

**LATHROP:** Good afternoon. Hey. Hey. Good afternoon. Welcome to the Judiciary Committee. My name is Steve Lathrop and I represent Legislative District 12 in Omaha. I am also the Chair of the Judiciary Committee. We have, for those of you that are not regular testifiers or who watch these hearings, we have some ground rules. And so I'd like you to-- if you intend to testify, this is going to be particularly important. On the table inside the door-- it's right over there-- you will find yellow testifier sheets. If you are planning on testifying today, please fill one out and hand it to the page when you come up to testify. There is also a white sheet on the table if you do not wish to testify but would like to record your position on a bill. For future reference, if you are not going to testify in person but would like to submit a letter for the official record, all committees have a deadline of 5:00 p.m. the last workday before the hearing. Keep in mind that you may submit a letter for the record or testify-- testify in person at the hearing but not both. And only those actually testifying in person at the hearing will be listed on the bill's committee statement. We will begin testimony with the introducer's opening statement, followed by proponents of the bill, then opponents of the bill. Let me say that again. We will begin testimony with the introducer's opening statement; then we take people who are for the bill, they will have an opportunity to testify; then we will take opponents of the bill; and then we will take those who are here in a neutral capacity. We will finish with a closing statement by the introducer if they wish to give one. We utilize an on-deck system here. That's the chairs immediately behind the testifier's table. Please keep the on-deck chairs filled with the next person to testify on the particular bill that we're hearing to keep the hearing moving along. We ask you keep-- pardon me. We ask that you begin your testimony by giving us your first and last name and spell them for the record. If you have any handouts, please bring up at least 12 copies and give them to the page. If you do not have enough copies, the page can make more. If you're submitting testimony on someone else's behalf, you may submit it for the record, but you won't be allowed to read it. We don't have people come up here and say, let me tell you somebody's story and then read-- read somebody else's letter. It's your opportunity to testify today. We will be using a light system. The first two bills will be on a three-minute light system. The next two bills, it depends on how many people are going to testify, and I'll get to that before we take up the third bill today. But for those in the first two bills, we will use a three-minute light system. When we-- when you begin your testimony, the light on the table will turn green. The yellow light is your one-minute warning. And when the light

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

turns red, we ask that you wrap up your final thought and stop. Because we have a lot of people here today, it is particularly important that you stop when the light turns red. As a matter of committee policy, I'd like to remind everyone the use of cell phones and other electronic devices is not allowed during public hearings. You may see senators use them. They're permitted to, to take notes and stay in contact with staff. At this time, I'd ask everyone to look at their cell phones and make sure they are in the silent mode. Also-- this is going to be important as well today-- verbal outbursts and applause are not permitted in the hearing room. Such behavior may be caused to have you excused from the hearing room. You may notice committee members coming and going. That has nothing to do with the-- how they regard the importance of the bill being heard but, rather, the senators have other bills to introduce in other committees or other meetings to attend to. Those are the ground rules. We will take the bills up in the order posted outside. The first bill we'll take up today is LB1221. But before we do that, we'll have the committee members introduce themselves, beginning with Senator DeBoer.

**DeBOER:** Hi. My name is Wendy DeBoer. I represent District 10, which is northwest Omaha, the city of Bennington and the surrounding areas.

**BRANDT:** Tom Brandt, District 32, Fillmore, Thayer, Jefferson, Saline and southwestern Lancaster County.

**PANSING BROOKS:** Patty Pansing Brooks, Legislative District 28 right here in the heart of Lincoln.

**CHAMBERS:** Ernie Chambers, District 11, Omaha.

**MORFELD:** Adam Morfeld, District 46, northeast Lincoln.

**SLAMA:** Julie Slama, District 1, Otoe, Nemaha, Johnson, Pawnee and Richardson Counties.

**WAYNE:** Justin Wayne, District 13, north Omaha, northeast Douglas County.

**LATHROP:** Assisting the committee today is Laurie Vollertsen, our committee clerk; Josh Henningsen, one of our two legal counsel; and our committee pages today are Ashton Krebs, Hallett Moomey, and John Otte of-- they're all students at UNL. They'll-- they will be the ones you hand that yellow testifier sheet to, or your white sheet if you do not wish to testify but want to record your position on a bill. As I said, the first bill we will take up is a Senator Wayne Bill, LB1221. Senator Wayne. Good afternoon.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**WAYNE:** Good afternoon, Chairman Lathrop and members of the Judiciary Committee. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent Legislative District 13, which encompasses north Omaha and northeast Douglas County. LB1221 is part of-- in part, adjusts the Controlled Substance Acts to place-- I'm not going to say the name right-- a drug, Nabiximols-- somebody behind me will be able to testify to the name-- in the list of Schedule V drugs to ensure that when they are approved by FDA, that they will be prescribed to patients and would benefit from the drug. The reason why we have to make this change is because this drug, this chemical name, is a prescription drug that contains a mixture of both CBD and THC. While we all know from legislative last year hemp is, and CBD oil is legal, this is made actually from THC. And because it has THC in it, it is listed as a Schedule V drug. Upon opening access to this drug, like we have done with other drugs-- in 2017 Senator Ebke passed LB147 as part of a larger package, which was LB487. LB147 made changes to the Controlled Substance Act to classify cannabidiol-- cannabidiol now contained in an FDA-approved product as a Schedule V drug. It has further made necessary definitional exceptions from other terms to provide FDA-approved cannabidiol would be treated as a Schedule V drug. This change was made to allow for prescriptions for Epidiolex-- I'm going to say that wrong-- a prescription drug already approved by the FDA, which contains CBD. Again, that CBD was made from marijuana plants. In a similar fashion to this, this is what's being done for Epidiolex and Nabiximols. I might be saying that wrong. Again, I've tried to pronounce it multiple times in three days and it just isn't coming out right. As the federal government reevals-- reevaluates its approach to CBD-- CBD in the wake of the farm bill, the DEA is likely to remove more cannabidiols from the list, but because these contain TH-- THC or they were produced from a THC plant, they're-- they have to remain some type of Schedule V or Scheduled III drug. More experts behind me will be following up and there will be probably one or two opposition testimony. And I-- and I get where they're coming from. These are people who-- and what I believe that CBD oil and THC for medical purposes should be able-- it should be available. But because these two particular products, particularly the one we're talking about today, is going through the FDA process and trials and went through trials, it is a prescription and we need to allow that to be utilized once it's approved by the FDA. With that, I'll answer any questions.

**LATHROP:** Any questions for Senator Wayne? I don't see any. Thanks for your work on this subject. I know you've put a lot of time into not just this but the bills that you passed last year.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**WAYNE:** Thank you.

**LATHROP:** How many people are here to testify on this particular bill? OK, we'll take proponent testimony. You may come forward. Will somebody alert Senator Hunt we only have three or four testifiers? Good afternoon.

**JAN DALKE ANDERSON:** Good afternoon, Senator Lathrop and members of the Judiciary Committee. For the record, my name is Jan, J-a-n, Dalke, D-a-l-k-e, Anderson, A-n-d-e-r-s-o-n. I was born and raised in Nebraska and currently am a medical affairs associate director for Greenwich Biosciences, the world leader in cannabinoid prescription medicines. I am here today to respectfully request your support for LB1221. I will begin with information on multiple sclerosis, MS spasticity. I will also talk about Nabiximols and then close with Epidiolex. When we look at the incidence and prevalence of MS spasticity, it is the most common symptom seen in over 80 percent of MS patients. It manifests as involuntary muscle stiffness and or spasms and is associated with basic functional impairments such as climbing stairs, walking and sleeping. It also exacerbates other MS symptoms such as pain and reduces quality of life. Sadly, the incidence and severity of spasticity increases as MS progresses. The symptomatic treatment of MS-- MS contributes considerably to the reduction of disabilities; however, undertreatment of MS spasticity is common and standard treatment options often fail to provide adequate symptomatic control. Greenwich Biosciences is advancing a late-stage development program to seek FDA approval for the prescription medicine Nabiximols for the treatment of MS spasticity in adults. Nabiximols is a complex botanical mixture containing well-described cannabinoids, delta-9-tetrahydrocannabinol, THC, and cannabidiol, CBD, as well as noncannabinoid components. This is a medication that would need to be prescribed by a physician and dispensed by a pharmacist upon FDA approval. For these reasons, Greenwich Biosciences is asking support of this bill to reschedule Nabiximols upon FDA approval and DEA scheduling, like you did for Epidiolex, CBD. Because of your passing of the bill in 2017, there have now been 20 specialists who have prescribed 1,300 patient months of Epidiolex therapy for people in Nebraska with rare epilepsy syndromes. In regard to descheduling Epidiolex, due to the 2018 federal farm bill, maintaining FDA-approved cannabidiol, Epidiolex, as a controlled substance is no longer necessary. It is likely that the DEA will take similar action with CBD in its schedule of federally controlled substances. Thank you. It's been my honor-- my honor to testify before you today.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**LATHROP:** Thank you very much for your testimony. Any questions for Ms. Dalke Anderson? Senator Brandt.

**BRANDT:** Thank you, Ms. Dalke Anderson, for appearing today. This would be the second marijuana-based drug approved by the FDA. Is that correct?

**JAN DALKE ANDERSON:** Correct.

**BRANDT:** Do you know what the efficacy of this new drug will be on this particular condition? I mean, does it reduce it by 50 percent or 80 percent?

**JAN DALKE ANDERSON:** So currently clinical trials are underway. Our phase three clinical trial program is just beginning, so we do not have that information currently for this particular product. It's going under effic-- efficacy and safety research right now.

**BRANDT:** OK. And then that is the typical procedure on a drug that comes forward for us for approval. Is that correct?

**JAN DALKE ANDERSON:** Absolutely. So once that information is known, that is submitted to the FDA and the FDA will review all of our data and subsequently go and make sure that the plant where the product is made is also up to-- up to speed in the purity and how the process is taking place for the production of this product.

**BRANDT:** All right. Thank you.

**LATHROP:** I don't see any other questions, but thank you for your testimony and being here today.

**JAN DALKE ANDERSON:** Thank you.

**LATHROP:** Any other proponents of LB1221? Anyone here in opposition? Good afternoon.

**JOHN CARTIER:** Good afternoon, members of the Judiciary Committee. For the record, my name is John Cartier, spelled J-o-h-n C-a-r-t-i-e-r. I'm testifying today as a private citizen in opposition to this bill. I'm a husband, a father of two, an attorney, and have been an advocate for cannabis rights for Nebraska for the last six years. I struggled with deciding whether to testify in neutral capacity or opposition but came to the conclusion that I needed to stand behind my principles. I'll preference [SIC] my testimony by saying if you believe that Nabiximols-- I believe that's how it's pronounced-- will help even

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

just one Nebraskan find relief they so desperately need, then you should advance this bill out of committee and support it on the floor. Furthermore, I do support removing cannabidiol from the list of Schedule V drugs, controlled substances. However, it seems to me that CBD products are already legal here in Nebraska since I can go into Whole Foods today, or even Ace's Hardware, and purchase them over the counter. While-- what I support is completely removing cannabis and cannabis-derived products from the scheduling system. What I support is a free market-based approach where patients can choose what already exists and is readily available. What I do not support is this "poison pill" approach from pharmaceutical giants, such as GW Pharmaceuticals and others, who are trying to patent cannabis-based medications and charge exuberant sums for their use. During my time as a cannabis advocate, I've heard the same line over and over again: Marijuana is too dangerous and so addictive that it can't have a place in our society. This is just false and is usually a lie peddled by politicians who line their pockets with money from tobacco, alcohol and pharmaceutical companies. Overwhelming evidence shows that marijuana is far less dangerous than alcohol; it is even less addictive than a cup of coffee. Its medicinal properties are used to treat seizures, PTSD, multiple sclerosis, cancer, wasting syndrome, severe pain, severe nausea, Crohn's disease. And I could go on and on, but I don't got the time. Despite all this, cannabis is still a Schedule I drug in Nebraska, on the federal level. Schedule I drugs are defined as substances or chemicals with no currently accepted medical use and a high potential for abuse. Another example of a Schedule I drug is heroin. Does that make sense to you? Or how about this? Why is PCP, oxycodone and meth Schedule II drugs? On what planet does that make sense? You might be asking yourself, but, John, why don't we just trust the FDA process to ensure we have medications that are safe? Well, let's talk about the FDA process. Did you know the FDA is a revolving door between regulators and industry players who have the money and influence to play the game? Did you know the existence of studies that suggest FDA-approved drugs are responsible for over 100,000 patient deaths every year? Did you know that prescription drugs have a 1 in 5 chance of causing serious reactions after being approved? Did you know that there are over 2 million serious adverse drug reactions from FDA-approved drugs every year? Did you know adverse drug reactions are the fourth leading cause of death in the United States? Did you know that while tens of thousands of people were dying, the FDA failed to properly police the program meant to curb the opioid epidemic? Did you know that marijuana, in its 10,000-year documented use by humans, has never killed a single person? Did you know that our system is not built for patients but for

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

profits? Independent reviews over the past 35 years have found that only 11 to 15 percent of newly approved drugs have a significant clinical advantage over currently existing drugs. This means to me that the process is not about helping patients, but it is about introducing new products into the market to increase shareholder value. May I finish?

**LATHROP:** No. John, I think-- I think we got the point.

**JOHN CARTIER:** OK.

**LATHROP:** And you made your point well.

**JOHN CARTIER:** Last thing, Ecclesiastes 38:4: The Lord hath created medicines out of the earth and he that is wise shall not abhor them. Thank you.

**LATHROP:** OK. Let me make sure there's no question before you get away from us. Any questions for this testifier? OK, I see none. Thanks for being here today. Next opponent.

