible gun owners. And I understand the concern about, you know, I'm driving to Grandpa's house out on the farm and if I'm stopped and I happen to be violating the local laws. But again, I don't know if we're talking about such a huge difference in laws either amongst counties. I just...I've got to make sure that we're doing it for the right reason. [LB68]

SENATOR HILGERS: I very much appreciate the comment. Is it okay if I respond to that? I will grapple with these issues with you, Senator Blood, and I will tell you that one point you made in there I...I agree with a lot of what you said, but it's really important I think to emphasize what you said about local control and the methods that local municipalities have to address gun violence, because I don't want to see gun violence any more than anyone else. And the key here I think is that this bill does not address, it does not say for all municipalities or counties or political subdivisions this is the only way you can treat guns, period, full stop. And anyone who says that is wrong. What it does say, however, is it does say regulations relating to possession. That's distinct from discharge or use. And on that point, the major ordinance you will see are gun registration laws. [LB68]

SENATOR BLOOD: Right. [LB68]

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SENATOR HILGERS: And on that particular point, there actually is a lot of data and there are a lot of studies and I've read them and I've got copies of them. I'm more than happy to give you...and these are not ideologically based studies. These are academic studies from the United States and Canada viewing U.S. laws on gun registration. And those show unanimously, Senator Blood, there is no correlation between gun registration ordinances and gun violence. It's these other issues that our local municipalities can impact gun violence that I referenced a little bit in my opening, you know, policing, innovative techniques. That is untouched and we...I entirely support those efforts. [LB68]

SENATOR BLOOD: Well, and I have to say that I don't think the issue with the registrations is about gun violence. I think it's about tracking potential bad guys. I look at Sarpy County; I look at Douglas. I would concur, Douglas County has its hands full. And when they have those...they have those registrations, they have the certificates...there was just a shooting and I told the story-- I think you were in the hearing that I told it--is I was talking to Officer Cvitano from Bellevue who had just referred to a shooting that happened in Omaha. I believe it was an officer that was shot. And he said that he was pretty confident that once they started looking at certifications and trying to track where the handgun had come from that they would get to the point, looking through that history, that they would find that it was stolen. So po-tay-toes (phonetically), po-tah-toes (phonetically) maybe, but, you know, the gun violence isn't what I'm looking at. What I'm looking at is the resources that our law enforcement needs to do a job that's well done. And the thing that I worry about as a state senator--and I'm thinking out loud probably more than anything and I'm sorry--... [LB68]

SENATOR HILGERS: No, I love it. [LB68]

SENATOR BLOOD: ...is that do we know better than the police? And I don't think that we do and I think we have to be really careful because these are the people that watch our backs 24/7 and we trust them to do what is right and just. And so I just want to make sure that we're not taking away a tool that they need. [LB68]

SENATOR HILGERS: Completely agree. And I don't want you and I to dominate this conversation. [LB68]

SENATOR BLOOD: Right. [LB68]

SENATOR HILGERS: We can have a conversation off the mike as well. I will tell you that's why we've reached out and had these conversations with law enforcement--FOP, OPOA, Lincoln Police Department--for exactly that reason. That's why we collaborated with them to try to find a way to have an amendment, if there's one that can work, that would address those concerns while

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still getting the main public policy goal of this, of LB68, which is to protect innocent Nebraskans. [LB68]

SENATOR BLOOD: I'm all about symbiotic relationships so good luck to you. [LB68]

SENATOR HILGERS: Thank you, Senator. [LB68]

SENATOR MURANTE: Senator Hilgers, my district contains none of the annexed boundaries of the city of Omaha. It is adjacent to the city of Omaha. And I think the Omaha World-Herald recently did a study that fully 40 percent of my district during the workdays leave the district to go to Omaha to work at a job that's in Omaha. So my question for you is, notwithstanding the number of prosecutions, when people who possess guns, my constituents, cross Harrison Street to go to their job in Omaha, if they are complying with the law as it exists in Sarpy County but they cross Harrison Street, are they at that point breaking the law? [LB68]

SENATOR HILGERS: Chairman Murante, absolutely they are. [LB68]

SENATOR MURANTE: Okay. Thank you. Other questions? Senator Wayne. [LB68]

SENATOR WAYNE: They're only breaking the law if they didn't register their gun, correct? [LB68]

SENATOR HILGERS: Right. But if you live...you don't live in Omaha, it would be difficult to see why you'd go register in another jurisdiction. [LB68]

SENATOR WAYNE: Right. I know a lot of people who are outside the city limits--as you know, my district goes all the way to Washington County--who register their guns because they do travel in and out of Omaha and are aware of it. That's not my question. My question is you talked about rights. In the state of Nebraska, if I wanted to build a cross 100 feet high and 30 feet wide, wouldn't I still have to comply with zoning ordinances? [LB68]

SENATOR HILGERS: Um-hum. [LB68]

SENATOR WAYNE: And those are all locally. [LB68]

SENATOR HILGERS: Um-hum. [LB68]

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SENATOR WAYNE: In voting, aren't there places that stay open longer than other places?
[LB68]

SENATOR HILGERS: Sure. [LB68]

SENATOR WAYNE: Aren't there places that can vote by mail versus always having to show up?
[LB68]

SENATOR HILGERS: Um-hum. [LB68]

SENATOR WAYNE: And those are all local. [LB68]

SENATOR HILGERS: Um-hum. [LB68]

SENATOR WAYNE: So we do...I don't want to say regulate but you can say infringe, if that's the word you want to use, on fundamental rights found in our constitution as long as they're somewhat reasonably related and things like that. Correct? [LB68]

SENATOR HILGERS: If your question is are other constitutional rights regulated at the local level, I would agree, as our right to own. [LB68]

SENATOR WAYNE: Such as fishing and hunting, which is also a constitutional right in Nebraska. [LB68]

SENATOR HILGERS: Um-hum, of course. [LB68]

SENATOR WAYNE: We have seasons and we have different regulations on what size fish you can catch at some lakes and that's all local control. [LB68]

SENATOR HILGERS: Yeah. [LB68]

SENATOR WAYNE: So why is it when it comes to one of the most potential things that could be considered violent when using a gun, why should we have a statewide preemption? [LB68]

SENATOR HILGERS: We don't have a statewide preemption as to the use of a gun. [LB68]

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SENATOR WAYNE: To possession? [LB68]

SENATOR HILGERS: Because the arguments that I made are it's a due process argument, and unlike the examples you made with zoning, for instance. So if you violate...right now with your right to own a gun if you go into Omaha, you're at the risk of imprisonment. Right? [LB68]

SENATOR WAYNE: True. [LB68]

SENATOR HILGERS: And so, first of all, the stakes are higher, okay, and you're at the risk of losing your property. You're at the risk of a fine. You're at the risk of losing your job if you live in Offutt. If you are voting and you happen to know--and I would defer to Chairman Murante's knowledge of the Secretary of State and our statewide law--I do think there is a statewide voting times, although if I'm incorrect on that...I very well may be. If you are unable to exercise your right to vote because you get there five minutes late, that's a tragedy. But I would argue that it's not a similar tragedy to put yourself at risk of going to jail or being fined \$500. [LB68]

SENATOR WAYNE: So I represent many criminal defendants and many juvenile defendants and I represent people who've had five DUIs and there is a due process requirement, one of which the judge says you lose your right to carry guns. So what additional notice would somebody need before they plead guilty? [LB68]

SENATOR HILGERS: So one of your...so you live in Omaha, Senator Wayne. [LB68]

SENATOR WAYNE: Yes. [LB68]

SENATOR HILGERS: And so I would assume, correct me if I'm incorrect, that several, if not most, if not all of your clients are in the Omaha area, maybe not, but any of your clients who live in Omaha, they're not subject to an ordinance that takes away...they're not subject to an ordinance under which a DUI conviction would deprive them of their right to own a gun in Omaha. But if they move to Lincoln, they want to come to Lincoln, they want to go to school in Lincoln, they want to bring their firearms, they are. There's no due process there. [LB68]

SENATOR WAYNE: So let me ask you this, as you are also an attorney. Isn't there a saying that ignorance of the law is not an excuse? [LB68]

SENATOR HILGERS: That's generally true, correct. [LB68]

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SENATOR WAYNE: So I also work with lots of juveniles. And is it your belief today that a juvenile carrying a long rifle which could be semiautomatic, in Omaha, Nebraska, who has known gang ties, who has committed multiple offenses should have the same exact rights and the same exact laws that govern him as a small town like Gering, Nebraska? [LB68]

SENATOR HILGERS: So you say...so you and I are on the same page, juvenile meaning under the age of 18? [LB68]

SENATOR WAYNE: Under the age of 18. [LB68]

SENATOR HILGERS: They don't have that right. You can't own a gun. You can't possess a gun under the age of 18. [LB68]

SENATOR WAYNE: Long rifles you can at 18. [LB68]

SENATOR HILGERS: At 18? Oh, you said long rifle. [LB68]

SENATOR WAYNE: Yes. [LB68]

SENATOR HILGERS: I'm sorry. I thought you said just a handgun. [LB68]

SENATOR WAYNE: So are we saying that that same technique should be the same whether in Gering, Nebraska, as in Omaha, Nebraska? [LB68]

SENATOR HILGERS: The right to own a long rifle under the age of 18 should not depend on where you live. [LB68]

SENATOR WAYNE: At 18, at age of 18. [LB68]

SENATOR HILGERS: Eighteen or whatever. [LB68]

SENATOR WAYNE: Right. [LB68]

SENATOR HILGERS: Yes. No, I don't agree. Now discharge, sure. Just because someone lives in Omaha and has a criminal past does not...under certain circumstances. And by the way, Senator Wayne, I agree ignorance of the law is no excuse. But when you give up your

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constitutional rights, we only let you do that when it's knowing. And when we're talking...I don't think that anyone...if you're otherwise allowed to because you haven't committed a felony, you might have a criminal past, if you live in Omaha, absolutely you should have the same rights as Omaha versus Gering. And let me add one point on the Omaha ordinance. It actually says if you smoked marijuana in the last ten years you can't have, you can't own a handgun. [LB68]

SENATOR WAYNE: I understand that. So my question to you is what do you say when this is-- and this is just a general question and we've had these conversations and will continue--when we use in Omaha...and again, I'm a criminal defense attorney. I'm arguing on the other side so that's...for the officers in the room, it's kind of odd for me because I usually am on the other side arguing against stuff. But it is clear and there will be testimony later...and the only reason why I'm bringing this up now is because I have another hearing that I have to go to and I want to make sure I put it on the record. It is clear that the city of Omaha uses its ordinances to combat gang violence, that when we're talking about 18- to 25-year-olds who are known gang members, it is these ordinances. And, yes, these kids and young adults may only be taken off the street for six months, maybe less than a year because almost of them are misdemeanors. But that's six months of them not wreaking havoc on the streets of Omaha. We're saying that we're going to take away those tools to make Omaha be the same as a small town Nebraska when they don't even have the same type of issues. [LB68]

SENATOR HILGERS: So my response to that, one, that's part of the focus that our collaboration with the Omaha Police Officers Association is to make sure we don't take away needed tools. That being said, we're talking about a narrow slice of the law enforcement spectrum which is the right to possess a gun. The discharge, all these other things that we've been talking about to combat gang violence, gun violence, gang activity and the like are still there. We're talking about one slice. So in that regard, when we're talking about owning a firearm, owning a firearm which is in Section 1, Article I of our Nebraska Constitution, I do think that it ought to be the same no matter where you are in Nebraska. It's guaranteed to all of us. Now does that mean that we should all be treated the same with how we use that firearm? No. And I think Omaha has a lot of tools that will be available to them if...even if LB68 is passed that are not being currently used in Gering or not allowed in Gering that they'll have. And I do think it's different, I agree. [LB68]

SENATOR WAYNE: So you made me think about the marijuana. That's actually federal law. It has nothing to do with Omaha ordinance. Do you have...it mimics federal law. It's federal law. If you smoke marijuana or you're caught, conviction of marijuana, you can't possess that for ten years. [LB68]

SENATOR HILGERS: Omaha's ordinance goes a little further and says even if you're suspected of having. [LB68]

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SENATOR WAYNE: Well, we can argue about that all day. [LB68]

SENATOR HILGERS: Fair enough and I'd defer to you on that. [LB68]

SENATOR WAYNE: So is it your testimony today that just on this issue we shouldn't have local control or do you just believe in statewide preemption on all fundamental rights? [LB68]

SENATOR HILGERS: That's a broader question. So on this issue, it's not about having local control or not. It's about ensuring a statewide standard on a constitutional right. For the limited constitutional right of possessing a firearm, I believe that currently, yes, we should have a statewide right. And I saw some research and there may be some testimony on it behind me. It's interesting if you look at actually history of these local ordinances. These local ordinances were initial...the power for individual municipalities to actually implement local gun ownership goes...stretches back to the 1800s. And in that time, it made a lot more sense when you...to have local municipalities govern gun ownership because in that time you didn't...first of all, you didn't have the intrastate or interstate travel that we have now. You know, it took you how many days to go from Lincoln to Omaha. But you didn't have the computer systems we have now. You don't have the commercial activity that we have now. So we have a different...we're in a different age. So maybe 50, 60, 100 years ago, yeah, let's let the...the local municipalities are in a position to control it and you're good to go. [LB68]

SENATOR WAYNE: I'm sorry. I guess I'm up in Revenue right now. I'll waive my closing over there so I can come back and argue. (Laughter) [LB68]

SENATOR HILGERS: Thank you, Senator Wayne. [LB68]

SENATOR WAYNE: I'll be back. Thank you. [LB68]

SENATOR MURANTE: Thank you. Senator Lowe. [LB68]

SENATOR LOWE: Thank you, Senator Murante and Senator Hilgers. If I go into drive into Omaha, I am from Kearney, if I drive into Omaha with my wife and we go shopping and we're there for the day, I have a concealed carry permit so this law really wouldn't pertain to me. And I am in someplace...my gun that I normally carry is a large .357 Magnum. I do not carry it on my body. I carry it in the vehicle. If...and I normally carry it next to my seat. If I ask my wife to go and move the car around the block, would she be then in violation of the law because I am no longer with that weapon and she is? [LB68]

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SENATOR HILGERS: Your wife is not a concealed...does not have a concealed carry? [LB68]

SENATOR LOWE: My wife does not have a concealed weapon and she does not shoot. [LB68]

SENATOR HILGERS: I don't think the shooting matters. The concealed carry permit would matter. She's not exempt from these laws. And so, you know, she might have an argument in court, but if a police officer pulled her over and asked her if she had a weapon and she had it, she'd be in violation of the ordinance. [LB68]

SENATOR LOWE: She'd be in violation then. Okay. Thank you. And that has happened many times. [LB68]

SENATOR HILGERS: Okay. As I mentioned to Senator Blood... [LB68]

SENATOR LOWE: So she has been in violation of the law and not knowing it. My sons have also come down to Omaha and, because they hunt they throw it underneath the back seat. And so it does happen. [LB68]

SENATOR MURANTE: Thank you, Senator Lowe. Senator Blood. [LB68]

SENATOR BLOOD: Just for clarification, it wasn't that I say that it's not happening, but we're talking about people that supposedly are law-abiding citizens that are being stopped by law enforcement. That's what I want to hear. I want those stats, indeed. But he's not saying anybody stopped him or... [LB68]

SENATOR HILGERS: No, no, no. When he clarified, I was going to say that's the data that Senator Blood was asking about that I didn't have. Although now we've got data regarding the Lowe household so I don't know if that helped you. [LB68]

SENATOR BLOOD: It's still not what I was asking for. [LB68]

SENATOR HILGERS: No, I get...I was saying I don't have it. I thought that was what his question was. [LB68]

SENATOR BLOOD: Right. [LB68]

SENATOR HILGERS: I assumed incorrectly. [LB68]

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SENATOR MURANTE: Okay. Seeing no additional questions, thank you very much for your opening. [LB68]

SENATOR HILGERS: Thank you. [LB68]

SENATOR MURANTE: We'll proceed to proponent testimony on LB68. Welcome. [LB68]

DR. CHRIS KOPACKI: Thank you. Good afternoon, Chairman Murante and esteemed members of the committee. For the record, I am Dr. Chris Kopacki, C-h-r-i-s K-o-p-a-c-k-i, and I represent the National Rifle Association of America. I'm here to speak in support of LB68 which is very important to NRA members and lawful gun owners across Nebraska. This bill would eliminate a patchwork of conflicting, confusing laws throughout the state that produces accidental criminals. I'm a bit of a policy wonk and I spent years teaching policy at two different universities. A theme in all my classes was that good policy provides a solution to a real problem. Under the current scheme, citizens traveling through Nebraska can become accidental criminals by running afoul of inconsistent local ordinances. LB68 solves that problem by giving the state exclusive authority to regulate the possession and transportation of firearms. In preparing for today, I found over 50 different local ordinances across the state in addition to the dozens of state laws. What is legal in Bellevue may not be legal in Omaha, and vice versa. Did you know that in Bellevue you cannot sell or deliver a firearm between the hours of 10:00 p.m. and 7:00 a.m.? For example, if I come to an agreement to sell one of my perfectly legal, collectible firearms one evening to a friend and I deliver it to him at 6:30 in the morning on my way to work in Bellevue, I'd be an accidental criminal. That's a problem. A very reasonable solution to this problem is LB68. LB68 has one goal: to simplify Nebraska's firearm ordinances by keeping them fair and consistent across the state. Currently 44 other states have some form of firearm preemption where a state statute or constitutional provision explicitly removes a lower government's authority to regulate firearms. And why did most states do this? For fairness and for consistency. This session I've had a number of conversations with many stakeholders here in Nebraska. One such conversation involved a person that spends time here in Lincoln during the week and keeps a gun in their car when they're traveling, which many people do for self-protection or to go hunting on some downtime. Sometimes they park their car for an extended period of time with a gun locked in the trunk. They were very concerned to learn that they are breaking the law in Lincoln if it's left in their car for more than 24 hours. Again, they could be an accidental criminal for breaking a law that does not exist in their hometown. Another concern that I hear regularly is that open carry without any type of permit is completely legal in a majority of Nebraska. If you're traveling down the interstate with a handgun that you keep for self-protection and it's in plain view in your car, you're probably legal in most of the state unless you cross the line in Omaha. In Omaha, you'd be guilty of violating a local ordinance that criminalizes this type of carry. Again, you'd be an accidental criminal. These are just a couple simple examples of problems that exist in Nebraska because of the complexity and inconsistency of firearms laws. LB68 is a common-