**BILL HAWKINS:** Chairman Lathrop, Senators of the Judiciary Committee, my name is Bill Hawkins, B--

**LATHROP:** Bill, we're going to make sure you speak up loud so everybody can hear.

**BILL HAWKINS:** OK. Can you hear me?

**LATHROP:** Yeah, better.

**BILL HAWKINS:** Maybe I been-- might be losing my hearing.

**LATHROP:** If you people at the back or anywhere have trouble, just give me this sign and we'll--

**BILL HAWKINS:** OK.

**LATHROP:** --make sure the speakers are speaking loud.

**BILL HAWKINS:** OK. Again, my name is Bill Hawkins, B-i-l-l H-a-w-k-i-n-s. I'm with the Nebraska Hemp Company, a nonprofit that has been working to-- on reforming unjust cannabis laws in the state. And so I appreciate Senator Wayne bringing this bill. Any clinical trial, science-based evidence that we can find with this plant is beneficial to everybody in understanding how the plant works and its benefits. I am surprised the Attorney General isn't here in that we

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

are looking at releasing that deadly THC molecule and removing it from the Controlled Substance Act. I did some research on clinical trials and PubMed and research on GW Pharmaceutical, which is an English-based company, Britain. I appreciate the previous testimony and I will add one thing to the FDA and pharmaceutical drugs is that most ingredients for pharmaceutical drugs are produced in third-world countries, primarily in China, where we are looking at shortages of our pharmaceutical drugs as the coronavirus continues to spread and shuts down China's manufacturing. So this product, in looking at the clinical trials, it has a list of side effects. In discussing it with somebody yesterday, side effects of pharmaceutical drugs are not side effects. They are affects. They actually affect people. And that's something that is used by the pharmaceutical company to explain the effects of their drugs. Not cost-effective was one of the list. I have a pamphlet I gave to you. In the side of-- in the things against Sativex, or what it is known, its common brand name, the National Institute of Health and Care Excellence does not recommend Sativex as a cost-effective treatment. It is far too expensive for many patients and is not a feasible treatment option. This legislative body has not addressed medical cannabis for people across this state, and yet we want to legalize this pharmaceutical drug for a foreign country. I would look at the side effects. This is a comparison of medical cannabis and this drug. Any research we can do is great, but I would greatly appreciate looking at the medical cannabis issue for people in this state. This is a THC/CBD combination. If a patient, and I have many friends who have MS, if they need a Blue Dream strain with a terpene, they don't have it in this drug. So I appreciate your time. And-- and again, you're going to have a long evening.

**LATHROP:** We are.

**BILL HAWKINS:** So thank you. and appreciate your time.

**LATHROP:** Thanks, Bill.

**BILL HAWKINS:** So look at any questions.

**LATHROP:** Any questions for Mr. Hawkins? I see none today. Thank you for being here.

**BILL HAWKINS:** Thank you and have a good day.

**LATHROP:** Yeah, you do the same. Anyone else here to testify in opposition? Anyone here to testify on this bill in a neutral capacity? Seeing none, Senator Wayne, you may close. We do have a letter from



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

Joni Cover in support. She's with the Nebraska Pharmacists Association.

**WAYNE:** I do want to mention for the record, there will be an amendment coming to the committee. We are working with the AG just to make sure that there's some language that's clear on what-- where it needs to go and what needs to happen. It is no secret that I'm in favor of medical cannabis and, for that matter, recreational cannabis. And it's always a interesting spot to be put in where you try to move in steps. And this is just one more step to (1) get more data; but (2) make sure that if this drug is available this year, that we can be able to allow our Nebraskans to-- our doctors to subscribe it-- or prescribe it because of how our body works, it would have to be a whole year later, until next year, and that's why this bill came forward this year. I'll answer any questions.

**LATHROP:** I don't see any questions. Thank you, Senator Wayne. We appreciate that. That will close our hearing on LB1221 and bring us to Senator Hunt's LB872. How many people intend to testify on this bill by a show of hands? It looks like four, five, six people-- six, seven? OK. Somebody can let Senator Cavanaugh know. Senator Hunt, you are welcome to open on LB872, and welcome to the Judiciary Committee.

**HUNT:** Thank you, Chairman Lathrop. Good afternoon, Chairman Lathrop and members of the Judiciary Committee. My name is Senator Megan Hunt, M-e-g-a-n H-u-n-t, and I represent District 8, which includes the neighborhoods of Dundee, Benson, Keystone, and midtown Omaha. Today I am presenting LB872, a bill that repeals the language of LB209 codified in Section 28-327. Last year, LB209 was introduced and passed in the Nebraska Legislature. Oh, pages, I've got a couple things here too. Thanks, John. All right. Last night-- or last year, we passed LB209. This bill required abortion providers to inform patients that it may be possible to "reverse the effects of medication abortion." It further required the state to provide materials, including contact information for patients to finding a provider that will administer what is called a "abortion reversal" pill. There is truly no scientific evidence that suggests that this procedure is legitimate, and we talked about that at length last year, of course. Without any scientific proof, some anti-abortion politicians rushed through legislation that requires doctors to tell medication-abortion patients about an untested theory that their abortion can be stopped midway through the procedure. In light of new evidence that came out in December last year, I drafted and introduced this bill to repeal the language of LB209. Last fall, the University of California at Davis conducted a study on the abortion reversal pill. The authors took the

question seriously but had to stop the study early because of the findings that it's dangerous for patients to not complete the-- the two-drug, medication- abortion regimen. The research planned to enroll 40 women in a randomized, controlled trial. Women took mifepristone, which is the first pill in the two-pill regimen, and then were randomized to start either a high dose of oral progesterone or a placebo 24 hours later, and they were to use those drugs until the study was completed. Participants were to follow up with the physician for two weeks. The study was stopped for safety concerns when a quarter of the enrolled participants experienced horrible hemorrhaging, with three patients requiring ER transport and a blood transfusion. All women except one experienced bleeding. That's why the study had to be un-double-blinded. The FDA had to be called in and they had to stop the whole study because the very treatment that the Nebraska Legislature voted to say is safe for women and were going to tell women who want to stop their abortion procedure that this is something they should do safely, I'm saying that a study came out in December showing that they tested that theory and they had to call it off because it was found to be so unsafe for the patients. This study raises serious safety concerns about not completing the evidence-based medical abortion regimen. The first pill in a medication abortion, mifepristone, is not intended to be used without following up with the second pill, misoprostol, within 24 to 48 hours. The study shows that there are serious medical concerns about encouraging patients to seek out a treatment that is not grounded in science, medicine or reality. And I also want to say for the record, this isn't from my notes, but this is still not to say that it isn't possible to-- to confound and interrupt the effect of mifepristone, that first pill. There may be a way. There may be a way to stop the effects of mifepristone for that very small percentage of women who do change their mind. We do care for them and we want them to go back to their physician to continue caring for their pregnancies. But as I said last year during the debate, there is not evidence today that that's possible. And now we have even more new evidence, as came out in December, showing that going through this procedure, as prescribed by the Nebraska Legislature, as recommended by the abortion pill reversal hotline that DHHS recommends that these patients call, that this is leading to serious bleeding and this just isn't safe for women. The legislation that we passed last year was dangerous, it was irresponsible, and it threatens the health of, safety of patients and women in Nebraska. We should not be passing laws that encourage women to participate in an unmonitored experiment. That's what the enactment of LB209 has done to abortion patients in Nebraska. Unlike monitored studies, the state and these patients have no ability to stop the experiment if safety

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

concerns are raised. I care about patients, we as lawmakers care about patients, and we should be embracing evidence-based practices, not promoting and encouraging bad medicine and telling physicians that they have to tell their patients something that isn't true. Thank you.

**LATHROP:** OK. Any questions for Senator Hunt? Senator Slama?

**SLAMA:** Hi, Senator Hunt. Thank you for coming before us today. I just had a couple of questions starting off with the study you referenced. You said it originally planned to enroll 40 women, but it was cut off after how many women participated?

**HUNT:** Twelve.

**SLAMA:** So 12, so-- so if you're doing the half and half of one gets the placebo, one follows through with the actual trial, that's 6 participants, right?

**HUNT:** Um-hum, that's right.

**SLAMA:** OK. So we're making scientific conclusions on your part based on the results of six people participating?

**HUNT:** Yes. When you enroll 12 people in a study and a quarter of those people experience bleeding that is so violent and so dangerous and life-threatening that they have to be transported to the ER, that is enough evidence in a rigorous scientific study to call off the study and say this isn't a safe treatment. It does not necessarily correlate the progesterone treatment to the outcome of the bleeding because, of course, women who are in both the placebo and the progesterone group experienced the bleeding. So what that-- that really tells us is that it's not safe to stop the protocol.

**SLAMA:** So a person, a woman who changes her mind and freaks out, does not want to take the second pill, given the results of this study, you would say that she should seek medical treatment just because of the repercussions that could happen?

**HUNT:** Absolutely. I think that any patient who is going through a medication abortion and has questions about the procedure, second thoughts, decides I've made a horrible mistake, I don't want to do this, they should return to their physician who will then care for them and their pregnancy and make sure that they get the treatment that they need.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**SLAMA:** Right. So you are aware in LB209, we quite literally advise the women to seek medical assistance, correct?

**HUNT:** My problem with the bill is that it's referring patients to this abortion pill reversal hotline, which is a religious organization that promotes the treatment that has been found to be unsafe.

**SLAMA:** An abortion pill-- is there any mention of that in LB209, the abortion pill reversal?

**HUNT:** That's what's on the DHHS website, and that was the intention of LB209, as was-- you-- that's in the record.

**SLAMA:** Thank you.

**LATHROP:** Thank you, Senator Hunt. I don't see any other questions for you. I assume you'll stick around to close?

**HUNT:** Yeah. Thank you.

**LATHROP:** OK, very good. Then we will take proponent testimony. First person to testify in support may come forward. Good afternoon, Doctor.

**JODY STEINAUER:** Good afternoon.

**LATHROP:** Welcome back.

**JODY STEINAUER:** Thank you. Thank you for the opportunity to speak before the committee today. I am Dr. Jody Steinauer, J-o-d-y S-t-e-i-n-a-u-e-r. I'm a professor of obstetrics and gynecology at the University of California, San Francisco, where I provide clinical care, conduct research and direct programs on reproductive health. My clinical practice includes comprehensive reproductive health. I provide general gynecological care, including abortion care, and general obstetrical care, including prenatal care, and I deliver babies. I'm also a fifth-generation Nebraskan who grew up in Omaha. My great-great-great grandfather and his two brothers founded the village that bears our last name, pronounced Steinauer, in Nebraska, in Pawnee County, which I believe is in Senator Slama's district. And in fact, I watched the 2017 eclipse from my great uncle's farm in Steinauer. As a doctor, teacher, researcher, advocate for my patients and Nebraskan, I support this bill, LB872, which repeals legislation that requires doctors to tell medication-abortion patients about an untested and harmful theory. Laws like LB209, passed in the last session, are based on a theory that medication abortion can be stopped by changing the recommended medication protocol, and they force doctors to provide

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

medically inaccurate information that could harm women's health. As a physician, my duty is to care for my patients following the best scientific evidence. Patient-- patients need to be confident they are receiving medically accurate information based on thorough and factual research. Medication abortion is safe, as documented by numerous large, well-done studies. As a researcher, I can tell you there is no evidence to support the theory of reversal. And in fact, the only rigorous study showed evidence that it may cause harm. The concept that medication abortion can be reversed is experimental and should not be recommended. Much of the conversation regarding reversal comes from one physician who experimented on women without the oversight of an ethics committee or research institutional review board and followed women without appropriate consent. We should not make any conclusions from his unethical treatment of vulnerable women, so these laws are, by proxy, equally unethical. But I want to add one more point about his research. The current law requires physicians to refer women to your Department of Health and Human Services website, which refers them only to that hotline that was created by the physician who did this unethical research, instead of supporting them and recommending that they see their physician. A recent study led by the researchers at the University of California at Davis was the first ethically conducted, randomized study of this untested abortion reversal. This is the most rigorous testing that has been done, and the results raise serious concerns about the theory, as you heard a little bit about. It had to be stopped early based on recommendations by its data, safety, and monitoring board for safety concerns after only 12 women had enrolled because failing to complete the second step of the medication abortion resulted in 3 of the women requiring emergen-- emergency room treatment for hemorrhage. So the researchers recommended, and I concur with their recommendation, that states stop passing laws that force providers to discuss this option of interrupting medication abortion with patients. This is also supported by the American College of Obstetricians and Gynecologists. So please pass LB872.

**LATHROP:** OK. Any questions for the doctor? Senator Pansing Brooks.

**PANSING BROOKS:** Thank you for coming today.

**JODY STEINAUER:** Sure.

**PANSING BROOKS:** I appreciate it, Dr. Steinauer. So just-- you-- you teach as well as practice. Is that correct?

**JODY STEINAUER:** I do.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**PANSING BROOKS:** So you are a medical doctor, not-- and-- as well as teaching.

**JODY STEINAUER:** Yeah, I'm a physician, an academic physician, so I work in an academic hospital. And so I care for patients and I teach medical students and residents.

**PANSING BROOKS:** OK. I just want to make sure--

**JODY STEINAUER:** Yeah.

**PANSING BROOKS:** --it wasn't a doctor of philosophy, so--

**JODY STEINAUER:** No, no, no. I'm a clinician.

**PANSING BROOKS:** --I wanted to clarify for the record.

**JODY STEINAUER:** Yes.

**PANSING BROOKS:** Yes, OK, clinician, so-- and have you taken care of a woman after having taken mife-- mifepristone?

**JODY STEINAUER:** Yeah. I've taken care of many women who have had medication abortions.

**PANSING BROOKS:** OK. And what-- what are the best practices? What--

**JODY STEINAUER:** Well, the best practices are like we do with anyone who's thinking about an abortion. First, we spend a lot of time counseling them about their decision making and to help clarify whether they want to go through with it or not. And it's-- it's-- it happens-- it's not common-- that women would come to me thinking they wanted to end their pregnancy and after counseling and support, they might decide to instead continue the pregnancy. And what's really nice about my and many of my colleagues' practices, then I can see her for prenatal care and follow her through pregnancy. In-- once a patient has decided for sure to have an abortion, then, if they're before ten weeks' gestation, we counsel them about the option of having a medical abortion or a surgical abortion. And if a woman has-- chooses a medication abortion, then we do all the counseling about what to expect and then she can proceed. And I'll just add that the best estimates we have from the literature are that five women out of 100,000 who initiate a medication abortion decide to not take the second set of pills, the misoprostol. So the vast, vast majority continue. So it's very rare that someone would do the mifepristone and then decide to not proceed.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**PANSING BROOKS:** And-- and how-- so for the best practices that you perform medically and clinically, what-- how does that differ from the-- the Department of Health and Human Services' website here? Do you have some-- have you looked at our website--

**JODY STEINAUER:** I have, yeah.

**PANSING BROOKS:** --or DHHS, because Senator Hunt mentioned that and I've seen it too. So could you tell us how that-- the best practices differ from what is posted on the website?