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sense solution to protect law-abiding citizens. For these reasons, I ask you to support LB68. I appreciate your time and consideration. I'd be happy to answer any questions that you may have. [LB68]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thanks for coming down today, much appreciated. Welcome. [LB68]

PATRICK McPHERSON: (Exhibit 1) Good afternoon. I'm Pat McPherson, P-a-t-r-i-c-k, McPherson, M-c-P-h-e-r-s-o-n. Thank you, Chairman, and thank you, members of this committee, for listening to my testimony today. I am here today in support of LB68 as an individual and as a gun owner. Although I am a member of the NRA and other gun organizations, I am simply representing my own thoughts and concerns. As a resident of Douglas County and Omaha, I must follow pertinent laws when I purchase a handgun or a weapon. In order to buy a handgun, for example, at Cabela's, I must fill out a federal form and wait for that information to be inputted and then returned before I can even buy the handgun then. Then I must get a permit from the Douglas County Sheriff's Office. Basically, any citizen of Nebraska would have to do much the same in order to buy a handgun. But after that, as a resident of Omaha, I need to register the gun with the Omaha Police Department, where I'm expected to wait in line and pay a fee. If I have a permit for a concealed carry, which I do, that requirement is apparently waived, although it makes little sense to me why residents of the same city are treated differently under the law. Frankly, having the city of Omaha conduct what amounts to a redundant task seems unnecessary and simply a way of harassing honest gun owners with additional red tape and fees. I can't believe that even with the fees it collects from gun owners that the city isn't subsidizing this process with taxpayer dollars. It would seem to me...it would seem that the taxpayers would be better served by utilizing the dollars spent on manpower and related costs in providing more law enforcement efforts to keep the bad guys off the streets. More importantly, I am concerned because these local ordinances potentially put me and certainly citizens of non-Omaha Nebraskans at risk of violating a law simply by having a gun in their possession that would be legal anywhere else in the state. Even as a resident of Omaha, how am I to know what laws apply in Lincoln, Grand Island, or Arthur, Nebraska, that might have an effect and actually put me in a position of violating law? Citizens of Nebraska who have already complied with state and county firearm purchase regulations should not have to fear being made criminals by local ordinances. Law-abiding citizens of our state shouldn't be burdened by local red tape which, frankly, accomplishes nothing for these communities other than creating more paperwork for all involved. Law-abiding citizens are willing to and already comply with federal and state laws. They shouldn't be punished or further restricted by arbitrary laws that are, at best, considered some kind of deterrent to criminals who won't comply with any federal or state laws to begin with. Thank you very much and I hope you will support LB68. [LB68]

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SENATOR MURANTE: And thank you for your testimony. Are there any questions? Seeing none, thank you for coming down today. Welcome. [LB68]

TERRY WAGNER: (Exhibit 2) Thank you, Senator Murante. My name is Terry Wagner, T-e-r-r-y W-a-g-n-e-r. I am the Sheriff of Lancaster County and I appear on behalf of the Nebraska Sheriffs' Association and Lancaster County in support of LB68, but with some reservations. Nebraska Revised Statute 69-2403 places the responsibility to issue handgun purchase permits on county sheriffs and police chiefs. By mutual agreement in Lincoln, my office issues all the permits in Lancaster County. One of the issues that has come up is the difference in firearms possession disqualifiers for the city of Lincoln versus the rest of Lancaster County and the state of Nebraska. There are a number of Lincoln city ordinances that, if convicted, could prevent someone from possessing a firearm within the city limits of Lincoln but not from possessing a firearm in Lancaster County outside the city limits or within the state of Nebraska. When my office issues a permit, a notice is attached that the bearer may be in violation of Lincoln municipal ordinance if they are in possession of a firearm and have been convicted of one of the enumerated crimes. As you can imagine, confusion abounds with some permit holders. I know there have been prosecutions of persons issued permits by my office who are in violation of Lincoln's city ordinance. I don't know the outcome of those prosecutions, but I know I've had phone calls from the city attorney's office talking about why we issued a permit when they were disqualified under city ordinance. LB68 would remove that ambiguity that exists from citizens on where they may legally possess or not possess firearms in this state. And I support the intent of LB68 to remove that ambiguity. Having voiced my support, my fellow sheriffs, the Lancaster County Board, and I are concerned that we would be unable to prohibit open carry in government buildings in Lancaster County if LB68 passes in its current language. Nebraska Revised Statute 69-2441, the carry concealed law, prohibits persons from carrying concealed firearms into government buildings. There is no such prohibition for somebody carrying a firearm in the open, on open carry. LB68 may prohibit, and I emphasize "may"--Senator Hilgers and I have talked about this and there is some debate about whether that prohibition exists--but it may prohibit cities and counties from enacting an ordinance or rule that would prohibit someone from bringing an open carry firearm into any government building. Nebraska sheriffs are tasked with protecting and providing security to the courts in their counties. In Lancaster County, part of the security of the courts is to prevent firearms and other weapons from being brought into our Justice and Law Enforcement Center via a security checkpoint at the entrance to the building. While we have deputy sheriffs providing security to individual courts, at least the deputies are reasonably sure the people they are contacting are not armed. Currently, we are able to provide much better security to the courts by limiting firearms into the building with fewer employees, thus reducing the potential for violence in the areas of the building where both sides of an issue may have contact. My only alternative if LB68 is passed in its current form is to screen the participants at the entrance to each courtroom. I'm urging the committee to support this bill with

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possibly some amendments to allow (sic) bringing an open carry firearm into government building. With that, I'd be glad to answer any questions the committee might have. [LB68]

SENATOR MURANTE: All right. Thank you very much for your testimony. Senator Blood. [LB68]

SENATOR BLOOD: Thank you, Senator Murante. And thank you, Sheriff, for your testimony. So I was doing a little research and since you are an expert in this area, I'm going to ask you the question. Senator Lowe had talked a little bit a while ago about his wife moving his car and that Senator Hilgers had said that that would have put his wife in violation. But from the quick scan I was able to do on my phone on a variety of local ordinances, it looks like most state policy says that that's up to the officer's discretion if indeed something like that were to happen. Has that been your experience as well? [LB68]

TERRY WAGNER: That's correct. [LB68]

SENATOR BLOOD: Okay. Thank you. [LB68]

TERRY WAGNER: I mean technically speaking Senator Lowe's wife would be in violation of the law... [LB68]

SENATOR BLOOD: Right. [LB68]

TERRY WAGNER: ...and could be subject to prosecution. Practically speaking, there's certainly some discretion on the part of the officer when the facts and circumstances of that case came forward that may not result in (inaudible) citation. [LB68]

SENATOR BLOOD: And we have a lot of very reasonable law enforcement people in Nebraska. [LB68]

TERRY WAGNER: I'd like to think. [LB68]

SENATOR BLOOD: Thank you. [LB68]

SENATOR MURANTE: All right. Any additional questions? Seeing none,... [LB68]

TERRY WAGNER: Thank you. [LB68]

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SENATOR MURANTE: ...thank you very much for coming down today. And what I'd ask, if there are additional proponents wishing to speak, we have a couple of open seats in the front right. If you would make your way to the front, it would help us keep things moving. And welcome. [LB68]

PATRICIA HARROLD: Good afternoon. My name is Patricia Harrold, P-a-t-r-i-c-i-a H-a-r-r-o-l-d. I am speaking as a representative of the Nebraska Firearms Owners Association in support of LB68. I can share the numerous personal stories from our members that would detail why LB68 should be passed. However, I'll simply share my stories in interest of time. I'm a Department of Defense contractor at Offutt Air Force Base and founder of one of the largest nonprofit women shooting clubs in Nebraska. I became a gun owner when I was widowed in 2012 and I can't tell you how much I appreciated that our state recognizes my right to protect myself and my young children. I support and work with most of the units at Offutt Air Force Base. The majority of us hold security clearances, most of them top secret or even higher, and I cannot emphasize enough the requirement this population be law-abiding. We've talked recently about the fact, well, if someone isn't prosecuted then what is the risk or what is the harm to the citizen? We, as holders of the security clearance, must self-report. I, myself, had to self-report that I broke a law by teaching women how to handle firearms on the range at the Omaha Gun Club when I started my chapter. That caused quite a bit of discomfort, if I may say. It had a significant impact on my job and I could have lost my position for not being able to hold or maintain my clearance in an area of top-secret security of which I've worked for the last 22 years. The majority of people at Offutt who come and go are probably not aware of this requirement and, thus, when they do discover it they, themselves, must also self-report, putting their careers at risk or their promotions at risk. As I mentioned earlier, I founded a nonprofit firearms training organization for women in the Omaha metro area. We have over 100 women from Fremont, Arlington, Blair, Gretna, Springfield, Louisville. They come from all over and we train them in firearms handling and safety. Many of them have joined in order to learn about shooting sports or to protect themselves because they have been victims of violence. When we discovered that I, myself, broke this ordinance, I had to alert my membership that this was, in fact, a risk they were all facing. And while we had about 70 to 80 women show up at our meetings in Omaha, we now have less than 20 for the reason that they do not find it reasonable that as law-abiding citizens who have passed the permit purchase requirements, they must register and pay a fee for training that the others who have concealed handgun permits have no right to...or have no burden to do. Currently, cities in Nebraska are like a minefield for firearm owners. These ordinances do not prevent or solve crimes. If they did, a senator in the Unicameral would certainly have thought to apply them to the entire state. Omaha's registration ordinance is cited as a crime-prevention tool and a crime-solving tool that they cannot live without. However, they cannot cite one single crime where the primary evidence that led to the identification of the suspect and conviction of the criminal was because they found the criminal's registered handgun at the scene of the crime. The guns are

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stolen. They're not registered to the criminal. In short, I support LB68. I represent the members of the NFOA and I would welcome your questions. [LB68]

SENATOR MURANTE: And thank you very much for your testimony. Are there any questions? Seeing none, thank you for coming down today, much appreciated. [LB68]

PATRICIA HARROLD: Uh-huh. [LB68]

SENATOR MURANTE: Welcome. [LB68]

DICK CLARK: (Exhibit 3) Thank you, Chairman Murante, members of the Government, Military and Veterans Affairs Committee. My name is Dick Clark, D-i-c-k C-l-a-r-k. I'm a firearms law attorney and one of the NFOA's registered lobbyists. Thank you for this opportunity to speak in support of LB68. Senator Hilgers' bill would preempt most local ordinances pertaining to firearms and provide a legal remedy against unlawful ordinances. You've already heard some detail about current gun ordinances in places like Lincoln and Omaha, but I wanted to provide some history on the state policy of granting power to cities and villages to regulate firearms. The first state law on guns generally became effective in 1867 and prohibited carrying any pistol, gun, knife, dirk, bludgeon, or other offensive weapon with intent to assault any person. It was listed right before the criminal penalty for refusing to join the county posse. In 1879, in its Fifteenth Session, the Legislature granted cities and villages the power to regulate, punish, and prevent both the discharge of firearms and the carrying of concealed weapons. By 1881, Omaha had exercised both of those powers by passing new ordinances. The first Omaha ban on concealed deadly weapons had an exception for well-known or worthy citizens or persons of good repute who may carry arms for their own protection, end quote, while going to or from any lawful place of business. Lincoln enacted a local ban on concealed weapons in 1889 but granted authority to the mayor to issue a license to anyone he thought proper, quote unquote, at his pleasure, for a fee of 50 cents. The obvious equal protection problems of these early ordinances notwithstanding, the policy decision by the Nebraska Legislature in the late nineteenth century to delegate authority to local governments in this way was not entirely irrational. In 1881 there were about 30,000 people in Omaha and by 1890 there were about 50,000 in Lincoln. Local police records were more complete and current than anything the state would have had at that time. The enabling statute, therefore, recognized that local communities had more information than the state did and so could better devise their own systems for vetting those wishing to carry concealed weapons. This is no longer the case. Nebraska State Patrol maintains sophisticated records and is the agency now charged with licensing concealed carry in Nebraska. Local governments are now likely to heavily supplement their own records with state and federal criminal offender data. Furthermore, people are more mobile than ever before. More than 83,000 people commute to Omaha every day. Almost 20,000 drive into Lincoln every day.

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These commuters and thousands of other Nebraskans regularly travel through multiple municipal jurisdictions every day and are subject to a patchwork of ordinances that affect their rights. Authorization of these local ordinances may have once made sense, but it's obsolete now in 2017 because we live, work, and travel very differently than we did in 1879. It no longer makes sense to make gun policy at the local level in Nebraska. Thank you again for the opportunity to speak today. I'd be happy to answer any questions. [LB68]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you for coming down today. Welcome. [LB68]

CHARLES COX: (Exhibit 4) My name is Charles Cox, C-h-a-r-l-e-s C-o-x. I'm the executive director of Nebraska Gun Owners. LB68 is one of the most important pro-gun bills before the Legislature this session. The primary purpose behind LB68 is to eliminate the confusing and dangerous patchwork of conflicting gun regulations passed by local governments across the state. As it is now, many cities and villages have enacted legislation that infringes on the rights of gun owners under the Nebraska Constitution and the Second Amendment of the U.S. Constitution. LB68 would make these regulations void by clearly stating that state laws on firearms preempt these laws. No one should be in fear of becoming a criminal simply for crossing over an arbitrary border into another city while exercising a constitutional right. Therefore, Nebraska Gun Owners urges you to report this bill favorably and unchanged from its current condition. Any attempts to alter this bill to weaken it, even under the excuse that it will make it more palatable to antigun senators, will be reported to gun owners in your district. The same goes for any action taken or inaction to prevent this bill from going to the floor. You all should have received petitions we've gathered from across the state in support of this bill. Gun owners will be watching LB68 and other pro-gun bills closely. Now is your opportunity to prove to gun owners that you are serious about protecting their rights. [LB68]

SENATOR MURANTE: All right. Thank you very much for your testimony. Are there any questions? Seeing none, thanks for coming down today. [LB68]

CHARLES COX: Thank you. [LB68]

SENATOR MURANTE: Is there additional proponent testimony on LB68? Okay, we'll proceed to opposition testimony on LB68. Welcome. [LB68]

AMANDA GAILEY: (Exhibit 5) Hello. My name is Amanda Gailey, G-a-i-l-e-y. I'm president of Nebraskans Against Gun Violence and I oppose LB68, the NRA trumps local democracy bill. Last session this bill was heard by the Judiciary Committee, but the Judiciary Committee will not pass this bill this year. So we are sitting here today before a committee where several committee

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members, and I appreciate the fact that this does not apply to all, have taken contributions from the gun lobby and have already cosigned this bill to wipe out duly passed local gun laws and replace them with nothing but a more fertile market for firearms. So I want to point out for those in attendance that we at Nebraskans Against Gun Violence fear that this committee's true purpose is to lubricate, not deliberate. Now I'll provide a few reasons this bill is an affront to the people of Nebraska. First, LB68 wipes out almost all democratically passed gun ordinances in one fell swoop, obliterating the work of municipal governments that have kept most Nebraskans safe for decades. Second, LB68 includes specific provisions allowing the National Rifle Association to sue our towns. So members of this committee have taken contributions from the NRA and are now pushing a bill to allow that organization to take my tax dollars from my city if my city dares to try to protect my family's lives. LB68, contrary to the proposing senator's claims, flies in the face of scientific consensus. States with local control have lower gun deaths than states without, and you can see the attachment I included. Omaha is safer than Kansas City and St. Louis, which are powerless to address gun violence within red states that have passed preemption and then obliterated state gun laws, whereas the six states that have resisted firearm preemption are all among the ten states with the lowest gun deaths. There is zero public safety justification for this bill. Finally, LB68 is the first step toward the NRA's goal of putting guns in schools. Trump's new Secretary of Education, Betsy DeVos, has said she wants the federal government to stay out of this issue and leave it to states because of grizzly bears, and now the NRA is telling Nebraska cities that we should also have no say about guns in schools. So without local control, if this becomes a state question and the senators from rural communities want guns in schools, so it will be for Lincoln and Omaha. It is a fact that removing the gun ordinances protecting Nebraska cities will result in the deaths of Nebraskans. It puts guns in the hands of children, stalkers, and drunk drivers. Real people in your state who you are supposed to represent will die. If this bill becomes law, Nebraskans Against Gun Violence will be there to remind you of the names of the people whose deaths you helped cause. That's the end of my testimony and I would be happy to explain how the proposing senator mischaracterized Omaha's handgun registry, if I have a chance. [LB68]

SENATOR MURANTE: Thank you very much for your testimony. Senator Blood. [LB68]

SENATOR BLOOD: That is not the question that I have for you, but thank you for the offer. Thank you, Senator Murante. As you see, I keep...when people say things, I like to look at the facts. So I apologize if I keep looking down. [LB68]