**JODY STEINAUER:** Yeah. I mean, when we're taking care of a patient who is having a medication abortion, best practice, we follow up with her to see how it has gone. And so we would know the patient had-- first, we welcome them to call with any questions, and they do call with questions, and we would then know that they had changed their mind. I-- this is so rare that I personally haven't seen a patient change her mind after the mifepristone step. But then the best practice would be, especially with the new data about risk of hemorrhage, would be to follow her very closely, to support her, to hope that she does have a continuing pregnancy. So the best practice would be immediate referral either to me or, if she prefers, to see her own obstetrician. Sixty percent of women who have-- who have abortions are already mothers. They've already given birth. So she might prefer to go to her own obstetrician to then follow closely and really, really watch for signs of bleeding. I mean, that's the real concern. And then hopefully there's a chance that it will continue and she will have a healthy pregnancy. So the difference between your website is that your website, the-- the rule-- the-- my understanding is that it says that the-- we counsel the woman, refer her to the website. The website actually asks her to go onto this hotline, which is overseen by Dr. Delgado who did the unethical treatment, which then has a list of providers who then will recommend these-- these experimental protocols to the woman. And so my real worry is that then she's not actually in a provider's care.

**PANSING BROOKS:** And just-- just one final thing. So I'm wondering about best practices, too, as well-- in regards to what kind of doctors. Can any doctor do this? Is this-- what's your opinion on that?

**JODY STEINAUER:** Yeah. I think that, you know, there's good evidence that as long as you're a trained clinician-- in some states, advanced-practice clinicians like midwives and nurse practitioners are able to do it-- it's really not complicated. It mostly takes a lot of

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

comp-- time doing compassionate, patient-centered counseling. That's really the crux of the work. And so you need to be trained to do that and to help women clarify and set expectations and then consent the women. And then you have to know how to support them with the process in case they have questions about how their experience is going.

**PANSING BROOKS:** OK. Thank you very much for coming today again.

**JODY STEINAUER:** Sure.

**LATHROP:** Senator Morfeld.

**MORFELD:** Hello. I've-- thanks for coming today--

**JODY STEINAUER:** Sure.

**MORFELD:** --again, Dr. Steinauer. So I've been hearing a lot about Dr. Delgado. What kind of doctor is Dr. Delgado?

**JODY STEINAUER:** He's a family physician who focuses on palliative care.

**MORFELD:** And can you tell, for the record, what is palliative care?

**JODY STEINAUER:** Palliative care is to support people with medical illness or with-- who have needs to support them at-- really at the end of their lives.

**MORFELD:** OK.

**JODY STEINAUER:** Yeah.

**MORFELD:** Thank you. I appreciate that.

**LATHROP:** Senator Slama.

**SLAMA:** Hi. Thank you for coming back today.

**JODY STEINAUER:** Sure.

**SLAMA:** Interesting factoid about your name-- I thought about that when I saw it yesterday. So my question is a quick one. What percentage of women who end up taking the mifepristone do not have their pregnancies fully terminated after taking that first pill?

**JODY STEINAUER:** Yeah, the studies range. We think it's probably about 25 percent after the mifepristone alone would go on and have a



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

continuation. One study showed up to 46 percent, so there's a little bit of variability, but we-- we generally feel confident that's at around 25 percent.

**SLAMA:** So you would say that with that statistics, it is a factual assertion that after a woman does take that first pill, that it may not actually be too late to keep the pregnancy.

**JODY STEINAUER:** That's right.

**SLAMA:** Even without the "abortion reversal" pill.

**JODY STEINAUER:** Right. And the abortion reversal pill is-- it's a little bit of a misnomer because the studies, the experimental protocols they use are lots of different doses and routes, so it's a total variety of treatments--

**SLAMA:** Sure.

**JODY STEINAUER:** --but, yes, exactly.

**SLAMA:** All right. Thank you.

**JODY STEINAUER:** You're welcome.

**LATHROP:** I don't see any other questions, but thanks for being here.

**JODY STEINAUER:** Sure. Thank you.

**LATHROP:** Yes. Next proponent of LB872. Good afternoon.

**MEG MIKOLAJCZYK:** Good afternoon, Chair. Personally, through have been members of the Judiciary Committee. My name is Meg Mikolajczyk, M-e-g M-i-k-o-l-a-j-c-z-y-k. I'm the deputy director for Planned Parenthood North Central States in Nebraska. PPNCs and its subsidiaries provide, promote, and protect sexual and reproductive health through high-quality care, education and advocacy in Nebraska, North Dakota, South Dakota, Minnesota and Iowa. PPNCs serves more than 8,000 patients in our two Nebraska-based health centers in healthcare including but not limited to STI testing and treatment, well-woman exams, contraception, abortion, gender-affirming hormone therapy, and adoption counseling and placement. PPNCs supports LB872 and the repeal of LB209 because healthcare providers should have the ability to use their unfettered medical judgment to counsel their patients and should not be forced to provide statements to patients that are contrary to science, medicine, health or fact. Since LB209 passed, a real and

controlled study that you've heard all about could not be carried to conclusion because the practice of advising women to deviate from standard medical practice and not complete a healthcare procedure is, as PPNCs testified to in length last year, not safe or appropriate medicine. Medication abortion is safe. Forcing physicians to mislead patients about the usage and discontinuation of medications during a termination is unsafe. The most recent studies prove this. I am not a physician and I cannot opine further on this matter. To that end, I attached the portion of the transcript from the 2019 Judiciary Committee hearing on LB209, in which PPNCs's associate medical director, Dr. Deborah Turner, J.D. and M.D., provided lengthy testimony that's still applicable today. And I just want to say we're really appreciative of Senator Hunt's efforts to repeal legislation passed without the support of sound scientific research and that was contrary to medicine, and we urge this committee to support LB872 in advance it to General File.

**LATHROP:** OK. Any questions for this testifier? I see none. Thanks for being here today. Again, if-- those of you who are here, if you have difficulty hearing, just kind of do one of these and I'll-- that last testifier was a little hard to hear and I don't know if it's the noise or-- good afternoon.

**SCOUT RICHTERS:** Hello. Good afternoon. My name is Scout Richters, S-c-o-u-t R-i-c-h-t-e-r-s, here on behalf of the ACLU of Nebraska in support of LB872. Last year we voiced our strong opposition to LB209. We will always oppose biased counseling laws. We oppose them based on free speech concerns, but also based on the fact that we recognize that these types of laws insert politics into deeply personal decisions that should be left to a patient and their doctor. Given the uncertainty and the unanswered questions that-- that were left after the floor debate and left after the passage of LB209, we felt it was imperative to monitor the implementation of this legislation very closely. So now we have new concerns and new information that really show just how necessary the repeal of LB209 is. And these concerns are addition to the safety concerns that were outlined by Senator Hunt and outlined by Dr. Steinauer in the UC-Davis study. So we first looked at the ways in which other states that had similar laws implemented this legislation during the summer of 2019, and that is the "Bad Medicine" material included in the packet. And then in the fall, we-- we sent DHHS open records request about the implementation of LB209, and we published those in the second dose of "Bad Medicine" that is included also among materials I provided. And as you can see, what we found is a cost estimate of \$75,000 that was never included in the fiscal note on the bill, a seemingly unilateral message from DHHS leadership that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

including that an anti-choice, religiously affiliated help line on the website had "been agreed to" with no request to medical providers or other call-in lines or other entities who would like to be considered to be put on the website. And everything that was done with implementation was done outside of the Administrative Procedures Act, central to transparency and good governance. So we already had major concerns about giving patients medically inaccurate information that hurts doctor-patient relationships and health-- health outcomes. But now we have new concerns regarding the process, transparency and good governance, and this is why we are in support of LB872.

**LATHROP:** Very good. Thank you for your testimony. Any questions for Ms. Richters? Seeing none, thanks for being here.

**SCOUT RICHTERS:** OK. Thank you.

**LATHROP:** Appreciate your testimony. Any other proponents? Good afternoon.

**RUTH THOMPSON:** Good afternoon, Chairman Lathrop and Judiciary Committee. My name is Ruth Thompson, R-u-t-h T-h-o-m-p-s-o-n. I am a proponent of this bill because I am very concerned about a trend that's happening. Infant mortality is going up in the United States compared to other countries in the world. According to the Organization of Economic Cooperation and Development, in 2018, the United States is 34th of best practice and least number of infant mortality. According to the CIA, their information shows that maternal mortality, at least in 2015, showed the United States was 50th and Nebraska is 24th in list, so it's-- and it's going up since 2002. So we're losing more mothers; we're losing more infants than we have in the past. This is a very upsetting trend, I think, for our state. Abortion is actually a very safe procedure. Point-five percent of one hundred thousand legal abortions result in mortality or danger. Childbirth is 14 times more dangerous for a woman than having an abortion. So I think these statistics are-- show that for a woman who is scared, is poor, is unable to carry a pregnancy to term, should have legal options that are safe and that she and her doctors should be the ones to make that decision. Again, I'm a proponent of taking this information down from the H-- DHS and helping women actually be safe and live through these so that perhaps they can have another child another day and not hemorrhage out. I nearly died having my children, and it's not an experience I want any woman to have to go through. Any questions?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**LATHROP:** OK. I don't see any questions for you. But thanks for being here today.

**RUTH THOMPSON:** Thank you.

**LATHROP:** Are there any other proponents of LB872 that wish to be heard? Anyone here in opposition to LB872? You may come forward. And if you are going to testify, we'll have you filled in on the on-deck chairs. Good afternoon.

**MARION MINER:** Good afternoon, Chairman Lathrop and members of the Judiciary Committee. My name is Marion Miner, M-a-r-i-o-n M-i-n-e-r, and I'm here on behalf of the Nebraska Catholic Conference, which advocates for the public policy interests of the Catholic church and advances the gospel of life through educating-- through engaging, educating and empowering public officials, Catholic laity, and the general public. I'm here to express the conference's opposition to LB872. LB872 would repeal a law that passed with broad support last year because it provides women true choice in the event they have second thoughts after beginning a mifepristone abortion. The law is based in good science and continues to be reinforced by new studies, including, ironically, those done by doctors whose purpose is to sow doubt about the effectiveness of progesterone to save a baby after mife-- after mifepristone. I have attached as an exhibit the study done by Dr. Mitchell Creinin. That's the UC Davis study, and I invite you to read that study in full. It's not very long. As you will note, the study consisted of 12 participants, 2 of whom dropped out very early. So as a baseline matter-- matter, a study of 12, or-- or truly 10, participants is extremely weak and not able to tell us much of anything. And in addition, it must be pointed out that if the study does tell us anything, again, ironically, it reinforces previous studies' findings that progesterone is a safe and effective means of saving pregnancies after the mother takes mifepristone. And it also reinforces what we already know to be true about the inherent danger of taking the abortion drug mifepristone. All women who participated in this study took mifepristone as directed by the doctors who conducted it. Half of them, as a follow-up, received progesterone. The other half received a placebo. Three women had to be hospitalized for severe bleeding. Two of those women were from the placebo group, one from the progesterone group. One woman required a blood transfusion because of the severity of her bleeding. That woman was from the placebo group. As for effectiveness, after excluding the two women who voluntarily withdrew from the study, four of the five women, or 80 percent, who received progesterone still had a viable pregnancy at the time the study ended. Eighty percent of the women who received

progesterone still had a viable pregnancy when it ended. By contrast, two of the five women, or 40 percent, of the women in the placebo group still had a viable pregnancy at the end of the study. So these findings reinforce not only that progesterone treatment is an effective means of saving unwanted pregnancy after mifepristone, but also show better health outcomes for the women who underwent the treatment. And this I-- further down, the last paragraph of my testimony rein-- simply states that the 2018 study done by Dr. Delgado had similar results, finding that 68 percent of women, given the best protocol, went on to save their pregnancies after taking mifepristone, and that was based on a study of 754 women as compared to 10 in the Creinin study. And I would point out, too, that based on the latest updates from the abortion pill reversal national hotline, there have now been more than 1,000 women who have had successful reversals since 2012. So that will end my testimony. Happy to take questions.

**LATHROP:** OK. See if there are any. I don't see any today, but thanks for being here.

**MARION MINER:** All right. Thank you.

**LATHROP:** Appreciate your testimony. Next opponent. Good afternoon.

**KAREN BOWLING:** Good afternoon. Good afternoon, Chairman Lathrop and members of the Judiciary Committee. My name is Karen Bowling, K-a-r-e-n B-o-w-l-i-n-g. I am the executive director of Nebraska Family Alliance and represent them in my testimony. The key to making important healthcare decisions is access to all medical information. Last year, state senators enacted LB209, requiring that a woman be given information about abortion pill reversal as part of obtaining informed consent prior to the abortion. We oppose LB872 because it repeals the vital work that state senators accomplished to ensure women seeking a chemical abortion have access to all medical information. As with any medical procedure, women deserve all medical information for her to make the best-informed decision. Women seeking an abortion should not be treated differently. Time is of the essence. If a woman changes her mind, every woman deserves the right to be informed about the option to reverse a chemical abortion before she takes the first pill, mifepristone. The abortion reversal method may work after the first pill is taken, but will not work after the second pill of misoprostol is taken within 24 to 48 hours later. One third of all abortions in the United States are done with the abortion pill, according to the Guttmacher Institute. In Nebraska, 55 percent of abortions are chemical abortions and increased by 14 percent, from 956 to-- in 2016 to 1,086 in 2017, according to NDHHS. Twenty-nine states

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

have abortion-specific informed consent laws informing women about the risk and alternatives to abortion, including our state. With more than half of Nebraska women choosing chemical abortion, we should protect her right to vital information, not deny her to medical information. The U.S. Supreme Court ruled the state has an interest in ensuing [SIC] so grave a choice is well informed. It is self-evident that a mother who comes to regret her choice to abort must struggle with grief more anguished and sorrow more profound when she learns only after the event what she once did not know in the Gonzales-Carhart case, Senator Lathrop and members of the Judiciary Committee, we ask you to oppose LB872. Thank you for your time.

**LATHROP:** OK, Ms. Bowling. I don't see any questions for you today, but thanks for being here.

**KAREN BOWLING:** Thank you, Senator Lathrop.

**LATHROP:** Other opponents.

**JULIE SCHMIT-ALBIN:** Mr. Chair--

**LATHROP:** Good afternoon.

**JULIE SCHMIT-ALBIN:** Mr. Chair and members of the Judiciary Committee, my name is Julie Schmit-Albin, J-u-l-i-e S-c-h-m-i-t, hyphen, A-l-b-i-n. I'm exec-- executive director of Nebraska Right to Life. I appear in opposition to LB872. LB872 was labored over by the Legislature through two rounds of debate and numerous amendments and cloture votes. The will of the body was that this commonsense legislation should be enacted. After much debate, the majority agreed that the language from last session's LB209 simply strengthens Nebraska's informed consent on abortion statute. We are not in 1973 anymore. Roe v. Wade never foresaw the lengths that the abortion industry might go to, to create new ways to kill unborn children. When technology advances and new information presents itself, as it has in the wake of RU-486 chemical abortions, now constituting just over half of all abortions done in Nebraska, then it only makes sense the Legislature should address that by adding new information to the informed consent statute, as it did last year. We believe that the language added by LB209 should be given a chance to work, as women in Nebraska deserve to know that successful reversal of chemical abortions has been done hundreds of times by providing progesterone after taking the first RU-480-- 486 pill mifepristone. Thank you for your time.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**LATHROP:** Thank you for your testimony. I do not see any questions for you today. Thanks for being here.

**JULIE SCHMIT-ALBIN:** Thank you.

**LATHROP:** Anyone else to testify in opposition to LB872? Anyone here to testify in a neutral capacity? Seeing none, Senator Hunt, you may close. I will, for the record, as she approaches, indicate that we have 7 letters in support and 29 letters in opposition. They will be part of the record.

**HUNT:** Thank you, Chairman Lathrop. Look, colleagues, we made a mistake last year. I understand the-- I obviously understand the-- the moral debate around abortion that has been going on in our country for decades. I understand that nobody is going to change their mind on that debate in our body, probably, let alone in this room. And unfortunately, I think that in the Nebraska Legislature, in our zeal to pass anti-abortion legislation, to please the lobby, to please, you know, some of our very vocal constituents, which, of course, we have on both sides, we have accidentally some-- done something that's very harmful to patients in Nebraska. I have a very narrow focus with this bill. If this bill makes it onto the floor, I will be very protective of this bill and we're not going to be having-- you know, there's a lot of things about this statute, our abortion statute in Nebraska, that I don't like. There's a lot of problems with the language in this statute that is not medically accurate, that is not research based, that is restrictive needlessly, that puts blocks for people who need reproductive healthcare. But nothing about this bill has to do with the morality of abortion. What this bill is about is an untested procedure that, once somebody finally tested it, was shown to cause severe hemorrhaging and bleeding, taking a quarter of the participants to the emergency room. A good point was made about the abortion reversal protocol that's recommended through the DHHS website. We use terms like "abortion reversal pill," "abortion reversal treatment," but there is no standard; there's absolutely no medical standard for what that treatment actually is. In Dr. Delgado's study, which a former testifier was-- was talking about, in this report he did, he did a high-dose oral dosage of progesterone, intramuscular treatment of progesterone, so that would be an injection, different amounts of injections, varying from 1 injection to 5 injections to 11 or more injections, vaginal suppositories. There were 11 different methods of delivering progesterone for this treatment, and today the medical community has no standard of like what is-- what is the abortion reversal treatment then? Is it a pill? Is it a vaginal suppository? There is no standard for this. And when I called the abortion pill

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

reversal hotline myself and talked to a nurse who was giving this advice to patients, they weren't giving accurate medical advice. They were giving people-- you know, one person I know who called who said, I haven't taken the pills yet, what should I do, she said, well, you should get a progesterone treatment. It's like these people aren't even listening to what patients are actually saying. And the state of Nebraska, which we are all responsible for, has told patients that that's OK and that we're going to put that on the website and this is going to keep people safe. This has nothing to do with the morality of abortion. It would be OK with me if we put something on the website that said, if you're having second thoughts, you need to contact a physician. It is not OK with me and it should not be OK with any of us that we're saying you need to contact this religious Christian organization that's then going to have some nurse, who knows who, tell you medical advice that isn't accurate, who doesn't know anything about your medical history, who doesn't know anything about your pregnancy, and who doesn't know if you're making a prank call. So for that reason, we've got to just get this out of statute. We can have the debates about the abortion bans. We can have the debates about all the other types of reproductive healthcare laws that we want to pass in Nebraska. But this is not safe for women. That's now been proven. And it would be responsible of us to find a priority for this so we can protect people in Nebraska. Thank you.

**LATHROP:** OK. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you for bringing this today. And we did talk about that we were making a mistake last year, but now with--

**HUNT:** Well, I knew that.

**PANSING BROOKS:** Yeah, me, too, so-- but I do think that it's clear with these studies. I mean, you know, how many-- I guess we should have more than-- you know, once they start realizing there's emergencies going on, they don't continue the emergencies and that study because women's health is at risk, so that's one reason. Did you--

**HUNT:** My fear is that this will snowball and we won't do something to protect these people until somebody hemorrhages--

**PANSING BROOKS:** Right.

**HUNT:** --until somebody who's not under the supervision of a doctor, who's not enrolled in a study, who maybe doesn't have healthcare, who



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

is relying on somewhere like Planned Parenthood for their healthcare because they're low income, they're hemorrhaging. Maybe they think they're miscarrying, maybe think-- they think they are having an abortion and they end up dying. There's no reason to think that that's not going to happen if we're recommending this treatment.

**PANSING BROOKS:** I would agree. And then one other issue of utmost concern to me is the fact that the ACLU sent the open records law-- or a request to the Department of Health and Human Services and found all this mess. Again, I'm-- I'm believing more and more that with any of the departments, when we are expecting them to act, we have to start putting every single piece of action into the statutes because they will just not do whatever they don't want to do and too bad with what laws we have created. It's very aggravating to me that-- that when we created a law and told them, even this law that I didn't agree with, we did tell the Department of Health and Human Services how to go forward, what records to get, what kind of information, how to set up a hotline, and they still haven't done it, so I-- I'm just-- this is more indication that we must be very specific in our bills and make them even longer than we have and not trust the departments to go forward and just implement them with that direction.

**HUNT:** What troubles me about this open records request is the insistence that was revealed through these e-mails on Dr. Delgado's abortion pill reversal hotline being the source of the information. DHHS could have said, if you have taken mifepristone and you are having second thoughts and you change your mind, reach out to UNMC, reach out to another hospital in Nebraska. Instead, the point the whole time, as revealed by this open records request, was that it was always going to be Dr. Delgado's hotline. We also know that Dr. Delgado was selling abortion reversal kits. So does that mean the state of Nebraska is complicit in marketing and making money for this-- this Christian quack doctor who is a palliative care physician and is not a reproductive healthcare doctor? I think that this is such a-- well, I think it's such a conspiracy between people in the executive branch who want to do something for Dr. Delgado for some reason and who want to have the-- the-- the warm glow in Nebraska of passing anti-abortion legislation. So that's why we have that on the DHHS website, not because it's based in medical fact or accuracy. We're not referring these people to Nebraska physicians or Nebraska OB/GYNs, these nurses who are giving people bad information. So thank you for bringing up that open records request.

**LATHROP:** I think that's all the questions we have.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**HUNT:** Thank you.

**LATHROP:** Thank you, Senator Hunt. That will close our hearing on LB872. We're going to give people a chance who are leaving after that hearing to leave the hearing before Senator Cavanaugh opens up. Yeah, it's hard-- it's hard to hear. That, or he just needs to say--

[BREAK]

**LATHROP:** OK. OK. If the few people that have come in can find a seat, please, I'd like to get onto the next bill if we can. Senator Cavanaugh, pardon me. This is not an easy room to hear in, so the-- the-- if you have conversation or talk going, it's very hard for even us to hear, and the witnesses or the-- the testifiers are facing us. So I'll ask you to refrain from having conversation, particularly while we have folks testifying or introducing bills, as a courtesy to those who are testifying and those who are here to hear what is being said. The next bill is LB958. That's-- brings us to Senator Cavanaugh. Senator Cavanaugh, you may open on your bill.

**CAVANAUGH:** Thank you, Chairman Lathrop and members of the Judiciary Committee. My name is Machaela Cavanaugh, M-a-c-h-a-e-l-a C-a-v-a-n-a-u-g-h, and I represent District 6 in west-central Omaha. I'm here to introduce LB958, which seeks to protect survivors of domestic violence and sexual assault by keeping firearms out of the hands of convicted domestic abusers. LB958 builds off the work done by the Legis-- this Legislature last year with LB532, which was advanced by this--

**LATHROP:** Senator Cavanaugh--

**CAVANAUGH:** Yes.

**LATHROP:** --they're having trouble hearing. Can you-- is the mike-- can you pull that a little closer or speak into it a little better, please?

**CAVANAUGH:** I can't move it any closer.

**LATHROP:** OK, then maybe just-- you have a soft voice and--

**CAVANAUGH:** Well, thank you.

**LATHROP:** I'm getting a sign from the people.

**CAVANAUGH:** I rarely am told that but--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**LATHROP:** I'm confident that's true too. [LAUGHTER] Just make sure--

**PANSING BROOKS:** I second that.

**LATHROP:** --you're speaking into the mike.

**CAVANAUGH:** OK.

**LATHROP:** OK.

**CAVANAUGH:** I will try to speak louder.

**LATHROP:** That's better.

**CAVANAUGH:** I'll use my mom voice. How about that?

**LATHROP:** That's perfect.

**CAVANAUGH:** LB958 builds off of the work done by this Legislature last year with LB532, which was advanced by this committee unanimously, prioritized by the Speaker and signed into law by the Governor. LB532 addressed one problem faced by many women trying to escape intimate partner violence, a protection order process that was complicated, difficult to understand, and opaque. LB958 addresses the next step, keeping them safe once they have a protection order or once their abuser has been found guilty of domestic violence by a court. The scope of this bill is very narrow. LB958 prohibits the purchase of a-- or possession of a firearm under very specific conditions. Firearm purchase and possession would be prohibited by any person who has been duly convicted of domestic violence or who has the sub-- is the subject of a current and final domestic violence, sexual violence, or harassment protection order. Following me are testifiers who will talk further about firearms and intimate partner violence in Nebraska specifically. It is urgent that we pass LB958. It is no exaggeration to say that lives will be saved or lost as a result. And with that, I will take any questions that the committee may have.

**LATHROP:** Ok. Any questions for Senator Cavanaugh? Senator Slama.

**SLAMA:** Hi, Senator Cavanaugh. Just a quick question. So this would be a permanent ban on possession or purchase of a firearm if you're convicted of a misdemeanor domestic violence charge, right?

**CAVANAUGH:** If you have a final protection order out against you. I don't believe it's permanent. That was something that we worked on last year. I don't believe it is permanent, no.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**SLAMA:** I was looking at the text on page 14 and 11.

**CAVANAUGH:** Oh, I see that. Yes. I apologize because last year we did take out the seven years or we-- we reinstated the seven years, took it out, put it back in, took it out, put it back in. But I-- I'd be willing to-- to put the seven years back in or consider that amendment back in on page 14. I didn't realize that it was in there again. So it's not intended to be permanent.

**SLAMA:** Ok. Thank you.

**CAVANAUGH:** Yeah.

**LATHROP:** I don't see any other questions. Before we take-- we'll get back to you for closing. Before we take proponent or opponent testimony, can I see by show of hands how many people are here to testify in favor? One, two, three four, five, six, seven-- seven--

**LAURIE VOLLERTSEN:** Eight.

**LATHROP:** --proponents? Eight? How many are here in opposition? OK, so we've got two opponent testifiers, total of ten people. Terrific. We'll do a three-minute light system on this bill. The first proponent may approach. This is not the last--the last bill we'll take up. If you're not here on that one, that's fine. We'll-- we'll try to count you on the next one. Thanks. Good afternoon.

**DANIELLE SAVINGTON:** Good afternoon, Chairman Lathrop and Judiciary Committee. Thank you for having us here as members of the second house.

**PANSING BROOKS:** Louder.

**DeBOER:** Yeah, we can't hear you.

**LATHROP:** A little louder.

**PANSING BROOKS:** We need louder.

**DANIELLE SAVINGTON:** My name is--

**LATHROP:** It's a really difficult place to hear.

**DANIELLE SAVINGTON:** It is. There's a lot of reverb. So 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 on behalf of the Nebraskans Against Gun Violence, and I'd like to address two topics that I think are oftentimes misunderstood about

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

bills like Ms. Ca-- Senator Cavanaugh's. First and foremost, we all care about due process, right? Many of us are attorneys. We've got a little bit of an underpinning about what due process means. It gets really important to note that in this bill, specifically, due process is very protected. None of the removals or restrictions on firearm possession or purchase apply to anyone until after a final order of a protection order is entered. A final order of protection is not entered until after that person who is the respondent to the order has been personally served by a constable or a sheriff and they have had an opportunity to respond and have a hearing in front of a judge or trier of fact. Due process is absolutely protected in this bill, and everyone has an opportunity to be heard before any removal of their rights is put into place. Further, I'd like to point out that when it comes to due process, it's not necessarily a protection from deprivation in general. It's merely to main-- to protect and prevent mistaken or unjust deprivation-- deprivation of a right. That's been held by the Supreme Court, as well as the-- as well as the Supreme Court in the state of Nebraska. Beyond the issue of the due process violations and concerns that people have mistakenly regarding bills like this, there's also the concern of retaliatory filings for protection orders. Oftentimes people are afraid that their ex will angrily file a protection order against them in response or that they will make things up in a protection order process. I would like to remind the committee that such filings and such claims are actually perjury, and in the state of Nebraska perjury is subject to Felony III penal-- penalization. A Felony III contains a penalization of up to four years in jail with an additional two years of parole or a minimum of nine months of probation. Now on the flip side of that is actual violation of this statute, which carries only a penalization of a Class II misdemeanor, which has a maximum of six months and a minimum of no penalty. So I think when we weigh out whether or not retaliatory filings are going to be a problem, we really have to recognize the fact that if someone files that kind of retaliatory or lie of a-- of a filing, they've committed perjury and they're significantly more heavily prosecuted and punished for that. So-- wow, I really sped through that. Ultimately, I really just wanted to talk about due process and make sure that we're all aware that none of this even applies until after we've got a final protection order. Everyone has an opportunity to be heard by a trier of fact before anything becomes a deprivation. So--

**LATHROP:** OK.

**DANIELLE SAVINGTON:** --happy to answer any questions.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**LATHROP:** Very good. Well, thanks for your testimony. I do not see any questions at this point in time though.