AMANDA GAILEY: No, please. [LB68]

SENATOR BLOOD: So you're with Nebraskans Against Gun Violence? [LB68]

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AMANDA GAILEY: Yes. [LB68]

SENATOR BLOOD: All right. So I have a question that maybe should have been to a proponent but it sounds like this might be an area of expertise for you. And if not, I apologize, but I'm going to keep asking this question (inaudible)... [LB68]

AMANDA GAILEY: Please. [LB68]

SENATOR BLOOD: ...I think I might be able to get an answer from someone. So it looks like federal law already protects lawful transportation... [LB68]

AMANDA GAILEY: It does. [LB68]

SENATOR BLOOD: ...of firearms. (Inaudible). [LB68]

AMANDA GAILEY: Yes. [LB68]

SENATOR BLOOD: So this is what I'm finding. Notwithstanding federal, state, or local law, any person who is not otherwise prohibited by 18 U.S.C., there's a bunch of numbers, from transporting, shipping, or receiving a firearm may transport a firearm for any lawful purpose from any place where he or she may lawfully possess and carry a firearm to any other place where he or she may lawfully possess and carry a gun if during the transportation the firearm is unloaded and neither the firearm nor any ammunition is readily accessible from the passenger compartment of such a vehicle. If a vehicle does not have a compartment separate from the driver's compartment, the firearm or ammunition must be contained in a locked container other than the glove compartment or console. To your knowledge, is that still a law? [LB68]

AMANDA GAILEY: Correct. Safe transport is already protected by federal law and, furthermore, the Omaha handgun registry bill makes a clear exception for what is already preempted at the state level in Nebraska, which is concealed carry. So if there's any ambiguity, and there's not because the federal law picks it up, it would only apply to people who choose to open carry a handgun into the city of Omaha. So we're supposed to allow guns into domestic violence safe houses in Lincoln because we're worried about some poor gun owner who wants to carry an openly carried handgun that's loaded around in Omaha without being intelligent enough to check the local statutes first. That's really the heart of the bill here is that we're supposed to wipe out protections everyone in this room benefits from because a minority, fringe, ideologically driven group of people are so fetishizing their guns that they think all public safety needs to be in service to that hobby of theirs. [LB68]

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SENATOR BLOOD: I don't know if I necessarily agree with all of those comments, but I respect your right to say them. [LB68]

AMANDA GAILEY: Thank you. [LB68]

SENATOR MURANTE: Senator Blood. Any additional questions? Seeing none, thank you for coming down today, much appreciated. Welcome. [LB68]

MO NEAL: (Exhibit 6) Hi. My name is Mo Neal. Thank you for hearing me out today. I am professor emeritus from UNL's Department of Art and Art History, specifically the Hixson-Lied College of Fine and Performing Arts, where I taught all levels of undergraduate and graduate sculpture from '94 to 2015. I am opposed to LB68 because it is a gateway bill to guns everywhere. And as a sculpture, I am intimately involved with all the methods and materials of production, fabrication from wood shop to fiberglass to welding, casting bronze and aluminum. I'm also very aware of the safety issues involved with undergraduate students and grad students in learning how to handle this equipment and I've seen them on multiple times do inherently stupid things with said equipment, from taking an air nailer and shooting it across the room at someone because they thought it would be a fun thing or because they were just ignorant that if they touched it a certain way it would go off. I also caught a young woman one time taking a piece of steel and bending it around an oxyacetylene tank, specifically the acetylene, and trying to bend it with a cutting torch, which would have given me a new building in about another two years. Needless to say, they're not terribly mature. The average 21-year-old is closer to being a 12-year-old than they are a 30-year-old in their attitudes. On November 3, 2008, a student of mine not in class and a senior--he was 22 to 24 years old at the time--found a toy gun and decided to have some fun by pointing it at a group of students in the crowded hallways between classes. He also yelled out, guns! Chaos and terror resulted and those students ran and panicked, a few jumping out of the windows of the first floor of Richards Hall. That evening UNL made a crawler on CNN. It looked stupid. It could have been much worse. Was this a dangerous student? No. He was silly. He wanted to play. His emotional and impulse control age was about 16. He made bad decisions. He did not mean to harm. The American Psychological Association published research--there's a link in the back to this--showing that the adolescent brain is now known to fully mature sometime around age 25, well beyond when most undergraduates get out of college. Guns and immature adolescents have the potential for deadly consequences. Even if the good guy with a gun were not a myth but had been present in that hall back 2008, it is very likely someone would have been shot who was innocent of any wrongdoing. The average college student should not be carrying guns on campus, should not be acting as law enforcement, and should never be put in the position of trying to contain an active shooter situation. They do not have the training for it and most do not have the maturity. Only SWAT teams, combat veterans, and LEOs have the skill and training necessary to handle these situations and they certainly do not want their jobs muddled by civilians on the scene who...with guns who may or may not be

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the shooter. I strongly protest the passage of LB68 because it will open the door to guns everywhere. According to the October 15, 2016, report, "Firearms on College Campuses: Research Evident and Policy Implications," from Johns Hopkins, in the 41 states that have right to carry laws, the average death toll increased following the implementation of these laws from a mean of 7.5 before to 8.4 after the law. Take the antics of a typical Friday night on O Street, add alcohol, open carry, and the immature adolescent student. Add a football home game. Let your imagination run with that for a few seconds. Imagine your son or your daughter on the street at the same time. I strongly oppose LB68 because it eliminates the rights of cities and towns to govern according to the specific needs of the communities and the citizens. Having to keep your weapons under federal laws for transportation across state lines is the law of the land. That is a minor inconvenience compared to what LB68 will bring down on our law enforcement personnel when they have to make those split-second decisions on whether to shoot to kill or did I just kill an innocent kid with a toy gun. I do encourage you to read thoroughly the Johns Hopkins "Guns on Campus" report. The link is at the bottom of your page. It was 30 pages so I did not copy that for you. Sorry. I'm retired. Thank you for your time today. Any questions? [LB68]

SENATOR MURANTE: And thank you for your testimony. Are there any questions? Seeing none, thank you for coming down today, much appreciated. [LB68]

MO NEAL: Thank you. [LB68]

VINCENT LITWINOWICZ: Just a moment, because I want to sit here like a human being. Okay. There we go. [LB68]

SENATOR MURANTE: Welcome. [LB68]

VINCENT LITWINOWICZ: Thank you, Senator, Chair and committee members. My name is Vincent J. Litwinowicz, that's V-i-n-c-e-n-t L-i-t-w-i-n-o-w-i-c-z. And to start, I also came down because, from that Robert Palmer song, "From a Whisper to a Scream," the message came to me that our Legislature was falling in the hand...falling in the devil's...in the warmth of the devil's hands. If you know the song, it really goes well. But more to the point, I'd like to see the vestiges of our autocracy, you know, with its democratic leanings, still functioning. But more specifically to the point here, I have a...personally, I have a mental illness and have not been...oh, and also with reference to history of the past, I know you're talking about Nebraska history, well, I think we should also remember that we were...the Governor of New Jersey, "Woody" Wilson, in 1911, when he was Governor, enacted legislation to sterilize the intellectually disabled. That just came to mind. And so history repeats itself. And as a person with mental illness and who has only had severe suicidal tendencies, and with the federal push and the NRA wants to remove people or ban the removal of people with mental illnesses from buying guns, I can't stand them myself but

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acknowledge the Second Amendment and historically, because history does repeat itself, that it's necessary. I just don't agree. I don't want to see people kill themselves because this is a gateway drug, this bill, I'm sorry, a gateway bill. And so I just came here just for a few minutes to mention that because you're going to have all kinds of problems I think with the passage of this bill. And in fact, with respect, I resent the fact that it came here in the first place due to the way our Unicameral, nonpartisan, has functioned in the past. So that is it, and if you have any questions don't hesitate to ask. [LB68]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you for coming down today, much appreciated. [LB68]

VINCENT LITWINOWICZ: Thank you. [LB68]

SENATOR MURANTE: Welcome. [LB68]

ANNE DeVRIES: Senator Murante and committee, good afternoon and thank you for the opportunity to speak today. My name is Anne DeVries, A-n-n-e D-e-V-r-i-e-s, and I live near Cortland, Nebraska. I'm also a member of the volunteer group Moms Demand Action for Gun Sense. I am speaking to you today to voice my opposition to LB68, a bill that would allow lawyers for the gun lobby and other out-of-state special interest groups to sue local government officials for trying to pass or enforce local gun laws. This bill is a special interest lobbyist and trial lawyer enrichment program, not a real public safety measure. It comes at the expense of mayors and police chiefs trying to do their jobs and taxpayers will be left footing the bill for the resulting lawsuits. Only months after a similar bill went into effect in Pennsylvania, lawsuits were filed against four cities in that state, including one filed by a gun lobby group from Texas. As a mom, I'm concerned about the toll this bill will take on cities and the way that it is taking away local control from municipalities. As a proud Nebraska resident, I understand and highly value the control of local communities to make decisions that are best for their residents. I urge you to vote no on LB68. And thank you so much for your time. [LB68]

SENATOR MURANTE: And thank you for your testimony. Are there any questions? Seeing none, thank you for coming down today. Councilman, welcome to the Government Committee. [LB68]

GARRY GERNANDT: Thank you, Mr. Chairman. Good afternoon, Senators. My name is Garry, G-a-r-r-y, Gernandt, G-e-r-n-a-n-d-t. I'm an Omaha City Council member, representing District 4 in the southeast section of our wonderful city. Recently, the Omaha City Council had a majority vote to oppose LB68. I'm also a 31-year veteran of the Omaha Police Department, 11 of which I served as an investigator and a detective. Law enforcement's toolkit, if you will, was very limited

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back then and it's still limited today. For many years the city of Omaha has had a gun registry that is in compliance with state and federal laws. That tool is used to track guns used in crimes, and we all know, we heard it once or twice here today, criminals don't register guns. You have no argument from me. But three years ago I was a victim of burglary. Five teenagers broke into my home, ransacked my bedroom and my office, and they had money, jewelry, camera equipment, computer, gun and ammunition stuffed in their backpacks. My awesome nosy neighbor saw it, called 911, and all five were apprehended inside my house. The oldest of the five was in possession of a stolen handgun, not mine. And prior to sentencing, he turned 18 and he's currently serving 9 to 13 years in the Nebraska State Penitentiary. Had my gun not been registered and subsequently used in another crime, that piece of that crime puzzle would be troubling, at least. So in closing, Omaha's gun registry works and it's not in conflict with the state concealed carry law. If it's this committee's desire to advance this bill, at least consider thoughtfully exempting out or grandfathering in the Omaha's ordinance. In my professional opinion, the proposed changes in LB68 are not needed and would be harmful to public safety. It should be a matter left...best left to local control. I respectfully ask this committee not to advance LB68. Thank you. [LB68]

SENATOR MURANTE: Thank you, Councilman. Senator Blood. [LB68]

SENATOR BLOOD: Thank you, Senator Murante. And thank you, Councilman, for your testimony. I got to throw in a quick shot at you, though. You and I judged a kolache-eating competition together and I still say you picked out the wrong ones. (Laughter) With that said, I thought... [LB68]

GARRY GERNANDT: I didn't know that was going to be held against me. [LB68]

SENATOR BLOOD: I thought we needed some levity. I thought you brought up a very valid point and I just want to clarify and make sure that I heard it correctly. And I think...I said the same thing earlier as well. What I'm hearing is that this is about transportation and I'm seeing, and hopefully Senator Hilgers can clarify, that it's covered under federal law when you transport a weapon. [LB68]

GARRY GERNANDT: Uh-huh. [LB68]

SENATOR BLOOD: And the thing that I've heard from our local law enforcement, from Omaha law enforcement is that the certificates, the intent is it's not going to stop violent crime, and nobody is really claiming that it does. But it's a tool that's utilized to try and track where a gun came from and it's one that's frequently used. Did I hear you correctly that that's...that it's one of the few tools that they have in their toolbox, that there may be a stolen gun and although they

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may not know initially where that gun came from, they might be able to track it through those certificates that, after they get to the second or third layer, they find that "Joe Blow" was the original owner and he reported it stolen in 2010. Is that what you're saying? [LB68]

GARRY GERNANDT: That is correct, Senator. Please keep in mind that when a type of...this type of investigation is started, the goal is to make sure they have an airtight case getting into court. Every single aspect has to be looked at and you remove a tool that has the potential of creating a loophole, I would urge you not to do that. And do not advance LB68 because the potential, the language in here, in my opinion, would do just that. And as a former law enforcement officer, now as a legislator in Omaha, we do our darnedest not to provide negative impacts towards our community. I know that it's difficult and you're doing it for the state of Nebraska. So I, again, I would urge you let's not put the citizens of our great state, and I'm speaking for my district in southeast Omaha, not to advance LB68. [LB68]

SENATOR MURANTE: Thank you. Any final questions? Seeing none, thank you for coming down and thank you for your service to the city of Omaha, much appreciate it. [LB68]

GARRY GERNANDT: Thank you. [LB68]

SENATOR MURANTE: Welcome. [LB68]

AARON HANSON: (Exhibit 7) Welcome. Chairman Murante and honorable members of the Government, Military and Veterans Affairs Committee, my name is Sergeant Aaron Hanson, A-a-r-o-n H-a-n-s-o-n. I'm a 20-year veteran of the Omaha Police Department and I speak today on behalf of the men and women of the Omaha Police Officers Association and its president, Sergeant John Wells, who unfortunately could not attend today but sends his regards. The Omaha Police Officers Association stands in opposition to LB68 as it is written today. By and large, police officers do not generally fall into the category of so-called gun-control advocates. Rather, police officers favor common-sense gun laws to help us differentiate between the responsible law-abiding gun owners, the criminal element, and the irresponsible gun owners. In fact, the Omaha POA assisted with the passage of Nebraska's CCW law. It helped us differentiate between the law-abiding gun owners and people who may not fall into that category. Despite the fact that our brothers and sisters, both locally and nationally, have found themselves at the deadly end of criminals' gun barrels, you don't hear us advocating for restrictions on certain type of weapons or even expanded capacity magazines. We respect and support law-abiding gun owners. We understand that they want to protect themselves and their families and their property when we can't be immediately available. But there must be a balance. Omaha's registration law, for example, which doesn't apply to CCW licensees, helps reunite numerous law-abiding citizens with their stolen firearms, some of which they didn't even realize were stolen in the first place.

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Large cities like Omaha, unfortunately, have gang and gun crime challenges that are unique to highly populated urban areas. Standards that may work fine in a rural setting may cause dangerous complications in an urban setting. In the desolate rolling hills of Cherry County, an 18-year-old with a handgun might not be of great concern. That's not necessarily the case in Omaha, which prohibits, via city code, possession of a handgun under age 21. Age 21 is, coincidentally, the same age in which one can acquire a state handgun purchase permit, while mere possession is allowed, per state law, at age 18. The transportation of a loaded handgun might not raise an eyebrow in Albion, Nebraska, which hasn't experienced a homicide in almost 20 years, but it could raise a huge red flag for an Omaha police officer giving special attention to a west Omaha bar parking lot with a history of gang violence and a recent homicide of an innocent mother caught in the crossfire. Driving down a dirt road with a loaded AR-15 in your lap, while never advisable, might be more understandable for the keen-eyed rancher on the lookout for calf killing coyotes, but some activity...that same activity would be a huge concern on a road in Omaha and especially on a stretch of road with a history of homicides or shootings. All the above mentioned scenarios are perfectly legal per state law and illegal per Omaha's municipal code, and understandably so. The Omaha municipal codes are just some of the tools we relied heavily upon to combat gun crime and prevent homicides in Omaha. If you intend to remove these tools, all we ask is that you do so with your eyes wide open so that your constituents, both rural and urban, will know what that outcome will mean. The Omaha Police Officers Association stands willing and ready to have the detailed discussions required to ensure that the interplay between state and local gun laws is understood, while maintaining the balance between supporting law-abiding gun owners' constitutional rights and protecting our cities from those who are dangerous, either through criminal activity or negligence. And we are committed to those conversations. As Dr. Kopacki and Senator Hilgers said, we are having those conversations. And I'll answer any questions you may have. I also handed out a pamphlet to give you some scenarios of the differences between city ordinances and the state laws. [LB68]

SENATOR MURANTE: All right. Thank you very much for your testimony. Senator Blood. [LB68]

SENATOR BLOOD: Thank you, Senator Murante. And thank you for your service to Omaha. [LB68]

AARON HANSON: Thank you. [LB68]

SENATOR BLOOD: So in his presentation, Senator Hilgers said that he was working with your organization to potentially amend the bill proposal. What would have to be amended in order for you to be in agreement with it? [LB68]

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AARON HANSON: Well, obviously, we haven't seen the language yet, but I know that we've had some very honest and frank discussions with each other about the priorities that members of the Omaha Police Officers Association have, and on the other end of the argument the concerns that people on the other end have when it comes to preserving people's gun rights. And we're trying to discuss that to see if it's possible to find that happy balance between preventing a situation where gang members, especially young gang members, can run around the city with handguns, long guns in cars, on the street while at the same time finding a way to counterbalance these (inaudible) by ensuring that lawful responsible gun owners feel that their rights are being upheld. [LB68]

SENATOR BLOOD: And so as an expert in this area, you probably heard me earlier talk about the federal law and in the presentation they talk about patchwork and, you know, I'm driving from this county to another county. But it sounds like, especially if the gun is not loaded, that much of what they said in their initial presentation was covered under the federal government. As a law enforcement officer, is that your experience? If I'm driving from Sarpy County out to, say, the city of Kearney and I have a handgun and that handgun is not loaded, I'm permitted, and I were to be stopped, say, on I-80, I know that that's outside of Omaha, but what has been the policy with people like that? [LB68]

AARON HANSON: Sure. [LB68]

SENATOR BLOOD: Do you guys immediately... [LB68]

AARON HANSON: Well,... [LB68]

SENATOR BLOOD: ...assume that they're guilty of something or...? [LB68]

AARON HANSON: No. A lot of it depends on...it depends on the facts at hand. So, number one, we routinely come across people, whether they be people with bad intentions or people with good intentions that are armed. We quickly start going down the legal analysis that we have to use as police officers on the street. Do they have a concealed carry permit? If they do, we know exactly those are the people that we love dealing with... [LB68]

SENATOR BLOOD: Right. [LB68]

AARON HANSON: ...because they're trained, they're professional, they know exactly what to do and everything goes smooth. If they don't have a CCW permit, then we have to start to go down a

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little bit more detailed analysis. What is their intentions? Is the gun loaded? Is it concealed? And we have to then, unfortunately, make a snap decision one way or another,... [LB68]

SENATOR BLOOD: Right. [LB68]

AARON HANSON: ...is this someone who has good intentions or bad intentions? And that's why we supported the CCW law so heavily. It made our job so much easier being able to make those distinctions. [LB68]

SENATOR BLOOD: Were you aware of the federal law in reference to transportation? Is that something that... [LB68]

AARON HANSON: I wasn't aware of a federal law in reference to transportation. I'm aware of the federal laws that were discussed earlier about drug users in possession of firearms and ammunition. I wasn't aware of a federal law with regard to transportation of a weapon. [LB68]

SENATOR BLOOD: Okay. Thank you. [LB68]

SENATOR MURANTE: Thank you. Senator Wayne. [LB68]

SENATOR WAYNE: Thank you for coming today. [LB68]

AARON HANSON: Thank you. [LB68]

SENATOR WAYNE: Me and you have been on opposite sides of a courtroom but we're on the same side on this one I think. So with that, give your background on how long you've been in law enforcement. [LB68]

AARON HANSON: Sure. I've been with the Omaha Police Department for over 20 years now. [LB68]

SENATOR WAYNE: And how long have you been with the gang unit? [LB68]

AARON HANSON: Been on the gang unit coming up on two years. [LB68]

SENATOR WAYNE: And are you the head of the gang unit? [LB68]

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AARON HANSON: I'm the first line supervisor for the north gang suppression unit on the evening shift. [LB68]

SENATOR WAYNE: And what type of training have you had in gang-related activities, I guess? [LB68]

AARON HANSON: We routinely have various training on gang-related activities, whether it be tactical training, intelligence-based training dealing with the culture of young gang members, older gang members, training pertaining to firearm laws and the way they interplay between police officers and (inaudible). [LB68]

SENATOR WAYNE: And that training is all over the country you go to? [LB68]

AARON HANSON: It's sometimes local. Sometimes you do have to travel for it, yes. [LB68]

SENATOR WAYNE: And how many investigations, roughly, have you had as it relates to gang issues? [LB68]

AARON HANSON: It's a daily occurrence. I'd say we're engaged in multiple investigations on virtually a daily basis. [LB68]

SENATOR WAYNE: Over 1,000 maybe in your time on the police force? [LB68]

AARON HANSON: I think just my crew alone, hundreds, fair to say, in the time that I've been on the gang unit. [LB68]

SENATOR WAYNE: So for the record, what I basically just did is qualify him as an expert in gang activity if we were in a court of law. So based off of you being an expert in gang activity, particularly around Omaha and north Omaha, the current passage of this bill in its current form, in your expert opinion, would that hinder your ability to combat gang violence and gang activities? [LB68]

AARON HANSON: It would, and I think you can see by some of the examples which, by the way, some of the detectives that we work together came up with a list of recent examples. And the chief was kind enough to allow us to share it with this committee. I took the names off for purposes of privacy for the suspects. But this is an example of various times, multiple times in

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which we have been left with the local codes and...because we didn't have any options when it came to the existing state statutes. [LB68]

SENATOR WAYNE: I almost said no further questions, as if I was in trial, so (laughter) I'm done. [LB68]

SENATOR MURANTE: Did you listen to Senator Hilgers' opening? Were you here for that? [LB68]

AARON HANSON: I did. [LB68]

SENATOR MURANTE: Okay. So I think he laid out his fundamental objectives with LB68. So with what you heard Senator Hilgers say and what I just understood your back-and-forth with Senator Wayne, do you believe that it is possible to craft this bill in a form that we achieve the fundamental objectives that Senator Hilgers is going after without endangering or hindering your ability to combat gang violence? [LB68]

AARON HANSON: You know, I think there are laser-focused areas that I think we might be able to find common ground on. When it comes to a one-size-fits-all application of gun laws from Gering to Omaha, I think that's going to be difficult because, for example, a majority of the state is rural. It is illegal for anybody, wherever you are, to transport a loaded shotgun in a vehicle on a public roadway, not the case for a loaded rifle. In talking with game wardens, I know the loaded rifle was left out because the farmers want...the ranchers want the ability to, as I said in my testimony, take care of the coyotes, especially for concern of their calves. What is illegal, though, is to transport a loaded rifle or a loaded shotgun on a snowmobile. Well, unless my gang members start suddenly getting on snowmobiles and driving around, we're going to be left with not a lot of options if we can't enforce the loaded rifles in a car. So there isn't...some things that are...I think it's fair to say there are standards which make sense in Omaha which I wouldn't want to impose on Gering. [LB68]

SENATOR MURANTE: And I asked the question because I'm simply trying to figure out whether your concerns and his objectives are inherently opposed to each other or if there is... [LB68]

AARON HANSON: I think it's possible. If we focus in on what we're most concerned about, I think it is possible to find common ground. [LB68]

SENATOR MURANTE: Okay. [LB68]

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AARON HANSON: And we are committed to continuing to have those discussions. [LB68]

SENATOR MURANTE: Okay. Thank you. Senator Brewer. [LB68]

SENATOR BREWER: Thank you, Chairman. All right, just for clarification and I was not here for the introduction, but if I have a CCW and I am in the city of Omaha and I have a loaded gun with me, other than restrictions that are put on by this, I could be anywhere in the city of Omaha. [LB68]

AARON HANSON: That's right. [LB68]

SENATOR BREWER: Good to know. [LB68]

AARON HANSON: No registration either. [LB68]

SENATOR MURANTE: Okay. Thank you, Senator Brewer. Senator Wayne. [LB68]

SENATOR WAYNE: I have a CCW too. I just thought I'd tell you that. (Laughter) [LB68]

SENATOR MURANTE: All right. Thank you very much, Senator Wayne. Senator Briese. [LB68]

SENATOR BRIESE: Thank you, Senator Murante. And thank you for being here. You've given us a handout here with, looks like, about seven examples of where local ordinance was used and state statute had no application, correct? [LB68]

AARON HANSON: That's correct. [LB68]

SENATOR BRIESE: How many such examples are there like that in the course of a year in the experience of OPD (inaudible)? [LB68]

AARON HANSON: I can tell you that I didn't come prepared with total numbers. I can tell you that they are commonly used, especially the transportation of concealed firearms, the transportation of long guns, minor in possession of firearms. Those are very commonly used by the gang unit and by officers in high crime areas. [LB68]

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SENATOR BRIESE: They typically result in stand-alone charges, charges under the ordinance only, no violation of state law in most instances? [LB68]

AARON HANSON: They do. And actually, there was an example in that pack where we...some detectives were investigating a homicide scene that had happened a few days prior. We noticed some gang members that were frequenting that area on a public road. They had a loaded revolver in the cup holder in their center console. They were underage, 20 and age 19. They were arrested initially, we tried, for carrying a concealed weapon because it wasn't readily observed from outside the vehicle, as well as minor in possession and unlawful transportation. Ultimately, the prosecutor could not continue with the CCW charge and we were, luckily, left with the unlawful transportation of a concealable firearm and the unlawful possession of a concealable firearm based on the fact that they were under 21. Absent those ordinances, we would have had no options and that could have been a dangerous situation. [LB68]

SENATOR BRIESE: Maximum penalty under those ordinances is a year? [LB68]

AARON HANSON: It depends on the offense, but many of those are up to a year. But then also we have multiple-year potential for probation as well where we...you know, we're big believers in probation, even for certain gun offenders, especially if they're young and they're misdemeanor offenses. It gives us additional tools where they're eligible for either jail or for probation, even for the city code violations. [LB68]

SENATOR BRIESE: Thank you. [LB68]

SENATOR MURANTE: Thank you, Senator Briese. Any final questions? Seeing none, thank you very much for your testimony. [LB68]

AARON HANSON: Thank you. [LB68]

SENATOR MURANTE: Welcome. [LB68]

HUNTER SHELLHASE: Hi there. I'm not playing Pokemon, I swear. I just have my notes on here. (Laughter) This is my first time... [LB68]

SENATOR MURANTE: It's your three minutes. You can do whatever you want to. (Laughter) [LB68]

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HUNTER SHELLHASE: Oh, perfect. Perfect. Now bear with me. Hello. Thank you for the floor, Senator Murante and fellow Senators. My name is Hunter Shellhase, H-u-n-t-e-r S-h-e-l-l-h-a-s-e. This is my first time testifying for a committee at any level, however, I felt compelled to come here today. I'm a concerned citizen of northeast Lincoln. I'm a husband and a father. With my wife, Kren, we have two beautiful little girls, Presley (phonetic), who is seven or almost eight, as she would tell you, and Deveni (phonetic), who is three. And they are everything to me. They are the reason I wake up in the morning. They are the reason I go to bed exhausted and my motivation for every second in between. Excuse me. Their health and safety are my most important responsibility. But as state lawmakers, their health and safety are in your part...are, in part, your responsibility as well. And that's why I'm here today. I want to work with you to keep my children safe. I want to take a look at LB68. For the life of me, I cannot figure out how this makes any sense. Why were you trying to strip a layer of safety and security away from my children? That is the only result of LB68. It does not protect my family. In fact, it stifles the ability of myself and my local lawmakers to protect my family. It silences the democratic process at the city level and it removes all current local ordinances, laws voted and approved by your fellow Nebraskans. Please don't silence democracy. Please help me keep Presley and Deveni safe and vote no to LB68. Thank you for your time. [LB68]

SENATOR MURANTE: And thank you for your testimony. Are there any questions? Seeing none, thank you very much for coming down today. Welcome back. [LB68]

LYNN REX: (Exhibits 8 and 9) Thank you. Senator Murante, members of the committee, my name is Lynn Rex, representing the League of Nebraska Municipalities, L-y-n-n R-e-x. What's being passed out to you is a letter from the mayor of Lincoln, Nebraska, in opposition to this measure. In addition, a letter from the Police Chiefs Association of Nebraska, referred to as PCAN. I'm not here today to testify on behalf of Mayor Beutler specifically or PCAN, but I do want to refer some of the information in their letters for your review. First and foremost, I do want to say we, too, think that it's possible to work out amendments to accommodate most of our critically important issues here today, and we appreciate Senator Hilgers' willingness to meet with us to do so. With that, I would like to say first and foremost in response to you, Senator, there is a federal requirement in terms of interstate travel, from state to state, and one of the amendments that we think needs to apply here that needs to happen in Nebraska law is to apply that same standard for intrastate travel. That being said, one does need to have exceptions for retired law enforcement officers, law enforcement officers, concealed carry permit holders, so they don't have to take the bullets out in between places, if you will. In addition, I do want to emphasize a few things, as soon as I know the letters...you are all in receipt of those letters, to emphasize the unprecedented nature of some of the provisions of this measure and why we strongly oppose it in its current form. With that, I think you now all have these letters and I want to just, first of all, have you reference the letter from Mayor Beutler. Again, I'm not representing the city of Lincoln but I do want you to have this letter. I'm just going to highlight some of the

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areas. Local control: If you look at this element, constituents in different areas of the state may believe that additional ordinances are appropriate and necessary to address the issues faced by their community. I think that the testifier before me representing the Omaha Police Officers Association underscores that what happens in Omaha, Nebraska, is fundamentally different, in terms of gang violence and everything else, than what may happen in whether it is Gering or Hemingford, Nebraska, or any other place in the state of Nebraska, maybe not Lincoln. The scope of this appears to prevent municipalities from prohibiting guns in places like city hall, city agency buildings, courthouses, or city parks, while state agencies could prohibit the possession of firearms in the State Capitol, state buildings, state parks, and other similar locations. Again, what applies to local governments would not apply to you. We think it's important to protect those citizens when they are in municipal facilities as well. Law enforcement: Clearly would impact the ability of local police to enforce state gun laws and/or crimes involving guns. We have some real significant concerns about that. And this language has been looked at from city attorneys all across the state of Nebraska that do have these same kinds of concerns. It's not just related to Mayor Beutler and his concerns. And then I think, too, the potential litigation, absolutely unprecedented to set a new course of litigation against municipalities outside the Political Subdivision Tort Claims Act. Again, it would not apply to counties, it would not even apply to the state of Nebraska, but unprecedented in terms of allowing to have this kind of litigation. If you look on page 15 of this bill, it talks about who could actually sue. Page 15, line 18, "A person adversely affected by an ordinance." And I'm just going to paraphrase. Line 18, "A person adversely affected by an ordinance," line 20, "may file an action." Then let's talk about who's adversely affected. Line 26, "The person is an individual who may legally possess a firearm...and the individual is or was subject to the ordinance." Going down to lines 30-31, "was physically present within the boundaries of the city or village for any reason." And then my personal favorite is on page 16, line 3, "The person is a membership organization." What's that constitute? Two people. So the "Senator John Murante and Lynn Rex Organization for Gun Owners," we could sue anybody in the state of Nebraska, any municipality in the state of Nebraska, whether we've ever been there or not, wouldn't matter. And then look at what is at stake on lines 11, 12, and 13: actual damages, including consequential damages, court costs, reasonable attorney fees. In addition, I just want to underscore the letter from Chief Bill Mizner. He is the president of the Police Chiefs Association of Nebraska. He wished he could be here today, wasn't able to do so. And I will just quickly read you his one-sentence letter: The Police Chiefs Association of Nebraska wishes to respectfully oppose LB68. While we respect the Second Amendment, we recognize that communities need to have the ability to identify local problems and develop local responses to those problems. We also disagree with the establishment of a standard for individuals and organizations to have "standing" to sue municipalities, and my parenthesis is, in such an unprecedented way from counties or even the state of Nebraska itself. As you know, there's a State Political Subdivision Tort Claims Act, there is a Political Subdivision Tort Claims Act. This isolates municipalities for the purposes of lawsuits and lawsuits and more lawsuits. So with that, I just first of all again want to go back and

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say we appreciate Senator Hilgers being willing to meet with us and talk about some of these issues. I appreciate that when Senator...or, pardon me, Sheriff, Sheriff Wagner--I wouldn't want to give him a demotion in pay (laugh)--when Sheriff Wagner testified in support of this bill he did note, and I'm going to quote this, "LB68 may prohibit cities and counties from enacting an ordinance or rule that would prohibit someone from bringing an open carry firearm into any government building." That obviously is a concern of ours as well. I'd be happy to respond to any questions you might have and again appreciate the willingness to testify today. [LB68]

SENATOR MURANTE: Thank you very much for your testimony. Senator Brewer. [LB68]

SENATOR BREWER: Thank you, Chairman. All right, let's back up a little. Understand that the concerns I'm getting are if you're from Valentine, Nebraska, and you come to Lincoln, Nebraska, and you establish laws that are going to be more restrictive, you could easily commit either a misdemeanor or a felony and never know that that restriction is there. So by having this patchwork, how do you keep from committing a crime without knowing it because of each town deciding whatever combination of laws that they want to establish? [LB68]

LYNN REX: Well, Senator, I do want to differentiate between traveling from place to place, which relates to what Senator Blood's question is, which is making sure that the same laws that apply interstate would apply intrastate. So there's absolutely no problem if you would look at that kind of an amendment, which is very similar to AM1915 that Senator Morfeld offered to Senator Ebke's bill, LB289, last year with some amendments needed for law enforcement/retired, and concealed carry permitholders. That being said, quite frankly, I think it gets to the issue that the individual from the Omaha Police Officers Association noted, which is that police officers exercise a great deal of discretion and common sense, in my view. And indeed I will tell you that I don't think that they're out trying to find individuals to do that. So I don't believe that this, quote, patchwork has any negative implications for individuals. And it gets to the issue as well that Senator Blood noted which is where are these individuals that have been unduly prosecuted? Where are those individuals, because we don't see them? We see them in Omaha with gang members where if they don't register--and of course they're not going to register--that that is one way in which Omaha police officers were able to hold individuals that, in fact, have not registered as a way to get them off the streets and maybe prevent some repeat offenses that very night, so things of that nature. But we do think that there are ways to address the very issue you're raising through some amendments, and we're prepared to look at those and work with Senator Hilgers. [LB68]

SENATOR BREWER: And did I hear you right that you wanted to change the rules for intrastate to be the same as interstate? [LB68]

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LYNN REX: Right now when you go from state to state, you're able to do that and there are certain rules that apply to concealed carry permitholders, certain rules that apply to others as well. For example, retired law enforcement officers and law enforcement officers are allowed to do that. What I'm suggesting to you is an amendment that would say the interstate, from city to city to city, would...the same thing would apply. So when you're passing through Sarpy County and passing from Gretna, Papillion, La Vista, and you blink your eyes and you're in one city or another, that you don't have to worry about whether or not by passing through or transporting or you're going to go hunting, you leave Lincoln, Nebraska, to go up to Scottsbluff or the Panhandle, you don't have to worry when you're doing that, passing through one jurisdiction to another. With certain exceptions, the AM1915 to LB289 last year would accommodate that. [LB68]