**DANIELLE SAVINGTON:** Thank you, sir.

**LATHROP:** Next proponent. Good afternoon.

**MELODY VACCARO:** Good afternoon. My name is Melody Vacarro, M-e-l-o-d-y V-a-c-c-a-r-o, and I am here in support of LB958. We know in Nebraska that there is a very serious problem of intimate partner violence and we know that guns play a role in that violence. I am passing out a sheet of stories of people in our state from the year 2019 who have been either shot or killed as intimate partner violence. And so I'm just going to go through those. We have, in March of last year, a man killed his wife while their grandson was in the home. In May of 2019, a man killed his pregnant girlfriend and then himself. In June of 2019, the police killed her husband-- the-- a police officer killed her husband and then he killed himself-- killed his husband-- her husband-- a police officer killed his wife-- I'm sorry. There's a typo on here. In June of 2019, a woman killed her husband and a ten-year-old was in the home at the time. In June of 2019, another incident, a man killed his wife and then himself after a police standoff. In August of 2019, a few days before divorce court, a man shot his wife and killed the cat. In September of 2019, a woman was in a dispute with a husband who had come home drunk, and she grabbed the handgun and shot him in the knee. In the article I read, it looked like he hadn't been charged, but she was in jail. In September of 2019, a military wife was killed by her husband, who then killed himself. Her five-year-old was in the home and had to go and-- to the neighbors for help. In November of 2019, a man and a woman were outside arguing. The man was armed and shot into the shed. Four children were home when police arrived. And then in December of 2019, a woman was killed by her partner. Police killed her murderer, and an officer was also shot during that incident. So I just really want to bring home there are so many more stories of women who have been afraid of a partner who was armed, who have had protection orders violated. There's all kinds of other violence that happened in intimate relationships. And I know you've gotten some emails about that prior to this hearing, and I want those-- I just want to make sure that we're centering really on people deserve to be safe in their relationships; they deserve to be safe in their homes and in their communities. And this bill takes us just one step further into helping make sure that happens.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**LATHROP:** OK. I don't see any questions today, but thanks for being here, Ms. Vaccaro.

**MELODY VACCARO:** Thank you.

**LATHROP:** Next proponent.

**SARAH ZUCKERMAN:** Good afternoon. My name is Sarah Zuckerman. Oh. Yes. Sorry.

\_\_\_\_\_ : Thank you.

**SARAH ZUCKERMAN:** That is Sarah with an "h," Z-u-c-k-e-r-m-a-n. I live in Lincoln, in LD28. I support LB958, which enjoins people subject to protection order from possessing or purchasing guns. People who have committed domestic violence against their romantic partners are clearly a danger to others. Everytown Against Gun Violence's research states that intimate partner violence and gun violence are inextricably linked. Abusers with guns are five times more likely to kill their victims. Guns further exacerbate the power and control dynamic used by abusers to inflict emotional abuse and exert control over their victims. According to Everytown, every month, 52 women are shot and killed by an intimate partner. That's more than one per day and over 600 per year. Strengthening state laws such as LB5-- LB958 can save the lives of women, and I would also extend that to say children who are in the home. As Melody said, they are often there when gun violence occurs. That's all I have to say. Thank you.

**LATHROP:** OK. Well, thank you, Ms. Zuckerman. I do not see any questions today, but thanks for being here.

**EMILY KILLHAM:** Good afternoon.

**LATHROP:** Good afternoon.

**EMILY KILLHAM:** My name is Emily Killam, E-m-i-l-y, last name. K-i-l-l-h-a-m, and I'm here to testify today in support of LB958, prohibiting the possession of firearms by those who have been convicted of domestic violence. We heard from the previous testifier that 52 women are shot per month by an intimate partner. What we didn't hear is that there are currently 1 million women alive today who have been shot by their intimate partner and 4.5 million women report being-- having been threatened by a gun. Another interesting or sad fact is that more than one half of all mass shootings, and so mass shooting is defined by death of four or more people, not including the shooter, were precipitated by a perpetrator who killed an intimate

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

partner, a former intimate partner, or another member of their family, 54 percent. One of the things we know is that over half of all female victims who are killed by their intimate partner are killed with a firearm. And we know that while intimate partner homicide rate has declined over the past decade, what we do know is that the rate of death by firearm is up by 15 percent. It's-- according to the-- according to international studies, among high-income countries, the U.S. is the most dangerous country for women to live in among high-income countries. In 2015, we looked at how many women were killed among peer countries, and 92 percent of those women were killed in the United States. Women in the United States are 21 times more likely to die by firearm than in their peer nations. And access to a firearm by a domestic abuser makes a woman five times more likely to be killed. Fear of firearm threat, not even an actual threat by a firearm but fear that an abuser will have a firearm, is significantly associated with PTSD. We know that this correlation is even higher than those who have been victims of prior physical or sexual abuse. So threat of a firearm, fear of firearm is actually more dangerous than actual physical and sexual abuse. So we need to be sure that we are protecting women and other members of society that are victims of domestic and intimate partner violence. And because we know of the high correlation between those two, we need to prohibit those who have been adjudicated by due process of domestic violence from owning their firearms. Thank you.

**LATHROP:** OK. Well, I see no questions for you today, but thanks for being here. Good afternoon.

**ROBERT WAY:** Good afternoon. My name is Robert Way, W-a-y. I brought handouts for the committee. I'm-- my primary reason to be here today is to bring to the attention of the committee an article published on Wednesday, February 19, 2020, where-- from News Channel Nebraska, where they say that they will not-- they will support the county attorney and sheriff should they choose not to enforce law that the Unicameral passes. As I understand that, the counties cannot choose not to enforce laws the Unicameral passes; they can only choose to add penalties. And I thought this should be brought to the Unicameral's attention. Again, that was News Channel Nebraska author E-l-i-c C-h-i-m-a-s-m [SIC] published on February 19, 2020. Thank you.

**LATHROP:** OK. We've got-- we have a chance to read the resolution that you brought with you, so we appreciate you being here today. I don't see any questions, Mr. Way. Any other proponents that wish to testify in support of this bill?



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**JUDY KING:** Hi. It's Judy King, J-u-d-y K-i-n-g, and I supp--

**LATHROP:** Judy, we're going to ask you to speak into mike today.

**JUDY KING:** OK, sorry.

\_\_\_\_\_ : Can't hear you.

**JUDY KING:** Judy King, J-u-d-y K-i-n-g, and just want to talk a little bit about men and their guns. And I'm here today to support LB958, along with Nebraskans for Peace. Our concern is connected to the safety of women and children. And you can tell how many people have guns or are concerned about guns this afternoon by the hallway out there. It's mostly men. Anyway, gun access is deadly for women mostly because of men. For every 10 percent increase in gun ownership, there's a 10 percent increase to gun homicides of women. Eighty percent fatal domestic shooting victims are women. Ninety- three percent of women killed by men were killed by someone they knew. Some things we can't-- we can do to make responsible gun ownership is to actually make res-- make them be responsible. We need to maintain and regain-- regain the right to pass local gun ordinances. And I come from a family where my grandfather shot himself in the midst of the Depression and left my mother and her brother to raise themselves. And he shouldn't have had a gun. And my daughter was in a robbery in junior high where-- that she had a gun held to her head, and that gentleman should not have had a gun, so maybe we can work on some of this and change that.

**LATHROP:** OK.

**JUDY KING:** Thank you.

**LATHROP:** Thanks for being here, Ms. King.

**JUDY KING:** Thanks.

**LATHROP:** Next proponent.

**SHIRLEY NIEMEYER:** Thank you. Shirley Niemeyer, N-i-e-m-e-y-e-r, Shirley, S-h-i-r-l-e-y, from Nebraska. I'm representing myself. I have several sources I'm handing out that provide information on people who do commit violence and shootings. One of the things I'm going to mention first is from the NRA. They say guns don't keep-- kill people, people do. And so I think with this legislation, you are addressing the fact of the human factor in approaches to guns. And so let's address what they want in terms of let's address the human factor in

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

addition to addressing the gun factor of restrictions. I have written-- I was a former researcher and educator, but I'm not an expert in this field. There were mass shootings and mental illness, and they talk about that in one of the studies by the American Psychiatric Association. Factors common among individuals who commit mass murder or commit murder is-- are extreme feelings of anger and revenge, which is often involved in domestic violence, and the lack of someone else; they feel isolation. They may have been bullied or isolated during childhood. They've become loners. They may hold grudges. They have a paranoid mindset. And rejecting is a common problem with people who do become involved in violence. The FBI have done studies of 160 cases of active incidents. You can read about their findings. The U.S. Secret Service and the U.S. Department of Education conducted a study focused on targeting school violence and key findings where a majority of the perpetrators, 68 percent, acquired guns from their own or a relative's home. They had easy-- easy access to family-owned firearms. And their perpetrators had leaked their intent. In other words, domestic violence victims may often have already heard that the person wanted to kill them. I'm going to go on to another study, Domestic Violence and Firearms, Mental Health Reporting. This is from the Giffords Center for the Law and it's sourced: In fact, when an abuser has access to a gun, a domestic violence victim is five times more likely to be killed, five times. Laws that keep guns out of the hands of abusers save lives. There's an-- also a report by SNAP. In Connecticut and Indiana, laws have shown a reduction in gun suicides in the state that have passed similar laws. Warning signs include use of access to weapons, threats to kill children or commit suicide. In situations when a batterer chooses to take their own life, their first attempts is to take the life of a family member. So mental health issues is involved in this issue, and certain mental health problems such as depression and paranoia increases the chances of lethal assault. I thank you for having the courage to bring this forward and to-- to take a stand and do what you think is right. You have a lot of pressure, and the pressure is out in the hallway, too, but I ask you to do what you think will help domestic violence situations in homes. Thank you.

**LATHROP:** Very good. Thank you, Ms. Niemeyer.

**SLAMA:** Just a real quick question.

**LATHROP:** Oh, I'm sorry. Do you have time for a question?

**SHIRLEY NIEMEYER:** Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**LATHROP:** Senator Slama has a question for you.

**SLAMA:** Just a real quick one, I promise. I-- I just wanted to quickly ask, referencing the last article you referenced, the 10 Warning Signs of a Hurtful Relationship, why-- why do you think just mere use of, access of a weapon, exercising your Second Amendment rights is somehow--

**SHIRLEY NIEMEYER:** I have a hearing problem.

**SLAMA:** Yes. OK. I'll speak up.

**SHIRLEY NIEMEYER:** Why do I think that they access, nearness of access to weapons?

**SLAMA:** So referencing that article that says the 10 Warning Signs of a Hurtful Relationship, why do you think they included just like mere exercise of your Second Amendment rights, so use of or access to weapons, as being somehow a sign of a hurtful relationship?

**SHIRLEY NIEMEYER:** Which one? Which will it-- I'm really sorry.

**SLAMA:** The-- so under the article sourced, Warning Signs-- 10 Warning Signs of a Hurtful Relationship--

**SHIRLEY NIEMEYER:** Yeah, yes, yes.

**SLAMA:** --the very first one, 1 of the 10, is just use of or access to weapons, including-- like weapons, like knives or guns.

**SHIRLEY NIEMEYER:** Yeah, the History of Violence? That's the first one and then [INAUDIBLE]

**SLAMA:** Yes, the-- I'm referencing the second one.

**SHIRLEY NIEMEYER:** Yeah, it includes guns and knives, but it's harder to kill me with a knife than it would be with a gun.

**SLAMA:** So if you've got access to like kitchen knives, that can be a sign of a hurtful relationship?

**SHIRLEY NIEMEYER:** I've had so much chemotherapy, I-- without my hearing. I'm sorry. Maybe [INAUDIBLE]

**SLAMA:** Sorry. I'll-- I'll just leave it at that. Thank you.

**SHIRLEY NIEMEYER:** Oh, sorry. I am sorry.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**SLAMA:** No, you're fine.

**LATHROP:** No, you're fine.

**SLAMA:** No need to apologize. It's a tough-- it's a echoey room.

**SHIRLEY NIEMEYER:** And hearing aids don't help me. I have a-- damage.

**LATHROP:** Thank you, Ms. Niemeyer. Anyone else here to testify as a proponent? Anyone here to testify in opposition to LB8-- LB958? You have two options--

**SCOTT SHAVER:** OK.

**LATHROP:** --opposition or neutral at this point.

**SCOTT SHAVER:** Right, I'm trying to-- I'm guessing it's opposition because I don't think that it needs to be done [INAUDIBLE]

**LATHROP:** All right. Come on up. We'll-- we'll entertain you or hear what you have to say.

\_\_\_\_\_ : We won't be entertaining.

**LATHROP:** We won't entertain you. We'll entertain your comments.

**SCOTT SHAVER:** OK, entertain me. Oh, sorry. [LAUGH]

**LATHROP:** All right.

**SCOTT SHAVER:** My name is Scott--

**LATHROP:** Good afternoon.

**SCOTT SHAVER:** Hi. I'm Scott Shaver. I have a federal firearms license. I'm out in Scottsbluff. Everything that is being proposed in this bill is already the definition of a prohibited person by the federal laws. You cannot possess a firearm if you have a misdemeanor of domestic violence. You cannot possess-- possess a firearm if you have a protection order. And as the lady before me said, if you have mental problems, you can't possess a firearm, so that's already a prohibited person status where you can't have a firearm. So I'm kind of trying to figure out why this is being put forward. That was-- I was trying to figure out exactly what the reasoning behind it was. Was it to-- to mirror the federal laws or--

**LATHROP:** Well, we didn't put it forward, so--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**SCOTT SHAVER:** OK.

**LATHROP:** --we can't answer-- answer that question for you. But we do appreciate your testimony.

**SCOTT SHAVER:** OK.

**LATHROP:** Do you have anything else to say? I don't mean to interrupt you.

**SCOTT SHAVER:** Well, no, no, that's fine. I'm just trying-- I-- like I said, they're not-- they're already prohibited people, so it's sort of like beating a dead horse.

**LATHROP:** OK. Don't get away--

**SCOTT SHAVER:** OK.

**LATHROP:** --because I may have a question for you.

**SCOTT SHAVER:** OK.

**LATHROP:** Senator Brandt.

**BRANDT:** Thank you, Chairman Lathrop.

**SCOTT SHAVER:** Yes, sir.

**BRANDT:** Thank you, Mr. Shaver--

**SCOTT SHAVER:** Yeah.

**BRANDT:** --for appearing today. So it's your opinion that the-- the current laws adequate-- adequately protect people that are in this situation?

**SCOTT SHAVER:** The current federal laws do, yes.

**BRANDT:** OK.

**SCOTT SHAVER:** It-- it's not an opinion. It's the exact same text that you have in there. It's already-- they're already a prohibited person by federal law.

**BRANDT:** OK.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**SCOTT SHAVER:** So I-- I'm just trying to figure out why there's a need for this.