SENATOR BREWER: Okay. Thank you. [LB68]

LYNN REX: You're welcome. [LB68]

SENATOR MURANTE: Thank you, Senator Brewer. Any additional questions? Senator Briese. [LB68]

SENATOR BRIESE: Thank you, Senator. Thank you for being here. [LB68]

LYNN REX: You're welcome. [LB68]

SENATOR BRIESE: I, too, noticed on line 3 standing given to a membership organization to sue, line 3 of (page) 16. But the two people you mentioned there, they have to be adversely affected by the statute though or by the ordinance also, correct,... [LB68]

LYNN REX: Well, but adversely affected, that's... [LB68]

SENATOR BRIESE: ...as per (2)(b)(i) (inaudible). [LB68]

LYNN REX: Yes, Senator, that's the issue. Because if you look on page 15, line 18, who is an person adversely affected? Line 18: A person adversely affected may file an action, that's on line 20. And then let's see who is adversely affected. Line 24, a person is adversely affected for purposes of this act if, and there's a (i) and there's a (ii). So let's look at the small (i) on line 26. The person is an individual who may legally possess a firearm, and I'm just picking out some of the words here, and the individual is or was subject to the ordinance, measure, enactment, rule, or policy of the city or village. Then you go on and continue and it says if the...line 30, if the

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individual is or was physically present within the boundaries of the city or village for any reason. But then go to the next page and this is the one that is absolutely open-ended, page 16, lines 3 through 7. The person is a membership organization that includes two or more people. This is a person adversely affected. That's why you could have someone from Texas suing any city in the state of Nebraska, whether or not they've ever been in Nebraska, whether or not they ever intend to come to Nebraska. This gives them standing to sue. They would be, quote, defined by statute, Senator, as being, quote, adversely affected--two individuals who say, according to line 4 and 5, basically the person is a membership organization that includes two or more individuals dedicated in whole or in part to protecting the rights of persons to possess, own or use firearms for competitive, sporting, defensive, or other lawful purposes. And again, two individuals, and that means anyplace in this country. [LB68]

SENATOR BRIESE: It has, per lines 28 through 30 on page 35 (sic), they had to have been physically present in the boundaries of the city or village... [LB68]

LYNN REX: No, that... [LB68]

SENATOR BRIESE: ...in which the ordinance was applied to that. [LB68]

LYNN REX: No, because what...the way that you read that is that everything under the small (i) relates to that person. There's two categories of adversely affected. One is the person who's actually there and then you go to the next page, the (ii) that starts on line 3, and there you have a membership organization. So "persons" would be defined as either an individual or a membership organization, a membership organization of two or more people. And that is why there were cities in Pennsylvania, I think the previous testifier noted, that were being...or cities, I'm sorry, in Pennsylvania that were being sued by individuals in Texas. The same thing could happen here. This sets up an unprecedented level of standing for individuals to sue, and more...and even as important, outside of the Political Subdivision Tort Claims Act, outside of the...and outside of the State Political Subdivision Tort Claims Act. So counties, state of Nebraska, you would not be subject to the same types of litigation to which you would subject municipalities. And I would say, on its face, LB68 voids 11 municipal ordinances just in the city of Lincoln. [LB68]

SENATOR BRIESE: Okay. [LB68]

LYNN REX: Thanks for your question. [LB68]

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SENATOR BRIESE: A follow-up question. How many ordinances in Omaha would be voided by it? [LB68]

LYNN REX: I know the registration ordinance and I would have to verify. And I will do that and get back to you on their number of ordinances, Senator. [LB68]

SENATOR BRIESE: Okay. Thank you. [LB68]

LYNN REX: You're welcome. Thank you for the questions. [LB68]

SENATOR MURANTE: Thank you. Any additional questions? Seeing none, thanks for your testimony. [LB68]

LYNN REX: Thanks for your consideration and, again, thanks for Senator Hilgers being willing to meet with us. Thank you. [LB68]

SENATOR MURANTE: Thank you. Welcome. [LB68]

CHELSEA LEMBURG: (Exhibit 10) Hi there. My name is Chelsea Lemburg. I'm a student at UNL. My name is spelled C-h-e-l-s-e-a L-e-m-b-u-r-g. I'd like to start out by saying that I am not a member of the NRA. The NRA does not represent me and my city councilmembers do. Now this bill originated in the Judiciary Committee on January 5. The Judiciary Committee specifically handles those bills which deal with civil procedure, civil law, handgun permits, and the possession and use of guns. In my view, LB68 very clearly belongs in the Judiciary Committee due to its subject matter involving firearms. It was there before. Instead, it was purposefully routed to the Government, Military and Veterans Affairs Committee four days after its introduction in an attempt to hurry it through faster and easier than in previous attempts with firearm preemption bills. The movement of this bill from one committee which would be critical of it to...largely critical, to another which would not be is a movement made for glaringly obvious reasons. It is worth noting that preemption bills themselves, as a general rule, sometimes serve individual community members as well. For decades, the tobacco industry used similar legislation to intimidate citizens and altogether end local opposition to cigarettes and other tobacco products being sold in stores everywhere. Firearm preemption bills aim to paralyze communities the same way by rendering them unable to organize against proliferation of guns and, as a result, gun violence. I'm opposed to LB68, not only because it is an attempt to withdraw the right of citizens to democratically vote against guns taking over our communities but also because I'm sickened by the reality of substantially increased instances of gun violence

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in states which have preemption and the thought that this may come to Nebraska. The passage of LB68 will be the first step in advancing that. [LB68]

SENATOR MURANTE: All right. Thank you very much for your testimony. [LB68]

CHELSEA LEMBURG: Thank you, (inaudible). [LB68]

SENATOR MURANTE: Are there any questions? Seeing none, thank you for coming down today, much appreciated. Welcome. [LB68]

KRISTINE GENOVESE: Thank you. My name is Kristine Genovese, K-r-i-s-t-i-n-e G-e-n-o-v-e-s-e. I am also not a member of the NRA but I am a member of Nebraskans Against Gun Violence. I live in Omaha, Nebraska, very close to Crossroads Mall, an area many people consider to be a war zone. It is, in fact, a wonderful neighborhood and the people living here have worked hard to keep it safe and free of crime. I came here today to express my concerns about LB68, specifically that I do not support it as this law will make my neighborhood and neighborhoods throughout Omaha much less safe. It would allow people with criminal records to bring guns to places where my nine-year-old son plays, such as Roberts Skate Park just a few blocks away. He loves to ride his bike there and practice bike tricks on those ramps. My family has experienced gun violence first-hand. My aunt was murdered by her estranged husband, who had a criminal record for drugs, assault, and domestic violence, as well as a history of mental illness. Despite all of this, he was able to purchase multiple guns legally, so many so that their small, six-room home had at least one or more guns in each room at the time of her murder. The guns in her home did not make my aunt safer and a law such as LB68 will enable people like her husband to have easier access to purchase guns, putting Nebraskans at risk. Nebraska cities should maintain the right to create and observe gun laws that work for their respective community's needs. Omaha has the highest rate of gun violence in the state, and as such should be able to protect its population by keeping existing gun control ordinances. I'm asking you to vote against LB68 and, instead, work to create viable solutions to the epidemic of gun violence in Omaha and the rest of the country through common-sense gun laws. I'm further asking you to create solutions that will protect my family and help keep my neighborhood a safe place to live. All Nebraskans deserve to live in safe communities. Thank you. [LB68]

SENATOR MURANTE: Thank you for your testimony. Are there any questions? Seeing none, thank you for coming down today, much appreciated. We just lost our page so (laugh) I'm sorry about that. [LB68]

DANIELLE SAVINGTON: It's all right. It's exercise. [LB68]

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SENATOR MURANTE: Welcome. [LB68]

DANIELLE SAVINGTON: Good afternoon, Senators, Honorable Chairman Murante. My name is Danielle Savington, that's D-a-n-i-e-l-l-e S-a-v-i-n-g-t-o-n. I'm here today as a board member of Nebraskans for Peace and a member of Nebraskans Against Gun Violence. I am not here as a member of the NRA, but I am here as a resident of Papillion, Nebraska, and a defense attorney, like Senator Wayne, from Lincoln, Nebraska. LB68 is a direct betrayal of Nebraska residents who rely on their local and municipal governments to take into consideration what the specific safety needs of their communities may be. Lincoln Senators, your community has worked diligently to address specific gun violence and public safety issues within the city and it is irresponsible to undermine those efforts. Municipal Code 9.36.110 in Lincoln makes it unlawful to leave a firearm unattended in a vehicle for 24 hours or longer. Do you know why Lincoln would have such a municipal code? It's further justification that in January of 2017 alone over 185 vehicles have been broken into or stolen. If even a fraction of those vehicles were used for the storage of a firearm when they were broken into, the lawfully owned firearm would be conveyed into the hands of a person already demonstrating engagement in criminal behavior. This, Senators, is how illegal firearms hit the streets and the black market. Contrast the 185 vehicles in one month alone lost or broken into in Lincoln with the 5 broken into Deshler, Nebraska, during the entirety of 2015. In Deshler, Nebraska, there's no need to remove your guns from your vehicle overnight. In Lincoln, Nebraska, clearly there is. Moreover, when the City Council of Lincoln met to review the proposed expansion of gun regulations for misdemeanants with demonstrated criminality, the councilmembers voted unanimously, 7-0, not only to adopt the expansion but to add the DWI/DUI inclusion. These were lawfully elected representatives of their communities basing municipal code on thoughtful research and knowledge of their locality. Last week this committee heard testimony from members of the law enforcement community regarding LB624. One officer testified regarding a harrowing incident where an assailant attempted to run him down while he was out shopping with his wife and young child. The assailant, once apprehended, was charged and adjudicated of a misdemeanor Class I stalking offense. The officer, fearing for the safety of himself and his family, chose not to obtain a temporary protection order against the unincarcerated assailant because to do so would require providing the assailant with his home address, an address that was in close proximity to the officer's own. However, once again, the city of Lincoln recognized that as a college town they probably needed some protection and provisions to protect young college students against escalating violence from stalkers has enacted 9.36.100 which prohibits stalkers from possessing firearms inside the city. The officer, whose assailant plead to a stalking misdemeanor, now has the added safety to know that should the man approach the officer in the future the man is barred from possessing a gun to harm the officer's family with. And should he be in possession of one, he's guilty of a defenseless statutory offense. Lastly, 9.36.130 makes it unlawful to bring a firearm into city or county facilities. Without that protection to prevent the coercion or intimidation of county officials in offices such as the assessor's office when property values are

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in dispute, local law enforcement will no longer be able to respond to those situations as anything other than a simple trespass, which requires management in office to order the gun-wielding citizen to leave the facility and the police to be notified. Do we actually pay our city and county employees enough to accost irritated gun owners in the course of their job duties? Thank you for the opportunity to come today and use my voice as a member of Nebraska's second house. I'd appreciate your consideration as to why it is vital, especially for Lincoln and Omaha area senators, to uphold the safety and well-being of their constituents and to not betray us by supporting LB68. This bill does not end a patchwork of laws but, instead, strips local cities of their capacity to ensure the safety of their community. It is not overly burdensome to expect travelers from elsewhere in the state to take the time to learn that you can't be a convicted stalker and carry a gun in the city of Lincoln and you need to...when you travel into a city where tremendous amounts of vehicle thefts take place, you can't leave your gun unattended in your car to become a commodity of illegal gun trade. Thank you, Senators. [LB68]

SENATOR MURANTE: And thank you for your testimony. Are there any questions? Seeing none, thank you very much for coming down today, much appreciated. Welcome. [LB68]

JEAN DURGIN-CLINCHARD: This is a low seat. Feel like I need a booster seat. [LB68]

SENATOR MURANTE: I wish we had a pump for it but (inaudible). [LB68]

JEAN DURGIN-CLINCHARD: (Exhibit 11) Good afternoon, committee members and Chairman Murante. I'm Jean Durgin-Clinchard, J-e-a-n D-u-r-g-i-n, hyphen Clinchard, C-l-i-n-c-h-a-r-d. I've just been so impressed with many things. The letter that you have, you know, what you have just passed around, I've got all these notes on it so you probably are going to get a supplement to it because there are many things that I've heard today. I am a registered voter and I have lived in Nebraska since 1959, in Lincoln since 1985 in District 46. And I would like this letter to be entered in the record in opposition to LB68. As a citizen, I have a right to vote. As a citizen, I have a right to own a gun. Both rights come with responsibilities inherent in any right to behave responsibly and respect others. LB68 is a law that would deprive cities, such as Lincoln and Omaha, of their right to make the gun legislation and regulations which ensure the responsible care of those citizens in those cities for the particular needs that they have. And we've heard some testimony to that effect by law enforcement today. I'm skipping a little bit here. As a citizen, I have a right to vote, but with that come responsibilities such as voting once and the various regulations that we have in place to control voting procedures and eligibility which are subject to local civil bodies to determine. I'm also...someone mentioned earlier that you can only buy a gun through certain times of day, and I couldn't help but think, well, you know, I work at the election. We work from 7:00 in the morning until 8:30 when we turn in all the votes. You have a right to vote but you've got a deadline, you know? You have to get there at

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a certain time. You have to get there on certain days. There are regulations. You have to register and you have to be living at that spot when you register...I mean when you go to vote. That has to be identified. So there's lots of things that we do to control and to build the respect and responsibility into our laws. I was raised by a career naval officer who taught me to shoot a pistol when I was nine. At summer camp I was taught how to handle and target shoot a rifle. As the young wife of a law enforcement officer who was a hunter and a crack target shooter, I lived in a home with a gun safely stored. At the law enforcement conference I even won third place trophy in an Annie Oakley contest. However, when we went hunting, and I only went once with my husband, deer hunting, we went to Bassett and we crossed all kinds of places. I don't...and that was, of course, a number of years ago. I'm 86 so it was a number of years ago. So there may not have been the regulations that you talk about now. But we were never stopped. We were never told that we couldn't do that. But we also didn't have our guns floating around in the car loose or loaded. And I currently do not own a gun. I have a grandson in Lincoln Public Schools and we were deeply saddened and disturbed last year when, in 7th grade, a classmate committed suicide with a gun owned by that family. Gun safety is crucial and we must recognize our responsibility to regulate it in jurisdictions where it's needed, as determined by the elected officials. We know not every instance of tragedy, as I just mentioned of this child with the suicide, can be controlled, but we must do what we can. I do not need to spell out the regulations currently governing gun ownership, transfer, and carrying that are all in place. And you've...I've heard the word used, "patchwork," a number of times today. Sure, it's a patchwork, but our country is a patchwork of laws and there is the federal legislation, the federal act, the Federal Transportation Act, and I think there was a suggestion that that could be incorporated or similar thing into a state, an interstate. I don't need to point out the ability of an organized group to sue as an unconscionable invasion of private interests over civic interests. You recognize it, I'm sure. I strongly urge you to oppose LB68 and not advance it. It is a bad law. [LB68]

SENATOR BREWER: Thank you for the testimony. Questions? Thank you, ma'am. [LB68]

JEAN DURGIN-CLINCHARD: Thank you. [LB68]

SENATOR MURANTE: Welcome. [LB68]

THOMAS LANGE: (Exhibit 12) Thank you. My name is Thomas Lange, L-a-n-g-e. I am a resident in District 21 in Lincoln, Nebraska. Ladies and gentlemen of the committee, thank you for the opportunity to speak. I come here as a resident, as I said, of Lincoln who wants to quickly tell you a little bit about myself. I grew up as I would think as kind of a clever child. Recognizing that I had two different parents, I would often gauge which parent would be more likely to permit what I aimed to do. I'll just let that concept sink in for a moment. And note that all children try this, and the best parents make sure that the other parent is apprised of the

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situation by telling the children to go ask the other parent. I'm also a lawyer who's practiced law for over a decade and now in two states, Wisconsin and Nebraska. There are many laws which differ between these states but there is a constant that lawyers are expected to adhere to and follow the laws of the states and the rules of procedure within the courts. This detail is pertinent because I believe that this bill has found its way to this committee through acts of deception, perversion, and subversion. And I mean no disrespect to this committee, but it is in the wrong committee. I know of no judge in front of which I've ever appeared who wouldn't see right through any similar type of attempt to subvert or pervert any procedural rule in any fashion which parallels what we've seen on LB68's path here. I would expect any judge to take such a lawyer to task. And, yes, in federal courts there is often something known as forum shopping, which happens. Many judges see right through it, in many cases stifle it when they can. I fully expect that the proponents of this bill have and will try to justify and legitimize the path of this bill. Like the judges I mentioned, I know of nobody here with any grounding in fact, reality, logic, and critical thinking who cannot see right through the attempt to ease, and I want to emphasize, ease it through the least resistant path, past any scrutiny without full scrutiny in the Judiciary Committee. This process has been subverted and perverted in an attempt to move it without full scrutiny. As Ms. Gailey noted, this bill would likely face a much clearer obstacle in the Judiciary Committee. If the proponents of this bill wish to demonstrate that they possess the constitution and depth of character befitting our state legislators then call on them to pull this bill, route it through the proper committee so they can get the proper and warranted attention it needs. Thank you for your time. Show that you have a spine and reject this bill. Make its proponents put it through the right committee using the right procedure. Stand for the rule of law and the rules of procedure in our Unicameral. I would note my words are a little bit strong. I intended them to be strong to emphasize we need to stand for the rule of law. As senators of good character, each and every person needs to do that. And I would simply just add that I oppose this bill for its substance as well as its procedural malfeasance. I would again note I am from District 21 and note to Mr. Hilgers, who is not here, but he is my elected senator, emphatically, this bill does not represent me. [LB68]

SENATOR MURANTE: He's actually sitting right there but... (Laughter) [LB68]

THOMAS LANGE: But not in the committee. [LB68]

SENATOR MURANTE: Yes. Are there any questions? Seeing none, thank you very much for your testimony. [LB68]

THOMAS LANGE: Thank you. [LB68]

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SENATOR MURANTE: How many more opponents do we have to testify? How many? All right. Thank you. Welcome. [LB68]

COURTNEY LAWTON: (Exhibit 13) Thank you. Committee members and Honorable Chair, my name is Courtney Lawton, C-o-u-r-t-n-e-y L-a-w-t-o-n, and I am here as a member of Nebraska's second house, the citizens of this great state, to testify against LB68, a dangerous bill crafted by the gun industry lobby. This bill seeks to do two things to Nebraska, its cities, towns, and villages, and to our Unicameral. First, it wants to replace municipalities' governing bodies with the Unicameral. Secondly, it opens up Nebraska community coffers to plunder from firearm industry lobbyists, including the National Rifle Association and the Nebraska Firearms Owners Association. When LB289 was floated last year, it was roundly criticized for eliminating democratically passed and enacted local gun ordinances, replacing them with nothing, effectively stripping all Nebraska municipalities of local control. LB68 is the same bill with the same weaknesses, but it now becomes clear if LB68 is passed the Unicameral will be responsible for passing statewide laws to address local problems. For example, if Omaha wants to maintain its handgun registry and permitting requirements, people living in incorporated small towns like Gordon, Neligh, or Gibbon would have to register their handguns with the local constabulary. Talk about intrusive government! State legislators would be tasked with passing local ordinances. You all can't even settle on rules about filibustering. How can we expect you to pass laws at the state level that address local problems with guns in Kearney, Chadron, and Gretna? But let's consider this. The NRA needs money to pay off politicians who do their bidding and to intimidate those first-year senators without enough starch in their britches. Where are they going to get this money? LB68 allows the NRA to act as a person, suing towns that pass laws or keep laws on the book that are not to the gun industry's tastes. Pennsylvania towns and cities face crippling lawsuits brought by the NRA, and the NRA is suing Tallahassee Mayor Andrew Gillum personally for refusing to remove a gun law from the city's books. What is the NRA doing with the ill-gotten cash? Senator Hilgers is a sponsor of this bill that strips communities of ability to pass laws to address gun violence. Senator Hilgers received \$1,000 from the NRA, and the NRA spent over \$2,800 on his behalf so that he could do their bidding. The NRA spent over \$1,700 in support of Senator Lowe's election. Senators Hilgers and Wayne received a combined \$1,200 from the Bruning Law Firm, which represents NRA lobbying. The Nebraska Firearms Owners Association donated \$1,500 to Senator Brewer's campaign. In all, the firearm industry spent over \$8,200 on committee members to get favorable treatment of LB68. Further, these senators want to make our small towns vulnerable to lawsuits and financial exploitation by their gun industry patrons. Obviously, this bill should not be advanced out of committee because it is bad for Nebraska. It is a cash cow for the gun industry lobby and it represents big government putting the Unicameral in place of local councils and mayors. Thank you very much. [LB68]

SENATOR MURANTE: And thank you for your testimony. Are there any questions? Seeing none, thank you for coming down today. Welcome. [LB68]

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APRIL JORGENSEN: (Exhibit 14) Hi. Thank you, committee members and Honorable Chair. My name is April Jorgensen, A-p-r-i-l J-o-r-g-e-n-s-e-n. I'm speaking in opposition to LB68 as an individual. I'm a teacher and a parent and, as such, my main concerns are for the safety of children and families in our community. This bill would systematically dismantle the protections our city leaders have assembled to keep us safe where we live, work, and raise families. Over the course of my life, I've lived in various Midwestern towns, both rural and urban, ranging in populations from 6,000 to 270,000. Each one faced different challenges in terms of gun safety in the community. Some had large gang problems; others didn't. Some had higher gun suicide rates. Some had more domestic violence problems than others. Some cities had more gun owners than others. But all of these cities depended upon local autonomy to write their own gun ordinances in order to meet their individual needs. Proponents of this bill claim that preemption law is necessary because it's just too hard to keep track of the patchwork of laws as they travel to different cities in our state. Now one could argue that perhaps there should be a Web site or a searchable database where cities have to provide that information in one centralized place, but it does not mean that we take away local control where it's used to keep, as been thoroughly discussed, all the different ways Omaha and Lincoln have used it to keep their communities safe locally. But I propose that the current situation where the onus of researching gun laws is on the gun owner is both correct and proper. We expect drivers who drive from city to city and state to state to learn the traffic laws and follow them or face the legal consequences, and it's not considered a burden. I remember the first time I drove down Dodge Street in Omaha when some lanes were going one way at a certain hour and the other hour...I had to follow them, figure it out. In my work as a librarian I deal a lot with copyright law and fair use laws, and I see writers, artists, and students are expected to know and follow those very convoluted guidelines every day, even though they are also going to face legal consequences and educational consequences if they don't follow them properly. My middle school students are held to this standard. Expecting gun owners to do their due diligence and learn the gun laws of the places they want to travel to is not an unfair burden. We must expect at least that much from people who carry a deadly weapon with them. If a gun owner does not want to learn these laws then they simply do not deserve to carry the weapon around the other law-abiding citizens who want to be free from gun violence every day. Last but not least, as a public school teacher and a parent of a school-aged child, I want to say on the record that this bill would remove one of only two barriers to preventing guns from entering our schools. The U.S. President and the U.S. Secretary of Education have both stated their support for guns in schools. Without the ability to set local gun protection laws, it's easy to imagine a time in the future where cities would be at the mercy of a future state legislative body who could very easily fall in line with the President and overturn our current state law banning guns in Nebraska schools and, thus, removing the final barrier. Blocking this preemption law now is vital to keeping schools gun-free in the following years. Thank you for your time. I urge you not to move this bill to General File. [LB68]

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SENATOR MURANTE: And thank you very much for your testimony. Are there any questions? Seeing none, thank you for coming down today, much appreciated. Welcome. [LB68]

PAULA MOON BOHATY: (Exhibit 15) Hi. Good afternoon, Senators. My name is Paula Moon Bohaty, P-a-u-l-a, Moon, M-o-o-n, Bohaty, B-o-h-a-t-y. I come to you opposing LB68. At the urging of the NRA and in support of several senators, this bill once again is back before the Legislature this year after being defeated last year. I'm against the bill's explicit design to strip all authority from both Lincoln and Omaha to control and establish their own gun laws. It creates a dangerous exception to our well-established and working local authority. Pre-exemption would threaten public safety to all our citizens and prevent local city councils, governments, cities, and laws on gun controls in our communities, communities that are working and they have working knowledge of. Who benefits from the loss of local control? Certainly not the citizens, not law enforcement, not local government, not local community leaders that have worked and they try and strengthen and better the communities each day to deter gun violence, and certainly not families and children. In Omaha, the local ordinances that would be wiped out are very disturbing. You've heard quite a few of them today but I'd like to go through them again. The handgun registry, which police say is a crucial tool for crime prevention, would be abolished. The legal age to obtain a handgun in Omaha drops to 18. Gun sellers would be able to display semiautomatic rifles in storefront windows. Sellers at gun shows would not be required to log sales and buyers could obtain the ammunition right on site. And guns would be allowed in city parks in Omaha. In Lincoln, it would be legal for adults to give shotguns and rifles to minors if the adult is not the minor parent. Gun sellers would not be required to lock or secure guns in their stores. Gun owners would no longer be prohibited to lock their...excuse me, would no longer be prohibited to keep a gun in their vehicles for less than 24 hours. They could keep it there longer. This is a main source of gun theft in Lincoln. Guns would be allowed in women and children's domestic violence safety shelters unless prohibited by signage that would be required to be posted. Current local laws prohibited people convicted of the following crimes from owning guns for a period of ten years. This local laws...all these laws would be abolished: third-degree sexual assault, stalking, violation of a protection order, impersonating a police officer, child enticement, and two or more DWIs. I find it troublesome that you would vote in favor of a bill, fully knowing the ordinances that will change and the possible consequences. The preexemption bill is a domino bill. If passed, it opens up the floodgates for other bills waiting in the wings now and in the years to come. The "permitless" concealed carry bill hearing is upcoming in the Judiciary Committee. Guns would be allowed almost anywhere and everywhere, including in our schools, under this bill. Parents, teachers, school personnel, and children do not want guns in the schools. The number of deaths in this country are staggering. Americans are asking for stronger gun laws each year, but no one seems to be listening. The gun lobby and the gun manufacturers keep marketing, they keep promoting, but no one is listening. Politicians keep taking millions of dollars and the people keep burying their dead. Among the most vulnerable and the voiceless are our children, so I'm here to speak for them. As of today, it's February 10, as

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of this morning 400 children age zero to 17 nationwide have been killed or injured due to gun-related incidents so far this year, 400; in 2014, 2,946 children have been injured or killed; in 2015, 3,391 children injured or killed; in 2016, 3,787 children injured or killed. As you see, those numbers are not going down. In those numbers I gave you, there are no suicides. You need to take control out of the hands of the gun lobby. We need to take control and put it right back where it is right now. Keep it in the hands of the local governments. By tying their hands, you are leaving them powerless to address what's going on in their own communities. I urge you to keep the local control where it is. LB68 is a bad bill. It has far-reaching, dreadful repercussions. Many of you ran on a platform to support children and families. Now would be the time to support and protect those children and families. I strongly urge you to vote no on this bill. Thank you. [LB68]

SENATOR MURANTE: And thank you for your testimony. Are there any questions? Seeing none, thank you for coming down today. And before we proceed, I would encourage everyone to please try and stick to the light system. I know that we have a lot of testifiers left and I'm concerned that people will have to leave if we don't limit the testimony to the time allotted. So out of courtesy for those who wish to testify, I would encourage you to please try and confine to the time limits. Thank you. Welcome. [LB68]

LOIS TODD-MEYER: (Exhibit 16) Thank you. Mr. Chairman and members of the committee, my name is Lois Todd-Meyer, L-o-i-s T-o-d-d hyphen M-e-y-e-r. I reside in rural Lincoln, Nebraska, and I come to you today as a private citizen in opposition to LB68. I'm a teacher. At one time I taught in a community in Boone County for 18 years from 1986 to 2004. In my early years of teaching it was very common for students to drive to school with their rifles and shotguns in racks in the back windows of their pickups. These vehicles were parked in the school parking lots, both during school hours and during school activities. Locking vehicles was not the norm. While gun owners in Nebraska make up well below 50 percent of the population, I daresay they represent over 50 percent of this small community. The gun owners I knew then and know now are smart people who take the responsibilities of the freedom to own guns very seriously. In 1999 there began a seismic change in the methods communities took to ensure safety in schools after the murders in Columbine. Not long after this school shooting, our school board, with broad community support, voted to disallow guns of any kind in vehicles on school grounds. Now after this vote on policy was communicated to the students, I clearly remember listening to several of them grumble about the change. As their conversation progressed, however, it became clear to me that these students understood that this new policy in no way restricted their right to own firearms, to hunt, to shoot "Blue Rock," or to target practice. They recognized that their world was changing and that as gun owners they needed to take on the responsibility of making their environment safer for everyone. In fact, I heard them acknowledge that they knew a few troubled students and that they wouldn't want these students to have easy access to their guns. These were adolescents and they got it. They recognized that with the

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freedom to own a deadly weapon comes a responsibility to the safety of the rest of their community. LB68, written and introduced by adults, does not reflect this acceptance of responsibility, nor does it reflect the conservative values that honor the understanding that local entities know what regulations are best for their communities. Communities currently have a choice about how they protect their citizens from possible gun violence; this bill takes that choice away. As I said before, the gun owners I know are smart people who are not threatened by local gun safety ordinances. LB68, far from supporting conservative values, represents government overreach. If this bill passes, our Legislature will dictate to the people of this state what they cannot do to protect the safety of their communities, all this in the guise, Orwellian guise, of freedom. I urge you to reject this state government intrusion on the local control of the safety of Nebraskans. [LB68]

SENATOR MURANTE: All right. Thank you for your testimony. Are there any questions? Seeing none, thank you for coming down today. Welcome. [LB68]

SARA DODDER FURR: (Exhibits 17 and 18) Hello. My name is Sara Dodder Furr, that's S-a-r-a D-o-d-d-e-r F-u-r-r. I live in Lincoln, Nebraska. I'm a member of the Nebraskans Against Gun Violence but I speak only for myself today. I'm here to voice my opposition to LB68. My understanding of this bill is that it leaves intact the ability of metro areas in Nebraska to have power over many things, both large and small, from taxes to maintaining sidewalks and more. However, one power will be removed by this bill and that's the ability to control the use of firearms. I'm concerned that existing laws in Lincoln will be eliminated if LB68 passes. In addition, our city council will be prohibited from adopting new laws related to firearms. Consequently, if the state of Nebraska later passes legislation similar to what's been already adopted in Texas and Kansas and many other states, firearms would be allowed on college campuses, including in the dormitories. I oppose any loosening of current firearm restrictions in Lincoln and would actually prefer to see new prohibitions passed, including a law to prevent the open carrying of firearms. Just a few days ago, on February 5, two open-carry advocates in Dearborn, Michigan, walked into a police station with their weapons on display just to prove they could do so without breaking the law. And I've given you a copy of the news article about that event. I believe that Lincoln would be a safer and more civil city if we had a ban on the open carrying of firearms. However, if LB68 is passed, it will never be possible for a law like that to be passed in this city. I oppose laws which allow guns everywhere because I don't think it's safe to have firearms on college campuses or in schools. My own daughter has told me that if she had had access to a gun when she was clinically depressed last year, she would have used it to end her life. I believe that firearms on campus and in schools endangers the lives of students who are at the age when they make impulsive decisions which cannot be undone. I believe this preemption law is the first step toward guns on campus by removing local control. I think that metro areas have different crime problems than smaller cities and towns, and it is important for

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large cities to have the right to propose and enact laws to keep citizens safe. I hope you will vote against this bill. Thank you. [LB68]

SENATOR MURANTE: And thank you for your testimony. Are there any questions? Seeing none, thank you for coming down today. Welcome. [LB68]

NICOLE HULSTEIN: Hello. My name is Nicole Hulstein, N-i-c-o-l-e H-u-l-s-t-e-i-n, and I live in Omaha. I'm a member of Nebraskans Against Gun Violence. And I have worked as a teacher for nearly ten years throughout the state in a variety of elementary schools. I strongly oppose LB68 because it would not only allow guns in areas that I do not feel guns belong in, such as parks and pools, but it would also make it easier for people that lack training, experience, and even the ability to pass a background check to carry guns. If passed, LB68 would also make it easier to allow guns in schools. As a teacher, I am deeply concerned about this. Guns have nowhere...no business being anywhere near schools and innocent children. I think owning a gun is a major responsibility and looking up local laws is just part of that responsibility. I think it's not worth it to take away the freedom of local cities and towns to set up common-sense gun policies, to regulate guns and make it safer for people and families in our communities. Local law enforcement and local government officials are the ones that know best on how to keep their community safe, and they are the ones that should determine local public safety policies, not state legislators who are often unfamiliar with an area and who often accept money to vote a certain way. I was born in Hastings. I have lived in Kearney, Lincoln, Plattsmouth. I've lived in western Nebraska and Scottsbluff. I went to high school there. I'm now in Omaha so I know first-hand the differences between areas and what it's like. Definitely we know that a larger community like Omaha and even Lincoln, it's very, very different from a smaller community like Chadron on the other end of the state. Stripping the ability of the local governments in communities to regulate guns locally and create policies that will keep families safe, in fact, it will actually do the opposite. We need to consider the seriousness of the very needs of those communities. I want to talk about a state that actually has preemption right now, one of the many states, Pennsylvania. They actually have the broad firearm preemption law. Pennsylvania's restriction actually had deadly results. On August 5, 2013, an armed man entered the Municipal Building in Ross Township and shot and killed three people and injured at least two others. Because of the state preemption law, Ross Township officials were powerless to prohibit this man from bringing a gun into the building. If made into a law, LB68 would also give the NRA and other organizations the power to sue a county or city that passes something they believe will help a community stay safe and ultimately work to reduce gun violence. A corrupt organization like the NRA should not, absolutely not, be given such power. We should be safeguarding against these types of things. I don't need to remind you that gun violence is a serious, serious public health issue with over 30,000 people killed each year nationally and 1,406 people were killed in our state alone, from 2002 to 2011, according to the Centers for Disease Control and Prevention. According to the gun violence archive just last year alone, 218 Americans...or,

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excuse me, Nebraskans were shot, with 55 killed. These numbers do not even accurately reflect the number of suicides in our state that often go unreported by the local news. As a state, we need to focus on what we can do to prevent deaths from gun violence and we should be working with local governments to strengthen gun laws, not loosen them, especially since data suggests otherwise. Looking at the state of California, it's one of the few states that's resisted the firearm preemption and has been working to strengthen gun laws for the past 20 years. According to a study by the Law Center to Prevent Gun Violence, which took into account California's expanded population, gun violence across California dropped 56 percent from the years 1993 to 2010. Seeing gun deaths go down, over half across the state as a result of tougher gun laws, including these local policies about guns, California continues to create common-sense gun policies, especially those locally, to help lower gun deaths. Again, taking away local...the power of local communities just seems very wrong and backwards. We could give...continue to give the local law enforcement power and even the ability and the discretion to deny a license to carry a concealed weapon, and give local governments authority to regulate firearms and ammunition, similar to a state that has significantly lower gun violence. [LB68]