**BRANDT:** I was just looking for clarification. Thank you.

**SCOTT SHAVER:** OK?

**BRANDT:** Yep.

**SCOTT SHAVER:** Anything else?

**LATHROP:** Yes.

**SCOTT SHAVER:** OK.

**LATHROP:** First, we're going to have you spell your name for us.

**SCOTT SHAVER:** S-h-a-v-e-r--

**LATHROP:** OK.

**SCOTT SHAVER:** --just like a razor.

**LATHROP:** All right, Mr. Shaver, tell us, you-- you-- do you have a gun shop in your hometown?

**SCOTT SHAVER:** Yeah. Yeah.

**LATHROP:** And when somebody comes in, how do you determine whether any of these things are-- how do you know if I have a misdemeanor conviction for domestic--

**SCOTT SHAVER:** They fill out--

**LATHROP:** --violence?

**SCOTT SHAVER:** They fill out a form that says, and they can answer it and they can lie, just like anybody can. If they're buying a pistol, they have to have a pistol purchase permit or a concealed handgun permit. Those they cannot have if they have a misdemeanor domestic violence or a protection order. They're taken away.

**LATHROP:** OK.

**SCOTT SHAVER:** So there needs-- there may need to be some steps taken to get that streamlined to where when a protection order gets done,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

they automatically look into that to make sure they're getting them out of their hands.

**LATHROP:** Are they online somewhere?

**SCOTT SHAVER:** They are not online anywhere because it's probably--

**LATHROP:** Does somebody do the background check?

**SCOTT SHAVER:** Yes.

**LATHROP:** Like you're not on Google looking up--

**SCOTT SHAVER:** No, no, no.

**LATHROP:** --Steve Lathrop to see if I got a--

**SCOTT SHAVER:** No, no. To get a-- to get a firearm purchase permit, the police department does a background check and it's good for three years. A concealed handgun permit is good for five years and they have to take a course and then they get checked out by the State Patrol. So if something happened after they had that permit, then the law enforcement should be taking it away from them so that they don't come in with that permit.

**LATHROP:** Is that a hole, do you think?

**SCOTT SHAVER:** That-- that could be a hole? The other thing is, if they don't have that permit, then you are required to call in to the FBI and do a background check on them and, you know--

**LATHROP:** Will the background check reflect all the-- these three categories?

**SCOTT SHAVER:** I don't think it will. I don't know that it will. I-- I-- it should, but I-- I don't have confidence that it would.

**LATHROP:** Do they maintain a registry of people who have a conviction for domestic violence?

**SCOTT SHAVER:** They may at the FBI. I don't know. I don't have one. I have to check each person when they come in and do an individual background check, because if they're prohibited person, they can't have it. And like I said, they could lie on their form. If they have a purchase permit and they lie on their form, they could slip through. But they-- they've just then lied on a federal form and it doesn't really turn out well for those people. But, you know, that's-- beyond

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

that, you're going to have a registry out there for everybody to see of who has what, and then you're getting into private matters and--

**LATHROP:** Sure. How long's it take you to do that background check.

**SCOTT SHAVER:** Background check can take any-- if it's direct through, it can take anywhere from-- once they fill out the form, just the call-in part can take anywhere from three minutes to five days if they get delayed because they can't find them or they don't have clarification.

**LATHROP:** If they find the person, you'll know and you'll get the--

**SCOTT SHAVER:** Yeah.

**LATHROP:** --the OK or-- or the red flag.

**SCOTT SHAVER:** Right, they'll give you the OK right away. But sometimes there's names that are similar, or something along those lines, and they-- they aren't sure on which is what.

**LATHROP:** OK, that's--

**SCOTT SHAVER:** So--

**LATHROP:** --that's just useful background as we--

**SCOTT SHAVER:** No, that's--

**LATHROP:** --take up these bills.

**SCOTT SHAVER:** I appre-- I appreciate you actually wanting to get the information because--

**LATHROP:** Yeah. No, I-- it's interesting that there's a hole there though.

**SCOTT SHAVER:** Right. Well, and-- and I don't-- I don't disagree that there is a hole. Once somebody gets a protection order, the law enforcement in that area should search and see if they're there and-- and-- and take those back from them. And I don't know if there's any-- anything in the books to actually force that.

**LATHROP:** OK.

**SCOTT SHAVER:** That's-- that's the only hole I've seen.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**LATHROP:** OK.

**SCOTT SHAVER:** All right?

**LATHROP:** That's helpful to know.

**SCOTT SHAVER:** Yeah, absolutely.

**LATHROP:** Any other questions for Mr. Shaver?

**SCOTT SHAVER:** OK.

**LATHROP:** I don't see any.

**SCOTT SHAVER:** OK. Well, thank you.

**LATHROP:** Thank you for being here.

**SCOTT SHAVER:** Appreciate your time.

**LATHROP:** Anyone else here to testify in opposition to LB958? Anyone here to testify in a neutral capacity on this bill? Sir, you may come up. Good afternoon.

**ANDREW BEBEE:** Afternoon. My name is Andrew Bebee. I actually work at a gun shop, and so I stare at these forms that we do to transfer.

**LATHROP:** Andrew, can you spell your name for us?

**ANDREW BEBEE:** B-e-b-e-e, one "e" in the middle, two on the end. So I stare at these forms all day, every day, looking at them, and this is on what is called the-- the 4473. So this is the firearms transfer procedure. So they have to fill out a whole bunch of information and there's a list of questions that determine if you're a prohibited person. So 11.h. and 11.i., I'll read them here. Are you the subject-- are you subject to a court order restraining you from harassing, stalking or threatening your child or intimate partner or child of such partner? That would be h. i. Have you ever been convicted of any court of a misdemeanor crime of domestic violence? So this kind of seems like a copy-paste law. It's already federal law. I haven't researched this one extensively, but it just seems redundant. And so--

**LATHROP:** OK. I think that's a fair observation. Yeah, we got to rely on the honesty of the person filling the form out as to whether or not they've been convicted unless they-- unless that information is contained in some repository with the federal government.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**ANDREW BEBEE:** Yes. So there can be problems with this process. There was actually a shooting a number of years ago on an Air Force base, and the guy actually got a dishonorable discharge, which actually makes him a prohibited person. But the-- the military never submitted that the NICS background check system.

**LATHROP:** I think I remember seeing that.

**ANDREW BEBEE:** So if states are not and entities are not pushing this to the federal government and saying, hey, these-- this person is prohibited person, then there's nothing that I as a seller of firearms can do. If that person lies on that form, it's-- it's-- it's illegal to do that. But I can't confirm that he is not or she is not a prohibited person unless it is in that NICS background check system.

**LATHROP:** What community do you sell firearms in?

**ANDREW BEBEE:** I'm in-- located in Omaha.

**LATHROP:** All right. Do you know most of the people that come in?

**ANDREW BEBEE:** I know a fair amount of people. But I-- I do-- when I work, I do between like five and ten transfers every day.

**LATHROP:** What's--

**ANDREW BEBEE:** I don't--

**LATHROP:** What's your business?

**ANDREW BEBEE:** I work for Omaha Gun Club.

**LATHROP:** OK.

**ANDREW BEBEE:** So I'm doing those transfers. I can't know everybody that comes in.

**LATHROP:** No, I-- I didn't-- I didn't mean to suggest or--

**ANDREW BEBEE:** Oh, OK.

**LATHROP:** --imply that you did or should.

**ANDREW BEBEE:** OK.

**LATHROP:** I just wondered.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**ANDREW BEBEE:** So there is a provision that if I think something's a little fishy, I can walk away from it. I don't have to transfer a firearm to somebody unless I feel that they are a safe and competent person.

**LATHROP:** OK.

**ANDREW BEBEE:** And I've had to tell people, hey, there's something not right and I can't transfer your firearm.

**LATHROP:** All right, very good. Any questions for Mr. Bebee? I see none. Thanks for your testimony today. Appreciate you being here. Are there any other individuals testifying in a neutral capacity?

**ANDY ALLEN:** You had a question. I don't think it was fully and accurately--

**LATHROP:** OK, we're going to have you have a seat and say and spell your name for us.

**ANDY ALLEN:** Andy Allen, A-n-d-y A-l-l-e-n. First, as some folks have already said, federal law already covers this. You had the question of, hey, is there a possible loophole here with the federal law? Actually it was-- the Fix NICS Act passed several years ago, about three, four years ago, took and require states to transmit that data. Believe Nebraska state law takes and says that it's supposed to be transmitted by the courts within 48 hours to the FBI so it gets incorporated into that database.

**LATHROP:** OK.

**ANDY ALLEN:** So that-- there was a loophole because many people-- and I think if we take a look at Las Vegas, guy that should have been on that list of not being able to have it, it slipped through because his state-- actually, in his case, it was the Air Force did not report--

**LATHROP:** Right.

**ANDY ALLEN:** --which is why there was the Fix NICS Act, and lots of states have relied and come back and shortened that time period they have to report.

**LATHROP:** OK. Thank you for sharing that, Mr. Allen. I don't see any other questions for you. Is there anyone else here to testify in a neutral capacity?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**DAVID PRINGLE:** I would like to. Let me just scratch that out and put the right one on there [INAUDIBLE]

**LATHROP:** Good afternoon.

**DAVID PRINGLE:** Hello.

**LATHROP:** I've seen you nodding your head and--

**DAVID PRINGLE:** Well, my name is--

**LATHROP:** Let's start with your name.

**DAVID PRINGLE:** My name is David Pringle, D-a-v-i-d P-r-i-n-g-l-e. I'm the general manager of Discount Enterprises. Our trade name is deguns.net. We transfer more firearms than any other source in Nebraska. ATF, local law enforcement, they are our partners. I literally have employees who do nothing the first thing that they come in the morning, except for look at every mug shot. What we have a problem with is that the state is not a good partner. And so what I've gone-- and I've gone to the FBI NICS operation center. There are the people that we call for the background check. What happens with the Brady Act is that every 48 hours, the system, it self-deletes. And this is so that the government cannot create a list of gun owners. When you fill out a 4473, that's between you, the buyer, and me, the dealer. Now ATF can come in and request this information, and of course we show them because we work together to keep these things off the street. If you're a domestic abuser, we're going to know it, because if we do the background check right, it will pop right up. The problem here is that the state pistol purchase permit, we no longer accept. We don't accept your word whether somebody is good enough because we do the background check anyway. And this is through hard experience of people using this to get guns illegally and to transfer them on the street illegally. There is a case in the news right now where somebody used their pistol purchase permit. Once you do the background check, you're thinking that it's going to be good for three years. Now on a CHP, where the person's gone through training and the state police set it up, there's a mechanism for getting it back. But there is not one for this other pistol purchase permit that I can see. And so we can't rely on you or your check. Half of the permits that we get aren't filled out right. Half of them have blatant mistakes. Some of them are handwritten literally by the person who is getting it. And so that's what I want to make you sure-- and then the other thing about this law is nobody's actually talked to any of us that are experts. The people that I have working with me are the people who

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

know this better than anyone in the state, and we're never consulted, not even a little bit. And so if you want to make the system better, the first thing that you need to do is you need to talk to us and make us partners, and we haven't been partnered with this in any of these. And that's why I've brought some friends with me today, and I have more to say during the LB816. But if you want to make the system better, then I would say duplicating federal laws is not the way to go. And making sure that we can use the Brady check-- when we don't use the Brady check, the Brady check can't get information, and that's the problem.

**LATHROP:** OK.

**DAVID PRINGLE:** Yes.

**LATHROP:** Mr. Pringle, Senator Brandt has a question for you.

**BRANDT:** Thank you, Mr. Pringle, for-- for coming today. I just want a point of clarification. So I live in Jefferson County. I go to my local sheriff. I got my three-year handgun card. I go into your gun shop. And basically what you're telling me is that card is no good. Is that correct?

**DAVID PRINGLE:** No, I have to-- I-- you're authorized to buy a pistol by the state and by your county, and so, of course, we honor that.

**BRANDT:** OK.

**DAVID PRINGLE:** But what we do is we enhance the-- your law, and we have to because we've had people misuse it and I just can't take that chance as a gun dealer.

**BRANDT:** So what you're saying is I just need to re-fill out the forms again, right?

**DAVID PRINGLE:** So every-- every tran--

**BRANDT:** That's-- and I'm willing to do that. I mean, we've done that--

**DAVID PRINGLE:** Well, every transfer that you do, you're filling out a fresh 4473 for every single transfer. And that's-- like I said, it's the paperwork between us. This other thing where we don't transmit the background check, we were worried in the beginning that it would be some kind of a problem, like somehow we'd be doing a double check or whatever. And so we literally went to ATF, to a deputy director. We went to one of the people who runs the NICS operation center. I had a

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

meeting with him in Fort Worth last week so that we can make sure that we're doing what we believe are the best practices. And at this point, because there's no reversal mechanism, there's no way for you to get it, I have to literally read about it in the newspaper or watch the mug shots that we felt we had to for public safety and for our own safety, because if I don't have a firearms license, I can't employ 30 people. People don't want to buy that many, you know, bows and arrows and crossbows, or soccer balls, and so firearms are our business and we just-- we have to enhance that. It slows things down. And by the way, it reverses with denials and delays. One thing about a delay under the Brady Act, you have three to five business days to transfer the gun. We do not do that. We wait until we have a transmittal from the NICS operation center to us that says that that person's clear, because if we release that gun, we're responsible to go get it or we're going to have to call an ATF agent.

**BRANDT:** So you're saying you would-- it could be greater than five days.

**DAVID PRINGLE:** It's taken--

**BRANDT:** I mean it could be.

**DAVID PRINGLE:** You have up to 30 days and we've--

**BRANDT:** OK.

**DAVID PRINGLE:** --had it take that long. And it's an uncomfortable situation with the customer and it has lost us business, but we just take public safety too much-- it's-- it's in all of our best interest to watch these things as much as we can.

**BRANDT:** All right. Thank you, Mr. Pringle.

**LATHROP:** Mr. Pringle, I don't see any other--

**DAVID PRINGLE:** Thanks.

**LATHROP:** --questions, but thanks for your testimony and sharing the information with us today. Anyone else here in a neutral capacity? Seeing none, Senator Cavanaugh, you may close. And as she comes up, let me read some letters of support from Christon MacTaggart at the Women's Fund; Sara Kay with the County Attorneys; Jacqueline Kehl, K-e-h-l; Steve Hensel with the Police Chiefs Association of Nebraska; Sarah Zuckerman; Michele Miller and Tim Hantula; and Sarah Hanify from

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

the Nebraska-- pardon me, National Association of Social-- Social Workers-Nebraska Chapter. Pardon me. Senator Cavanaugh to close.

**CAVANAUGH:** Thank you. I'm going to try and sit as close to the microphone as possible. I want to, first of all, thank our testifiers today for coming out and sharing their perspective on this piece of legislation. I also want to thank specifically the gentleman that came in at the end to talk about the federal regulations around this. They are correct. There-- there is federal law around this. And if you-- I believe you all have a copy of the Women's Fund letter: They actually speak to it on the last two paragraphs. Under current law, a court may prohibit an offender from firearm possession on a domestic protection abuse order, but cannot do the same for sexual-- for-- for harassment or sexual assault protection order. Victims who utilize the harassment and sexual assault protection orders have often experienced domestic violence committed by the offender on the order. However, Nebraska law does not currently provide avenues to protect these survivors. The purpose of this bill is to align us with federal law, which should actually, in the long term help a lot of the businesses so that they're not dealing with a different federal law versus a Nebraska law. It is something that I think we as a-- as a state should be interested in doing to help protect our vulnerable populations. And now I'll go to my more official remarks. The intersection of firearms and intimate partner violence has been shown to be a deadly combination. The number of women murdered by an intimate partner with a gun is more than all other methods combined. Over the past ten years, the rate of intimate partner murders of women with weapons has decreased, except for with guns. The number, instead, increased by 15 percent over that same period. And also over that same period, some states have restricted domestic abusers from firearm possession. Those states have seen double-digit decreases in murder rates of intimate partners. The most dangerous time period for a victim of intimate partner violence is immediately after they make the decision to leave an abusive relationship, resulting in escalating physical violence, as well as mental and emotional abuse from the offender. Studies have shown this is when they are most at risk of being murdered by their-- their abuser. A protection order is a survivor's first line of defense against her abuser, and their power is limited. A domestic violence protection order can prohibit the subject from having a gun, but it does not do so by default. There is currently no way for a sexual violence or harassment protection order to prohibit the subject from having or purchasing a gun. With that, I will take your questions if you have any.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**LATHROP:** Any questions for Senator Cavanaugh? I don't see any, Senator Cavanaugh. Thanks for introducing LB958 and being here today.

**CAVANAUGH:** Thank you.

**LATHROP:** That will close our hearing on LB958. I don't see anybody moving, so I assume they're all here for Senator McCollister's LB816. I want to ask a question before Senator McCollister begins. How many people are here in support of Senator McCollister's bill? How many of you intend to testify? If you could put your hands up so I can see. Three people in support?

**PANSING BROOKS:** There's someone over here-- four.

**LATHROP:** I'm sorry?

**PANSING BROOKS:** [INAUDIBLE]

**LATHROP:** OK. You don't have to get up yet. How many people are here to testify? We appreciate that you're here. Your presence is a statement in itself, I will say. But that said, how many people intend to testify or would like to testify at the table?

**BRANDT:** Against.

**PANSING BROOKS:** Against, against.

**BRANDT:** Testifying against.

**LATHROP:** Pardon me?

\_\_\_\_\_ : In opposition, sir?

**PANSING BROOKS:** Opposition, yes.

**LATHROP:** In opposition, yes.

**BRANDT:** There you go. That was the key.

\_\_\_\_\_ : There's several in the hallway.

\_\_\_\_\_ : And there's some more out--

\_\_\_\_\_ : There's more in the hall.

**LATHROP:** OK, so here's what's going to happen. I either have to limit the amount of time, which is going to cut some people off, or like I



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

can-- I can do this for an hour and a half and some people never have an opportunity to speak or I can do this where we testify for a minute and a half apiece. But I can't get-- I can't process everybody through it here. Mr. Pringle, are these all your friends?

**DAVID PRINGLE:** They are, some of them.

**MORFELD:** Got a lot of friends.

**SLAMA:** Popular guy.

**DAVID PRINGLE:** [INAUDIBLE]

**LATHROP:** No, I-- I-- I want to be-- I-- you guys have come down here today and we want to give you an opportunity to be heard. But I can't give everybody three minutes who's here to testify in opposition, particularly, we have maybe two overflow rooms or an overflow room and a crowded hallway.

**DAVID PRINGLE:** A minute and a half seems fair.

**LATHROP:** OK, then we will go to a minute and a half time. So this is how we're going to run the clock after Senator McCollister opens on this bill. We'll take proponent testimony, then we will take opponents. Each testifier will have a minute and a half. You will have one minute with a green light and 30 seconds with a yellow light and then a red light. All right? After you've testified, if you can-- maybe we'll take a break after a little while and let the room refresh so we can get some other people that want to be heard.

\_\_\_\_\_ : Can we get at least two minutes? That would be-- some of us have a prepared a--

**LATHROP:** I appreciate that. The only difficulty with that is, is that a lot of people will never have a chance to testify because we can't take this into the--

\_\_\_\_\_ : I'll give up my time for him.

**LATHROP:** Well, I appreciate that. And that's you know, if you guys can agree that-- that 20 of you are going to come up and testify and that's going to be the end of it, then we're fine.

\_\_\_\_\_ : I mean these are serious constitutional bills and-- and they need to be addressed.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**LATHROP:** I appreciate that. It doesn't change the fact that there's only so much time to have a hearing.

\_\_\_\_\_ : Should I go ask the other room how many people plan on speaking so we know?

**LATHROP:** Pardon me? Oh, we're having somebody over there find out. Who's over there?

\_\_\_\_\_ : [INAUDIBLE]

\_\_\_\_\_ : A page.

**LATHROP:** OK.

\_\_\_\_\_ : [INAUDIBLE]

**LATHROP:** Pardon me?

\_\_\_\_\_ : We're expecting another 20 to 25 outside of the room.

**LATHROP:** Twenty or 25?

**PANSING BROOKS:** Outside of this room.

**LATHROP:** Now I'm going to be somewhere around 40 people. I-- I-- I can't-- we're-- we're going to have to--

\_\_\_\_\_ : [INAUDIBLE]

**LATHROP:** I know. I know. We're-- we're going to have to have some kind of a limit or-- or I'm just going to have to go so long and then cut you guys off, and I may have somebody that came from Scottsbluff that never gets a chance to be heard.

\_\_\_\_\_ : I have [INAUDIBLE]

**LATHROP:** We're not going to do that. We appreciate the fact that you want to be heard and that you want to participate in this process. I just want to make sure I have enough time for everyone to participate. And that's been--

\_\_\_\_\_ : Steve--

\_\_\_\_\_ : Both sides will have a minute and a half?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**LATHROP:** Yeah. Yeah. Yeah.

\_\_\_\_\_ : Let's give them two [INAUDIBLE]

**LATHROP:** We won't get through all of them.

\_\_\_\_\_ : OK.

\_\_\_\_\_ : No.

\_\_\_\_\_ : I mean, what's our cutoff time?

**LATHROP:** We have-- pardon me?

\_\_\_\_\_ : What's our cutoff time?

**LATHROP:** When we get through everybody.

**BRANDT:** [INAUDIBLE] questions [INAUDIBLE]

**LATHROP:** Senator McCollister, you may open.

**McCOLLISTER:** Good afternoon, Chairman Lathrop and members of the committee. I'm John, J-o-h-n, McCollister, M-c-C-o-l-l-i-s-t-e-r, and I represent the-- represent the 20th Legislative District in Omaha. Today I am offering LB816 and AM2498, which would replace the bill as introduced. Before we talk about the amendment language, a note to all those who called my office to complain about LB816, which would impose taxes on firearms and ammunition. This bill does not increase taxes on guns of any kind or ammunition. I'm going to repeat that. This bill does not increase taxes on ammunition or guns of any kind. AM2498 would re-- would add important safety and suicide prevention measures to the current law as it applies to purchases of handguns. According to the American Public Health Association and Centers for Disease Control, suicide by firearm is a major public health problem. In 2016, firearm suicides accounted for half of all suicide deaths in this country, particularly during times of increased risk for suicide, such as divorce, job loss and mental health problems. The CDC reports that suicide rates in the U.S. have increased by one third, one third over the last 20 years. Suicide is the second leading cause of death among individuals ages 10 to 34. It was the tenth leading cause of death among all age groups. Suicide is a public health problem both economically and physically. According to Suicide Prevention Resource Center, the estimated cost of a single suicide is \$1,329,000. Nearly all of this cost is attributed to lost productivity, while the remaining 3 percent cost is due to medical treatment. The center also

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

reported the total cost of suicides and suicide attempts is \$70 billion a year, \$70 billion a year. There is ample evidence that suicidality is transitory. If a person survives a suicide impulse or-- his or her prognosis is quite good. However, if person attempts suicide through the means of a highly lethal, such as a firearm, the odds of survival are quite low. In Nebraska, over 50 percent of the suicides involve the use of a handgun. The current statutory requirement that a purchaser must apply for a certificate and undergo a background check before acquiring a handgun would be amended in just two ways. First, the waiting period for the date of application for the certificate until the issue would be between two and five days. This short delay would give a person intent on harm to himself or others a window of time to reflect on the impulse to purchase a handgun and hopefully change their mind. Second, when issuing a purchase certificate, the county sheriff or chief of police would be required to include evidence-based information materials aligned with best practices and suicide prevention. Several other provisions in AM2498 focus on safety and suicide prevention. A federal licensed firearm dealer would be required to be present at gun shows. It would be up to the organizer or sponsor of the gun show to show to-- the gun show to comply. At a gun show, the licensed firearm dealer would be required to conduct or review all handgun transactions to ensure compliance with our current state laws. Gun shows would be defined to mean events at which 50 or more firearms are offered for sale or exhibited. Transfers of handguns by individuals from personal collections at private residences-- private residences would be excluded from the gun show definition. I'll repeat that. Transfers of handguns by individuals from personal collections at private residences would be excluded from the gun show definition. Firearm dealers would be required to determine that a purchaser of a handgun has acquired the necessary purchase certificate. This would apply either at a gun shop or a gun show. Dealers are already required to distribute information developed by the Nebraska Department of Health and Human Services about the dangers of leaving loaded firearms unattended around children. They would also be allowed to include evidence-based information about suicide prevention and safety. Suicide prevention information would also be added to the training and safety courses developed by the Nebraska State Patrol for concealed carry permit applications. Finally, the application fee for the purchase certificate would be increased from \$5 to \$10. This would help law enforcement agencies recov-- recover the cost for processing these applications. I would be answer-- happy to answer any questions.

**LATHROP:** OK. Senator Pansing Brooks.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**PANSING BROOKS:** Thank you. Thank you for coming today. Could you give us a copy-- we-- we do not have the odd-numbered copies of your-- I know they went to get them, but I would-- in light of what-- the fact that we do not have the even-numbered pages of your amendment, could you please give us a copy?

**McCOLLISTER:** I would.

**PANSING BROOKS:** Would you be willing to give us a copy of your test-- of what you just said into the record, because I want to read it and clarify it with the actual pages of the bill, if you don't mind.

**McCOLLISTER:** Happy to do that.

**PANSING BROOKS:** OK, so maybe the-- you could hand that-- what you just said to the page and they can get copies of it for us because your person has left and--

**McCOLLISTER:** Well, this is-- you want the testimony too?

**PANSING BROOKS:** I'd like the testimony--

**McCOLLISTER:** Oh.

**PANSING BROOKS:** --that you just--

**McCOLLISTER:** Well, we'll print that off for you as well.

**PANSING BROOKS:** --if you don't mind. He could-- they can do it. The page can do it.

**McCOLLISTER:** In fact, I think I have copies of the bill here.

**PANSING BROOKS:** OK, well, the page can also take your testimony--

**McCOLLISTER:** Yeah.

**PANSING BROOKS:** --if you're willing. Sorry, Senator McCollister, but I want to clarify what you said and be able to read what you said with that.

**LATHROP:** Do you need to see that before he's done?

**PANSING BROOKS:** I'd like to see his testimony.

**McCOLLISTER:** Is she still here?

\_\_\_\_\_ : No, she just ran [INAUDIBLE]

**PANSING BROOKS:** I just want his testimony so I can read it. That's not his testimony; that's the bill. I would like his testimony.

**McCOLLISTER:** Well, we'll print that off and bring it to you.

**PANSING BROOKS:** OK. Well, the page could do it, right, unless you--

**McCOLLISTER:** Yeah, it's-- it's got a lot of handwritten notes on it.

**PANSING BROOKS:** OK. OK, but then I can't--

**McCOLLISTER:** So maybe a page could go tell my office that you want a copy of the opening. OK?

**LATHROP:** Oh, Senator Slama [INAUDIBLE]

**SLAMA:** All right. Well, thank you, Senator McCollister. As we wait, I'll-- I do have a couple of questions for you. So this bill isn't an increase in a tax. It's doubling of a fee, though, correct \$5 to \$10?

**McCOLLISTER:** Well, there's-- there's no state-imposed tax. The fee that's currently charged is levied by the sheriff or the-- or the police officer in a particular area, and that would go from \$5 to \$10.

**SLAMA:** So that's an increase?

**McCOLLISTER:** Yeah, the \$5 fee is currently in state statute.

**SLAMA:** And then I have a couple of questions about the gun show part of the bill. And since we only have half, I'll just do the best I can off my notes that I had before. So what's stopping a person at a gun show in a way of avoiding this of saying, hey, I like this gun, I forgot my wallet out in the car, can I just pay out there, to get-- to create, more or less, another loophole?

**McCOLLISTER:** Well, I think Mr. Pringle did a nice job when he spoke. If you don't have documentation, a license or ID, I-- I don't think a transfer would occur, even at a gun show.

**SLAMA:** I'm talking about someone going out to the car and the exchange happening outside of the bounds of the gun show, which is a pretty well-regulated area.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**McCOLLISTER:** Well, you know, in my testimony, I said that, you know, private transfers among family members, of thing-- things of that kind would-- would not be regulated.

**SLAMA:** Oh, sure. No, I'm just talking about a person who is selling guns at a gun show. The person, to avoid the regulations imposed in this bill, goes out to the parking lot, has the exchange there.

**McCOLLISTER:** Well, gun dealers are licensed. And so, you know, there's certain-- I would doubt a registered gun dealer would take those kinds of chances. But, yes, we do know that guns are exchanged by-- by-- by people wanting to commit crimes, so, you know, we can't-- we can't--

**SLAMA:** Or even just people wanting to buy firearms.

**McCOLLISTER:** Yeah, we can't create a perfect system, is what I'm saying.

**SLAMA:** OK. And, I mean, I had a question-- I think this is included in our copy-- of the "may distribute" on page 7, the section that says any firearm dealer licensed pursuant 18 U.S.C. 923. This is starting line 31 on page 7: may distribute to any firearm purchaser other informational evidence-based information aligned with best practices and suicide prevention. Couldn't they do that already without us saying, well, you may do this, in statute?