SENATOR MURANTE: Do you have any concluding thoughts... [LB68]

NICOLE HULSTEIN: Yes, I do. [LB68]

SENATOR MURANTE: ...to wrap it all up? [LB68]

NICOLE HULSTEIN: I would just ask yourself, as a legislator, what is your job? Is it your job to value human life? This should be a priority for you, preventing death in our state. As a legislator, think about that and think about what's best for our communities and our families and individuals that you represent. I urge you, strongly urge you as a teacher, as a member of this community, to vote against LB68. A vote against LB68 is a vote for public safety and for human life. Thank you. [LB68]

SENATOR MURANTE: Thank you. Any questions? Seeing none, thank you very much for your testimony. Welcome. [LB68]

MARY STILLWELL: (Exhibit 19) Hi. I'm Mary K. Stillwell, M-a-r-y K. S-t-i-l-l-w-e-l-l, and I oppose LB68. My objection to the state control of gun regulation is really one of common sense. I've lived in a variety of unique Nebraska areas. I was born in Omaha, lived on a Richardson County farm, in a small town, spent summers in Cherry County and actually we hunted in Cherry County in the fall, and currently live in Lincoln. In each of these places, various local laws and regulations, some relating to firearms, have been in place to serve the people of that community. I'm going to skip my next paragraph in the interest of time, but feel free to read it at

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your leisure. Let's turn to a very deadly and lethal subject--guns. Omaha, Lincoln, and other towns around the state have laws and ordinances designed to keep their citizens safe by restricting the sale, care, and use of firearms in a way that allows for the security and the freedom of its residents. These regulations vary from place to place, depending on their size, histories, geographic locations, etcetera. Some Nebraska towns, for example, don't allow firearms in their parks after dark. In others you can't leave your gun in your unattended car for over 24 hours. Omaha, where my stepsister served as a police officer for many years, has a better, although not perfect, system of gun registration. It's designed to keep citizens and police officers safer. If anything, it could be strengthened. All these local common-sense laws have been put into place legally, democratically, with the consent and knowledge of local citizens. This flexibility to develop and enforce laws as required by local citizenry is part of our American heritage. The patchwork is a legitimate quilt. Self-determination and liberty are at the heart of our democracy. City and town laws play an important role in making sure both are maintained. I'm wondering what is motivating this power grab by the state. Common sense tells us that we do not need "big brother" state and federal governments looking over our shoulders and telling us what each city's unique public health and safety needs are and how to meet them. Local laws work better. Six states without this kind of preemption law have a lower per capita rate of deaths by firearms than those that do. That should tell us something. LB68 robs us of our freedom and our responsibility to keep our communities safe through appropriate gun legislation. I oppose LB68 and ask you to oppose it on my behalf and on behalf of all Nebraska citizens. Thanks. [LB68]

SENATOR MURANTE: And thank you for your testimony. Are there any questions today? Seeing none, thank you very much. [LB68]

MARY STILLWELL: Thanks. [LB68]

SENATOR MURANTE: I've received a few inquiries from the media about whether or not there would be an Executive Session and a vote on this bill today, and there will not be an Executive Session and there will not be a vote on this bill today. So just wanted to put that on record. [LB68]

JO ANN EMERSON: Hello. [LB68]

SENATOR MURANTE: Welcome. [LB68]

JO ANN EMERSON: (Exhibit 20) My name is Jo Ann Emerson, J-o A-n-n, E-m-e-r-s-o-n. I live in Lincoln, Nebraska, but I'm also a former resident of Lincoln, Colorado, on the date of April 20, 1999, when the Columbine massacre happened. I sit here before you with a cautionary tale.

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This is written by Mayor John Hamilton in...from Bloomington, Indiana. He says--this is a July 21, 2016, Op-Ed for The New York Times: I'm the mayor of a small Midwestern city and I'm at my wits' end about guns. My first job is to keep my city safe, but two recent events showed me the limits of what I can do. Item 1: On a beautiful day this summer, our public swimming pool was full of kids taking lessons with their families enjoying the sun. A man arrived and walked around the pool with a handgun visible on his hip. He was not a law enforcement officer in uniform, just a parent it seemed, unknown to most there, walking around the pool, packing a pistol. No one had any idea if it were loaded or not. You can imagine the stress and worry this led to and the memories of Orlando, San Bernardino, Charleston, Newtown, I'll add Columbine and so on fresh in people's minds. Item 2: For our annual Fourth of July parade downtown, the sidewalks and streets were packed with thousands of children, parents, students, retirees, all in their patriotic finest. A float rolled by featuring armed men from a private firearms training center with military-style machine guns held at the ready, ammunition belts attached, atop a pickup truck. The celebration took a nervous turn. All this was happening with then-Governor Mike Pence, and we know the rest of that story. But what I'm...I'm going to paraphrase the rest because of time. My constituents aren't all against guns. They respect the Second Amendment rights. They just don't want handguns carried around in their public schools. They don't want machine guns in their parades, nor does my police department, nor do I. In fact, my city used to have reasonable restrictions in place on the possession of firearms in parks, city facilities, and at city council meetings. But five years ago the state legislature prohibited cities from enforcing virtually any individual local regulations of firearms, ammunition, or their accessories. The statehouse said we couldn't restrict what kinds of guns and ammunition can be carried, worn, displayed, concealed, transported, etcetera, etcetera, etcetera. I will leave the rest of this article for you to read, but I sit here as a concerned citizen of Lincoln, Nebraska, one who has witnessed on the news my children's friends and my neighbor's children run from a schoolhouse. So we need to make sure the NRA's money does not tarnish the fine image of Nebraska's Unicameral, the one I was so excited to come and witness because there was not partisan politics. So I urge you, please kill this horrible bill now and keep our children safe. Thank you. [LB68]

SENATOR MURANTE: And thank you. Any questions? Seeing none, thank you for your testimony. Welcome. [LB68]

REBECCA SMITH: Hello. My name is Rebecca Smith, R-e-b-e-c-c-a S-m-i-t-h. I am a resident of Omaha, Nebraska. I oppose this law. It is a dangerous law that would paralyze our cities and towns from passing safe and sensible gun regulations that keep our communities safer from gun violence. If the law passed, it would mean that people would be allowed to bring guns into children's public spaces, including parks and swimming pools, and allow people without training or the appropriate permit to open carry a gun. I am a nanny and I want myself and the families I work for to feel safe about going to the pool, the park, and any other public space. Omaha suffers the highest rates of gun violence in the state and so it makes little sense to me that its laws and

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regulations would be the same for it as small-town Nebraska. Omaha should have the power to put regulations in place that are appropriate for the needs of its community. I believe that we must take responsibility in the role of lessening gun violence instead of passing laws that weaken our ability to do so. I do not see why, if you are the owner of a dangerous and lethal weapon, you could not deal with doing a little research on what every city permits and does not permit and, thereby, plan ahead accordingly if you plan to travel to that location. This seems like small potatoes in comparison to the safety of an entire population of a city. Thank you. [LB68]

SENATOR MURANTE: And thank you for your testimony. Are there any questions? Seeing none, thank you very much for coming down today. Very good. Welcome. [LB68]

LYDIA PRESLEY: Hello. My name is Lydia Presley. I'm a citizen of Nebraska and I'm not a member of the NRA. The NRA does not represent me; my city councilmember does. I am here to state my opposition to LB68. I have read the bill and I object to removing the local gun ordinances in Nebraska. My objections are informed by my own history in this state. I was raised in Omaha, Dundee area. I attended UNL in 1994 through 1995. That year, we know, is famous in Nebraska history for the year that Tom Osborne led the Cornhuskers to a national championship. At a time when I should have been celebrating, I was a victim of a sexual assault. I didn't speak up. The man that committed the assault had bragged about his guns in my presence. He was from western Nebraska. I was scared of him. I am not that 18-year-old girl anymore. I want my story to be one that advocates for women who are struggling in similar situations. And loosening our gun laws here in Nebraska is not the answer. Lincoln is a city that has a high number of young people who are on their own, sometimes for the first time, and are participating in adult relationships, sometimes for the first time. Lincoln should be able to address the unique problems that arise in that context, such as prohibiting guns in domestic violence safe houses. That's all. [LB68]

SENATOR MURANTE: Thank you very much for your testimony and thank you for sharing your story with us. Appreciate it. Any questions? Seeing none, thank you. Welcome. [LB68]

CARRIE SCHAFFART: First time doing this. [LB68]

SENATOR MURANTE: All right. [LB68]

CARRIE SCHAFFART: (Exhibit 21) My name is Carrie Schaffart, it's C-a-r-r-i-e S-c-h-a-f-f-a-r-t, and I oppose LB68 firearm preemption. My story is that I was a customer at Von Maur when the mass shooting happened there. My husband was shot in the arm and in the finger. I was diagnosed with PTSD from the experience and still suffer from it to this day. When I reflect on that experience, I remember a lot of pain and fear, but I also remember the police who showed up

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to protect and escort my husband and myself to safety. Now I feel like we're considering a bill that would make the job of these heroes less safe. Cities should have the right to determine how best to approach gun safety, and the police should have all the tools that a city determines it needs to best do their job. They protect the cities and the cities need to have the right and the ability to protect them. Okay. [LB68]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions, Seeing none, thank you for coming down today. Welcome. [LB68]

DAVID DeMARCO: (Exhibit 22) Hello. My name is David DeMarco, D-a-v-i-d D-e-M-a-r-c-o, and I own a business that employs 14 people in Omaha, Nebraska, where I'm also a resident. And I'm here today to talk about what I've learned about firearm preemption laws regarding LB68. I am not a gun owner so I had no idea about the different gun laws and how they vary from city to city in Nebraska. However, I presumed that all gun owners would be familiar with these laws considering that anytime I've watched a video of someone open carrying and being stopped by the police the responsible gun owner is able to rattle off statute numbers and amendments, all while brandishing his firearm in front of the police without being arrested. So thinking of these sorts of people, I went to the one place I could think of to explain preemption to me--the NRA's Web site. Here's what seems to be the main point of why the NRA believes cities like Omaha and Lincoln should not be able to pass firearm laws that may be stricter than in other parts of the state. I quote, "It creates confusion when laws vary widely within a state, potentially placing otherwise law-abiding citizens at risk of violating an ordinance of which they were not previously aware, as they travel within their states." Okay, so what that says to me is that gun owners cannot be bothered to learn if the place they are traveling to allows open carry of guns in vehicles or valid conceal carry permit or whatever else someone else...whatever else someone might have to know if they owned a gun. This wreaks of irresponsibility. Since I don't own a gun, I'm going to use something I do own that has a set of laws that vary from place to place in Nebraska, that I have to license, and that requires me to be a responsible owner--a dog. In Omaha and Lincoln, I'm required to pick up after my dog on public and private property, but in Gretna I don't have to. There is no "pooper scooper" ordinance in Gretna. Well, shucks, that's plumb confusing! Had I not sat down and looked at "pooper scooper" laws, I might have picked up after my dog the next time I visited Gretna. And those poor people in Gretna! If they come to Omaha and bring their dogs, they might get a ticket for not picking up the dog's number twos. I guess the only solution is to get rid of all "pooper scooper" laws and let responsible pet owners decide to pick up poop themselves. Of course, that would be ridiculous because then the streets of cities with high populations and dog ownership, like Omaha and Lincoln, would be strewn with dog mess everywhere and it would be awful. I imagine it would be much more awful if Omaha and Lincoln lost the ability to pass common-sense gun laws within our city limits regarding the proper handling of firearms. Last time I checked, there was a Blue Lives Matter billboard on my way to work. I would hate to think of what might happen to police in a city like

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Omaha if they lost some of the tools that protect them from ill-gotten firearms. And while we're on the subject of dogs, let's talk about owning a pit bull in the state of Nebraska. Everywhere in Nebraska there are bans or restrictions on owning a pit bull. And why not? It's a dangerous dog, responsible for killing zero people in Nebraska since 2009. Oh, sure, they bite and maul, almost as much as five other breeds that aren't banned currently by our state. But the point is that the handful of times people were injured by pit bulls, the towns and cities in Nebraska took action making ownership of this type of dog restricted or banned completely based on what seemed appropriate for their community. It's how the law is supposed to work. Would you like to know how many people were killed by firearms in Nebraska since 2009? I can tell you it is not zero. It's 952; 952 people have been killed by guns in Nebraska since 2009 and I'm sitting here talking about a bill that would lessen firearm laws across the state. That strikes me as unbelievably backward. This preemption bill is dangerous, unnecessary, and should not be passed. And if it is passed, then I'm afraid my dog has a date with your lawn and I am completely out of pooh bags. Thank you. (Laughter) [LB68]

SENATOR MURANTE: All right. I've never quite heard that sort of a comment before. Thank you. Are there any questions? Senator Lowe. [LB68]

SENATOR LOWE: Thank you, Senator. And thank you for showing up today and bringing some levity to this committee. [LB68]

DAVID DeMARCO: Ah, do not mistake my levity for being like thinking that this is a joke. I assure you, it is...I am serious. [LB68]

SENATOR LOWE: No, I understand. [LB68]

DAVID DeMARCO: Okay. [LB68]

SENATOR LOWE: But thank you for entertaining us. [LB68]

DAVID DeMARCO: Oh, thank you. [LB68]

SENATOR MURANTE: Thank you. [LB68]

DAVID DeMARCO: All right. Thank you very much. [LB68]

SENATOR MURANTE: Welcome. [LB68]

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CARMEN SMITH: (Exhibit 23) Thank you, Senators. Thank you, Chairman Murante. My name is Carmen Smith. It's spelled C-a-r-m-e-n S-m-i-t-h. I'm currently a teacher and a resident of Nebraska. I'm not a member of the NRA. The NRA does not represent me; my city councilmember does. I oppose LB68 because it is not a law that protects anyone's freedoms but, rather, one that infringes upon the rights of small city councils to pass local ordinances that they know from intimate knowledge of their communities to be needed and appropriate. LB68 is a law against laws and ordinances and, as such, constitutes nothing else than a legal straitjacket placed upon local municipalities by big government and special interest groups like the NRA. In addition to placing choke holds on sensible and democratically affirmed ordinances, such as Lincoln's firearm restrictions in domestic violence shelters, LB68 permits special interest groups to sue our Nebraskan cities for profit. Please consider the implications of this bill and its meaning to our democratic process for just a moment longer. LB68 is a law designed and written by special interest groups against local laws that keep our citizens safe. Since those laws might limit that interest group's long-term sales and profits, however, the "punishment" written into this law against laws for democratically passing a local ordinance is for-profit litigation. Can there possibly be anything more undemocratic than a bill that prohibits local governments from doing what they are elected to do by the threat of being sued, for profit, by private industries and their lobbyists? I beg you, as elected representatives of Nebraska's citizens, to consider the dangerous and undemocratic nature of this bill. LB68 does not seek to protect your freedoms, my freedoms, the freedoms of Nebraska citizens, or the freedoms of Nebraskan municipalities to self-govern. LB68 merely seeks to protect the special interests and profits of an industry that looks to you to quite literally shoot yourself in the foot and lame Nebraska's democracy. I look toward you as leaders and as elected representatives to put Nebraska's and Nebraska citizens' interests before those of outside industries and to refuse to advance LB68 for the freedom-crushing gag order it really is. Thank you very much. [LB68]

SENATOR MURANTE: And thank you for your testimony. Are there any questions? Seeing none, thank you for coming down today. Welcome. [LB68]

BEN KROEZE: (Exhibit 24) Welcome. Happy late, late Friday afternoon, everybody. My name is Ben Kroeze, that's spelled B-e-n K-r-o-e-z-e, and I live here in Lincoln. I love this state and I've lived here all my life. I've never testified about a bill before, but I thought this one was important enough to show up for because I believe its passage would be paid for with the blood of our citizens. I also want to say that I appreciate the opportunity to be able to speak to you guys today. It's a great thing to be able, as a citizen, to speak to my government directly. It's a great thing; maybe a little tedious though. (Laugh) Okay. I oppose LB68 because I don't want the NRA interfering in my city's democracy and because I believe this bill will literally cost lives without providing anything of concrete benefit to the citizens of Nebraska. This bill will take away important tools for our metropolitan communities in particular that they can use to reduce the threat of gun violence on citizens. It would also take away tools law enforcement can

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currently use in addressing and combating drug violence in our urban communities, and increase the dangers that law enforcement face in executing their duties. LB68 is baffling in its intent. It appears to be a response to the rising gun violence and mass shootings we have seen around the country, but common sense tells us its passage would likely lead to an increase in these problems, not a decrease. The bill would make an actual, verifiable problem worse in order to thwart an imagined "anecdotal" threat to our Second Amendment. This bill appears driven by paranoid ideological purposes rather than by the actual circumstances of our times, and I think it would be a travesty if we allow such a thing to pass given the precious costs. Thank you. [LB68]

SENATOR MURANTE: Thank you. Are there any questions? Seeing none, thank you very much for your testimony. Welcome. [LB68]

REBECCA JEWELL: (Exhibit 25) Thank you. I haven't spoken in a while. My name is Rebecca Jewell, R-e-b-e-c-c-a J-e-w-e-l-l. I am speaking in opposition of LB68 as a person whose life has been affected by gun violence. My sister attended high school and college here in Nebraska with the dream of becoming a teacher. On April 20, 1999, she was standing in the teacher's lounge at Columbine High School, just off the cafeteria, when shooting began. After hiding for two hours, she finally was able to flee to safety. My experience of that day was watching this tragedy unfold on television, knowing that my sister was inside the school but not knowing if she was alive or dead. Nearly 20 years later the trauma of that day continues to impact her and all of the people who love her. And some other people have spoken about trauma and it's important not to discount loss of life, not to discount injury but also recognize that there is lingering trauma from violent events that maybe didn't injure you physically. As several people have shared, LB68 will eliminate our rights to find a local solution for gun violence prevention. According to information compiled by the Gun Law Scorecard, "states that allow for local solutions to gun violence have lower rates of gun death." Every state that has retained the right to have local control of firearms also has the lowest rates of gun deaths, including Nebraska. There is a proven correlation between more guns and more deaths by gun violence. Many studies illustrate this fact, including one published in the journal Social Science and Medicine, which found that "states with higher rates of household firearm ownership had significantly higher homicide victimization rates of men, women, and children." People paid by the gun industry will deny this fact, just as people paid by the tobacco industry denied for years any correlation between tobacco and cancer and death, long after reasonable people concluded that smoking was linked to cancer. There is no evidence saying that more guns result in a safer society. All the evidence points in the other direction. If you pass this bill, one result will be more gun deaths in Nebraska. Your vote for this bill indicates that you accept those consequences and that you're voting against the interest of public safety in order to do a favor for the gun industry. Finally, this bill is not only problematic from a safety perspective but it allows and encourages the gun industry associations to sue our cities and towns if we decide to enact any regulation of firearms. The Beatrice 6 settlement facing Gage County is showing us the tremendous burden that county or municipal

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lawsuits could have on taxpayers. By voting for this bill you would be handing our rights over to make local decisions about local issues and you would be holding us hostage to an industry seeking to make a profit off of us in any and every way possible by selling us their product or by suing us or both. I hope that you vote no on this bill. [LB68]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you very much for coming down today. Welcome. [LB68]

JAY GRABOW: (Exhibit 26) Thank you. Good afternoon. My name is Jay Grabow, J-a-y G-r-a-b-o-w. I'm a lifelong resident of Omaha, Nebraska. My representative in the Unicameral is Senator John McCollister. I've never spoken before a government committee before because I've never felt compelled to do so. Government always seemed to be working as intended, enacting some laws I liked and some laws I didn't like. But nothing, until now, has seemed so far from the mainstream that it spurred me to appear before a government committee to speak out. Others here have spoken in detail about the absurdity of LB68--this ridiculous bill to prevent local communities from enacting ordinances that they determine necessary to protect their own citizenry. I do not intend to go on in detail about the ways this bill will put lives at risk. You've already heard that. Instead, I'll focus on the fact that this bill, along with all other so-called preemption laws, is an atrocious assault on the very concept of self-governance, a concept as old as America itself. One need only drive through the city of Omaha from north to south or east to west and then drive through Lincoln, Columbus, Broken Bow, or any other municipality to realize that no two Nebraska towns are alike. Each has its own culture and its own unique problems. And each of these communities must be able to enact ordinances that address their unique problems that state and federal laws fail to address. This concept is the root of the American value known as self-governance. LB68 has the fingerprints of the National Rifle Association all over it. While some call the NRA a grass-roots organization, it has actually evolved to focus less on individual members, less on safety, less on the concept of responsible gun ownership, and more on the interest of gun manufacturers, their profits, and on lobbying against common-sense safety regulations. The NRA has become so reviled an organization that President George Herbert Walker Bush publicly canceled his membership in disgust. The very idea that the NRA can sue city councils who try to respond to gun violence is repugnant and counter to American values. LB68 is a thinly veiled assault by a national lobby to eviscerate self-governance. I urge the good senators of this nonpartisan Unicameral to reject this assault on self-governance and to listen to the people of the state of Nebraska. I think they've spoken well here today. Allow local communities to continue to debate and enact the ordinances that address their unique conditions. Thank you for the opportunity to speak. I hope you listen. [LB68]

SENATOR MURANTE: Thank you very much for your testimony. Are there any questions? Seeing none, thank you for coming down today. [LB68]

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JAY GRABOW: Thank you. [LB68]

SENATOR MURANTE: Welcome. [LB68]

MELODY VACCARO: (Exhibit 27) Thank you. Good afternoon again, Senator Murante. My name is Melody Vaccaro, M-e-l-o-d-y V-a-c-c-a-r-o, and I oppose LB68. I have to be honest with you. I am frustrated by bills being put forward year after year that take away tools of local government, encourage gun proliferation, and proponents using language that make it seem like guns are anything but killing tools that create real public health and public safety issues that must be addressed by government. They aren't safe and they kill freedom, they destroy families, and they take lives in homes and workplaces across our state. Just this month, February 2017, a teenage boy who had been raised around guns, had experience handling them, accidentally shot and killed his dad on his dad's birthday in Omaha while trying to unload a handgun he found in their apartment. Guns are incredibly dangerous. There's a reason that the constitution allows for guns to be well-regulated and the courts have upheld regulation. It's because a gun's only purpose is to quickly and effectively kill others. LB68 is a clear attempt to complete step one in a trend of gun deregulation that is being played out across the country. Communities are being forced to allow handguns at swimming pools, in their elementary schools, in government meetings, in polling places. In states like Florida, cities officials are being personally sued and in other places the NRA is suing entire cities, like in Seattle. I'm going to tell you a story to explain how loose Nebraska gun law already is regarding firearms and why it's so important that cities retain the tools to fill in some of these gaps. In the state of Nebraska there are few regulations that inhibit one's ability to buy, sell, and carry guns. I can purchase one or as many long guns as I want in a private sale without a background check. The seller is under no obligation to have a background check done, ask me if I'm prohibited, or see a purchase permit. Long guns include things like AK-47s, AR-15s and other guns styled like them, and rifles, and are generally a mass shooter's weapon of choice. I can then buy unlimited amounts of ammo and walk around in a local grocery store. And if people freak out, I could just repeat oft-told myths--assure them I'm protecting them with my behavior. Maybe I'd educate them that a gun is simply a tool like a hammer, not dangerous because only people are dangerous. Or I could just laugh at their fear. I could leave my guns in plain sight, fully loaded, with all the ammunition parked in the car for weeks at a time just about anywhere in Nebraska, which is just absurd. So the State Legislature has a great responsibility to provide (for) both rural and urban parts of Nebraska. This is most effectively done by allowing city councils and mayors do the detailed work of ordinances within a structure of laws provided by the state. This bill will cripple our state to function in this way. It's important for places like Lincoln and Ord to retain their local governing authority to assure that government works for all Nebraskans. I oppose LB68 and ask you do not move this bill to General File. [LB68]

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SENATOR MURANTE: All right. Thank you for your testimony. Are there any questions? Seeing none, thank you for coming down today. Is there additional opposition testimony to LB68? Any additional opponents? Is there any neutral testimony on LB68? Seeing none, Senator Hilgers. [LB68]

SENATOR HILGERS: Thank you, Mr. Chairman. Members of the committee, I appreciate your time this afternoon. I certainly appreciate all my fellow citizens taking advantage of the rights afforded to them here in the Unicameral and being heard. I certainly learned a lot and appreciated all the testimony from the proponents and opponents. I will try to be brief as I can, since I know it's late in the day on a Friday. There were a few points that came up in the conversation I'd like to address. I think first and maybe most important is the notion that this will increase the incidence of gun violence. And there's a lot of...there's been a lot of various statistics and points made. For instance, increase of the availability of guns increases gun violence and the like. I think it's important to focus on what is in front of us, which is not what has already been decided by the Second Amendment in Article I, Section 1 of the Nebraska Constitution, which is that we have the right to bear arms. We have the right to own guns. That's not the question. The question before us and before this committee, before the body is, what is the incremental change of LB68? And on that point, anecdotes and common sense for me at least, as a policymaker, are not a...are insufficient and not enough. And so while we have, on the one hand, some anecdotes from Sergeant Hanson suggesting that this increases the ability of police forces to arrest gang members, on the other hand I can point to anecdotes, for instance, the city of Omaha and the city of Chicago, both of which have registration ordinances, both of which have incredibly high levels of gun violence. So my goal is not to look at the anecdote. My goal is to look at the data. And the data in the studies that have been published, and I've referenced them before and I pulled them up as we were during the hearing, I want to read them into the record that relate to the efficacy of gun registration laws, which is what's at the core of LB68. I'm going to cite several of them: "The Effectiveness of State and Local Regulation of Handguns: A Statistical Analysis," from Martin Geisel; "The Impact of Gun Control and Gun Ownership Levels on Violence Rates," from the Journal of Quantitative Criminology; "Estimating the Causal Effect of Gun Prevalence on Homicide Rates: A Local Average Treatment Effect Approach," also from the Journal of Quantitative Criminology; the Canadian Firearms Legislation and Effects on Homicide 1974 to 2008," from the Journal of Interpersonal Violence; "Handguns, Gun Control Laws, and Firearm Violence," from Douglas Murray from the University of Wisconsin. All those I referenced deal with the question at hand, which is the impact of gun registration. None of them...all of them showed unanimously there's no correlation between gun registration laws and gun violence levels. There was reference that...there has been reference to the Johns Hopkins study, which I've not had the opportunity yet that relates to preemption, although I will note my guess is that that will be hard to show an apples-to-apples comparison because what we are dealing with, the variables differ between states. What is being not...the variable is not...is their preemption. The variables are what is being preempted. And so I'll look at that study and I'll look

to see if there's other impacts or if there are other states similar to Nebraska with similar laws that are being preempted. Again, the ones that have focused on this core issue are unanimous--no correlation, no causation between registration and gun violence. Secondly, early on in the testimony, Senator Blood focused on this, which is the Federal Transportation Law. There certainly is one there. There are a couple limits with that law, Senator Blood. One, it only does, as we discussed with interstate commerce. It also doesn't deal with, I'm sorry, interstate transportation. That's because of the Section 1 authority of Congress to regulate only interstate commerce. It impacts, however, only people who are driving through the state and destinations, Omaha or within the state, it does not apply. And secondly, that doesn't mean, while that may hold up in court, it doesn't mean that they won't have their handgun confiscated if they're driving through Omaha on Interstate 80, for instance. So they may have that...they may have the right to ultimately win in court. But if you're driving through Nebraska, that happens, it's a defense but it doesn't stop you from having it confiscated in the first place. Certainly I trust, in large degree, the prosecutorial discretion of our law enforcement officers, although that's...I don't think that's a strong enough read and protection for members of Nebraska for their state constitutional rights. There's also...there was some reference to this will open up the doors to domestic violence shelters, Memorial Stadium. People could bring guns just anywhere and anywhere...everywhere and anywhere. You know, that was a concern of mine when I first started researching and thinking about this, before I was elected to the Legislature, and the reality is that this is some of the...there are some jurisdictions that have ordinances relating to domestic violence shelters, in particular, Lincoln, but many do not. That does not mean that today you can bring a weapon into a domestic violence shelter. There are trespass laws, allow owners of private property to keep people out of their property with guns. That does not change with LB68. Similarly, although slightly different, the courthouse's point, Sheriff Wagner talked about this. This...we've discussed this in looking at whether the trespass laws would allow court houses to bring...to allow courthouses to keep individuals out with weapons. We certainly did not...intent of LB68 is not to just allow individuals to come in with weapons. That's one of the legal points we're researching. I do want to talk a little bit on my last couple of points regarding this notion that just anyone or the NRA and outside groups will be able to sue the state or, I'm sorry, counties or political subdivisions for profit. I just...I think that's based on an incorrect reading of statute in how these things will play out. Senator Briese, you've sort of focused on this. And I respectfully disagree with Ms. Rex's interpretation of the statute because the statute on page 15, lines 24-31, going into the next page, does set out who can sue, who has standing to sue. Ms. Rex suggested that either someone affected by the law or the NRA or some other group will be able to sue. That is absolutely not the case. Section on page 15, section (2)(a) and (b), (i) and (ii) lay this out. It does say who has standing is a person adversely affected by an ordinance, measure, and the like. Subsection (b) defines who that is. Sub (i), which is what Ms. Rex discussed, a person is an individual who legally possesses a firearm under the laws of Nebraska and that person was adversely affected. Okay. Fair enough. Section...subsection (ii), which is what Ms. Rex suggested opened the doors to organizations to sue. Subsection (ii) says the person is a

membership organization that includes two or more individuals described in subdivision (2)(b)(i). That's what I just read, subsection (2)(b)(i) is a person adversely affected by the ordinance in the first place. So if there's no individual adversely affected, there's no standing for an outside organization to sue. I would also note that there is actually a history of organizations, grass-roots organizations here in Nebraska, including the NFOA, that have helped with lawsuits. In fact, Omaha's ordinance has already been sued once for its unconstitutionality because it deprived, at one time, permanent residents the ability to register their own handguns. Supreme Court is very clear, permanent residents have the same rights, duties and responsibilities of U.S. citizens and so, therefore, that portion of the ordinance was ultimately settled. But they, because of...as part of that settlement, the ordinance was no longer enforced. The plaintiff in that case was a grass-roots organization. The other point I would make on this lawsuit notion is that the damages are limited to actual and consequential damages. So what's the...what happens? So we had a testifier earlier who might lose their job. That would be a consequential damage of...if it was based on, you know, a violation of the ordinance. That would be a consequential damage. It doesn't include punitive damage. These are consequential damages. For the lawyers here, are for making people whole, the person adversely affected whole. It is not for profit. It's to make someone whole. The other thing, the last thing I would mention on this is that I, in my experience, and certainly there have been other lawyers on the committee, other lawyers who testified, people may disagree or may have had different experiences, but I have never seen, I have never seen a state or the federal government or a political subdivision ever try to enforce a statute, ordinance, or other legal rule that has been repealed, has been declared unconstitutional, and/or has otherwise been declared null and void. This is a practical effect that should not happen. It is an easy fix for political subdivisions. To not be subject to such suits, don't enforce laws that have been repealed by LB68. So I think that concern is based on a misreading of the statute and I think it is...ultimately will not play into practice. I do have...and, Senator Blood, I'll give it to you, it's not (inaudible) I do have a couple of case examples that you may have some interest in. You know, the last thing I'll say is, you know, there were some...many testifiers had powerful testimony about their personal experience with gun violence. And as a father of three young girls--one will be five months next week, the next one will be two, my oldest is five years old--I take that very seriously, as I know everyone on the committee takes very seriously. And when I consider LB68, I consider the safety of my daughters when they're older or now, my ability to protect my family or my daughters' ability to protect themselves when they get older. I have no doubt the intentions of the opposers and the proponents, myself, the committee, no one wants to see an increase in gun violence. So I would ask the committee to look at the data, look at the information, and make its own judgment as to whether or not LB68 is a proper protection of our constitutional rights. I think that it is and I would ask the committee again to pass it on to General File. Unless there are other questions, I will... [LB68]

SENATOR MURANTE: Thank you, Senator Hilgers. Are there any final questions? [LB68]

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SENATOR WAYNE: I have one. [LB68]

SENATOR MURANTE: Senator Wayne. [LB68]

SENATOR WAYNE: I have two. You received a copy of what Officer Hanson...Sergeant Hanson gave you. How many of those were based off a registration issue? [LB68]

SENATOR HILGERS: So how many are there total? I think my...I haven't done a deep dive on it, Senator Wayne, but it does appear that maybe not all of them. I would assume all. Maybe it's slightly fewer. [LB68]

SENATOR WAYNE: Most of them were a possession issue, which you state in your opening is the main issue you want to preempt. [LB68]

SENATOR HILGERS: Correct. LB68 applies only to possession. [LB68]

SENATOR WAYNE: So there's ten issues here, all of them which are possession issues, would have been preempted in this case if your bill passes. [LB68]

SENATOR HILGERS: That's correct. [LB68]

SENATOR WAYNE: (Inaudible). [LB68]

SENATOR HILGERS: And may I...I saw what you're doing, qualifying the expert witness. That was good. But let me add that's what I was trying to say before. I mean these are powerful anecdotes, I have no doubt, but if they...and I haven't looked at all of them but assume they're (inaudible) for registration, you know, the plural...an old professor told me the plural of "anecdote" is not "data," and my job is to look at the data. I think I presented data and studies that have looked at this longitudinally, yes. [LB68]

SENATOR WAYNE: Right. But you would agree that the studies you quoted dealt with gun registrations, not city ordinances on possession. [LB68]

SENATOR HILGERS: Gun...well, right, but gun registration, if you don't have the registration you can't possess. [LB68]

SENATOR WAYNE: But there is a distinction in the law, correct? [LB68]

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SENATOR HILGERS: I would say a distinction without a difference, but fair enough. [LB68]

SENATOR WAYNE: Thank you. [LB68]

SENATOR MURANTE: (Exhibits 28-43) All right, seeing no additional questions, I just shuffled all my papers before we can read the letters into the record, which is right here. LB68 has letters of support from Dr. Cliff Leffingwell, Scott Smathers on behalf of the Nebraska Sportsmen's Association (sic--Foundation), Julie Delp from Lincoln, Rod Moeller from the Nebraska Firearms (Owners) Association; and letters of opposition from Bryon Line and Bud Clouse of the Nebraska Democratic Party, Mayor Chris Beutler of the city of Lincoln, Rodney Cupp from Wayne, Andie Cord from Papillion, Julie Phillips from Omaha, Kristine Genovese from Omaha, Calvin Clinchard from Lincoln, Rebecca Smith from Omaha, Rose Winter from I'm not sure where, Nancy Meyer from Cedar Bluffs, Nicole Wall from Ashland; and a letter in the neutral from ACLU of Nebraska. And with that, that closes our hearing on LB68 and ends our public hearings for the day. Thank you, everyone. [LB68]