**McCOLLISTER:** You know, if-- if that's the only issue we have, that's-- that's easy to resolve.

**SLAMA:** Yeah, that's just a question I have on parts of the bill.

**McCOLLISTER:** Best practices should be followed. And Mr. Pringle, I thought, made a pretty good case for that as well.

**SLAMA:** OK. Thank you.

**McCOLLISTER:** OK.

**LATHROP:** OK. John, I just wanted to-- to clarify. And if you have a cell phone and you're looking at this stuff and you want to look at the amendment Senator McCollister is talking about, it is-- if you go to the website of the Nebraska Legislature, look up LB816 and there you will see filed an amendment, and the amendment is called AM2498. And do I understand that your amendment that you've just referenced takes all the semiautomatic gun stuff out of your bill? Is that right?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**McCOLLISTER:** It does indeed.

**LATHROP:** OK.

**McCOLLISTER:** And--

**LATHROP:** So I don't know if you came here specifically to talk about that. That's no longer what the proposition is that's before the committee.

**McCOLLISTER:** Well, we had originally thought that the sheriff-- the sheriff-- purchase certificate was more rigorous than-- than the background check. So, you know, as we developed the bill, we discovered that was an un-- unnecessary component of the bill.

**LATHROP:** OK, very good. I just wanted to make that clarification, mostly for the people that are here in attendance. If that was their-- if that was their issue, it's not part of your proposal at this time.

**McCOLLISTER:** Correct.

**LATHROP:** OK.

\_\_\_\_\_ : Senator Lathrop, can we ask questions?

**LATHROP:** No, you can't. We don't work that way. Any other questions for Senator McCollister? Seeing none--

**McCOLLISTER:** Thank you.

**LATHROP:** You will-- you will be here to close?

**McCOLLISTER:** I sure will.

**LATHROP:** OK, very good. Now I will ask those who are going to be proponents, or those that are testifying in support, if you want to fill in the front row as we-- we will-- really hard if we have background conversation, I'm just going to offer, because of the sound in here. But come on up and we'll take the first proponent. Now I'll-- I'll reiterate what I said before. We're on a different time. OK? Laurie will be keeping one minute for a green light, then the yellow light's 30 seconds, and then a red.

**EMILY KILLHAM:** Thank you.

**LATHROP:** OK? Thank you.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**EMILY KILLHAM:** OK, thank you for letting me come today. My name is Emily Killham. I'm the director of public health partnerships for Nebraskans Against Gun Violence. My last name is spelled K-i-l-l-h-a-m, and I'm here today to really just talk about the financial cost of suicide and why it is important to-- for us to think about. So you heard Senator McCollister say that the suicide itself and self-harm costs \$70 billion a year in the United States. That's solely from medical and lost economic output of those who are-- who complete suicide. It is not any of the other costs associated with the trauma involved in-- in those that are associated with that. And so the CDC has said suicide is a public health crisis. And so we need to be following evidence-based policy to help reduce the cost of suicide. And the number-one thing we can do is to reduce easy and quick access to firearms. And so I am a proponent of this bill that increases that waiting period. I'm also a proponent of the education component of this bill that includes not only safe storage information. We know that a safely stored firearm is a deterrent to suicide. We know that it is a deterrent, especially for youth suicide, that just having the firearm in your home increases the risk, triples the risk of suicide, but being able to stop that access immediately can do a lot to cut down on that. This is for children. This is for veterans who have a one and a half times higher suicide rate than non-veterans, as well as children. Eighty percent of kids use the family gun when they are attempting a suicide. And we know that suicide is-- suicide by firearm is 90 percent effective.

**LATHROP:** OK.

**EMILY KILLHAM:** Thank you.

**LATHROP:** I don't see any questions. Thank you for your testimony. Next proponent. Good afternoon.

**MELODY VACCARO:** Good afternoon. My name is Melody Vaccaro, M-e-l-o-d-y V-a-c-c-a-r-o. I'm here in support of LB816. And I just want to give a little synopsis of my perspective of how-- what's-- everything kind of going on this week. We know that this topic brings out threats of gun violence. In your packet, on the first page, I have a-- Senator Erdman's comments he put on social media two years back where he referenced two of our board members might suddenly die. And one of his constituents said that was a good idea and someone might visit them on a dark night. We know that this week Senator Morfeld has been facing threats of violence. We've seen in our own group of organizers, our addresses have been posted on social media and there have been-- the founder of Nebraskans Against Gun Violence has an entire file that she

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

calls the "c\*\*\*" file because of all of the misogynistic sexual rape threats that reference her "c\*\*\*" as they refer to it. So I just want to put that out there. And then I want to put out in our last bill hearing, we had people that were clearly in opposition testify in the neutral, which we've seen in Judiciary on previous bill days. And then the opposition today for this bill, this public safety bill, was allowed to coordinate with the Chair, instead of the committee sorting it out themselves, how long everyone would get to testify. And I want the record to show that that all happened and it is not OK. Guns are not-- they should not control every action of every other person. We cannot be reacting out of fear. We have to be reacting out of "logicalness," out of respect for others and out of a sense of duty to the greater good.

**LATHROP:** OK. To be clear, I'm not coordinating with the other side. I'm trying to determine how many people we need to hear from today. That's why we are going to a minute and a half for both sides per person.

**MELODY VACCARO:** And that was discussed on the record here today with the person who funded all the buses for people to come today.

**LATHROP:** OK. Thank you for your testimony. Next proponent.

**JUDY KING:** Hi. My name is Judy King, J-u-d-y K-i-n-g. And I am for this bill and I would like to read a report here. It's a report-- reported white supremacist ties of a gun shop worker cause firearms group to change meeting plans. It's by the Omaha World-Herald. And it's someone sitting behind me. His name is David Pringle. And this is David Pringle back here, right here.

\_\_\_\_\_ : How is this relevant?

**JUDY KING:** David Pringle of Lincoln is-- both his personal Facebook page and on a blog post that is attributed to Pringle on the National Vanguard website. The Nebraska Firearms Owners Association had to change the location of its annual members meeting after learning about a Lincoln gun shop owner's employee's reported ties to white supremacist's organization. The employee on Tuesday denied belonging to these groups. The Nebra-- Nebraska Firearms Association, which represents more than 10,000 gun owners, moved its August 25 meeting from Discount Enterprises, or DEGuns, in Lincoln to Omaha Gun Club. The group's board of directors said in a statement that they heard Sunday night from a concerned member regarding the upcoming meeting and its venue, the gun shop near 134th and O Streets in east Lincoln.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

Following up on this tip, the association-- association said it learned that an individual employed by DEGuns is a nationally known white supremacist with significant ties to organizations--

**LATHROP:** Ms. King--

**JUDY KING:** --whose mission and vision--

**LATHROP:** Ms. King--

**JUDY KING:** --are incompatible with ours.

**LATHROP:** OK.

**JUDY KING:** Thank you.

**LATHROP:** Got to enforce that time line.

**JUDY KING:** That's fine. Thank you.

**LATHROP:** Thank you.

**SLAMA:** I just wanted-- ma'am.

**JUDY KING:** I won't answer any questions.

**LATHROP:** Oh, I'm sorry. Do you have a question for her?

**JUDY KING:** I won't answer any questions.

**SLAMA:** I'd just like to add to the record that it would be nice if we kept our testimony to what's relevant to LB816, rather than talking about individual people who may or may not be in the audience.

**JUDY KING:** It's--

**LATHROP:** We-- wait a minute. To be perfectly clear and to clarify, Senator Slama has suggested that this body tries to determine what's relevant from what's not relevant, and that's never been the case.

**JUDY KING:** Yeah.

**LATHROP:** When you have your minute and a half, you can-- you can say your piece and we don't have control over what's relevant or what's not relevant.

**JUDY KING:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**LATHROP:** What we do have control over is whether someone will be disrespectful when they speak. And as long as you take your minute and a half and you're respectful, you'll be heard. You may-- you may proceed.

**PATRICIA WONCH HILL:** Thank you.

**SLAMA:** Thank you for that clarification.

**PATRICIA WONCH HILL:** My name is Patricia Wonch Hill, spelled P-a-t-r-i-c-i-a W-o-n-c-h H-i-l-l, and I am here to continue reading from the Omaha World-Herald article on David Pringle. A photo on the Facebook page of Lincoln resident David Pringle shows Pringle posing in front of a building that has a National Alliance symbol. The same photo accompanies a 2016 article written by Pringle on the National Vanguard site and it has him tagged. Anti-Fascist Action-- Action Nebraska's post also includes a photo of Pringle appearing with David Duke, former grand wizard of the Ku Klux Klan, along with social media posts supposedly written by Pringle. The posts show Pringle calling for funding for National Alliance in October of last year and promoting the organization shortly after and apparently in response to violence at the White Nationalist rally in Charlottesville, Virginia. The Anti-Fascist Action Nebraska blog post also links to a 2003 Southern Poverty Law Center article that lists Pringle as one of 40 leaders of the radical right to watch. In that article, Pringle was listed as a longtime Alaska unit leader for the National Alliance. I just wanted to point this out because white supremacy is terrorism. And if he's here with all of his friends, I just want you to-- to understand what they represent.

**LATHROP:** OK. I don't see any questions. Thanks for being here. Next proponent. Good afternoon.

**DANIELLE SAVINGTON:** Afternoon again. Thank you for having us again today, Senators and Chairperson Lathrop. Again, 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 speaking during this bill's hearing in support of this bill on behalf of Ne--Nebraskans for Peace. I'm a Nebraska resident. I live in Papillion, Nebraska. I've been a licensed attorney in the state for over ten years now. With respect to this bill specifically, I think that it's important to note that it clarifies what can and can't happen when guns are being transferred in specific venues. As someone who's been around for the gun bills in this Legislature for many sessions now, one thing that I've seen come up over and over again is a request on behalf of gun enthusiasts for more clarification and specificity,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

because they really don't want to commit crimes, but when the laws are gray, they feel like they are exposed to incidental violations of the law. By creating-- by empowering this and making this amendment that's in AM2498, we clarify and we provide that opportunity for gun enthusiasts to know exactly what can happen, where and how to effect those things. With respect to concerns about the increase from a \$5 fee to a \$10 fee, that is a nominal amount of money. And I would suggest that anyone who has concerns about that increased spending, that they discuss or question some of the people who are here today about the amount of money that they have invested in their firearms collections because, as we know, firearms are expensive hobbies. It's an expensive sport and it's something that the people who are in this room have already expended quite a large-- a large, substantial amount of money to support themselves in. And I would challenge that that additional \$5 cost, which goes to support the state's ability to perform those background checks and to effectively navigate those waters, is something that all of us should support.

**LATHROP:** OK. Thank you for your testimony and your appearance once again. Appreciate hearing from you. I don't see any questions. Next proponent.

**SHIRLEY NIEMEYER:** Shirley Niemeyer, S-h-i-r-l-e-y N-i-e-m-e-y-e-r, and I'm from Nebraska and I represent myself. I just wanted to mention for suicide prevention, I think this is true of what I read, the second leading cause of teen deaths is suicide. And I think that this in some ways might help that. I have some other relevant information here. I wanted to share with you a story about what happened in church one Sunday. The children had a lesson and our pastor asked them, if you could ask Jesus one question, what would it be? And one of the children said, is there another world I can live in? And another children [SIC] said, will it get better? And then I heard the story of the little girl that didn't want to wear her shoes to school that lighted up. Why? Because she was scared that the gunman could see her with her lighted shoes. Children should not be scared to live in our world. And I think the people here, even the opponents, do not want anybody killed. They don't want anybody to have harm. But there are people who need these regulations. We need this. We are a very violent society. And I don't want Nebraska to be one of those that doesn't do anything about it. Please have the courage to do the right thing, regardless of how many are opposed to this. You know what's right. And I asked you. I hope you will do the right thing. Thank you so much. I appreciate the honor of speaking to you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**LATHROP:** Thank you, Ms. Niemeyer. Are there any other proponents that wish to be heard? Seeing none, we will move to opponent testimony. And those of you who are on the front row, yeah, if we can open up the front row to opponent testimony, or opponent testifiers. Why don't you wait just a second so we have a few people moving around and you don't want to try to talk over them and we wouldn't be able to hear you, probably.

**DeBOER:** Yeah, we can't hear much in this room. Yeah. Speak into the microphone. I can't hear anything.

**LATHROP:** I don't know. If we need to, we can pick up proponents again if they-- one second. If you guys don't mind, if you can find a seat or if you're leaving-- All right. We're going to-- we're going to continue with the testimony. You-- you may proceed, beginning with your first and last name and spell it for the record, please.

**GREG HOLLOWAY:** My name is Greg Holloway, G-r-e-g H-o-l-l-o-w-a-y. I represent here the Nebraska Veteran's Council. Nebraska Veteran's Councils is made up of the eight recognized veterans organizations and one county veterans service officers association here in the state of Nebraska. And sitting on those are the officers of the respective veterans organizations. At our regular meeting, we chose to oppose this bill, and this was actually before the amendment and we haven't had a chance to digest the amendment. But we are in opposition to this bill because it doesn't-- we do feel it infringes on the rights of the citizens. And we represent, our organizations collectively, over 36,000 veterans within-- within the communities and state of Nebraska. So we actually oppose this bill, and odds are we'd probably-- probably oppose the amendments because there are consistencies. I don't like the word "may" in any bill because there's too much-- you can interpret that word "may" any way you want, and there's a lot of "mays" in this bill, so --and no one knows more about gun violence than I do. Fifty-two years ago right now, I was waiting to go to Vietnam. I got in Vietnam on February 28-- left for Vietnam February 28, 1968, and my first firefight was shortly after that in March. I was wounded twice in five months, so I know gun violence, trust me. But this does infringe-- infringe on our rights.

**LATHROP:** OK.

**GREG HOLLOWAY:** If I could take a personal moment, I've been doing this for about 30 years. Senator Chambers and I have locked horns many times, but I've agreed with him on many, many occasions. And I want to thank him for his service to Nebraska through our Unicameral. I think

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

he's done an excellent job and, believe me or not, I'll miss you. All right? Thank you, Senator Chambers.

**LATHROP:** All right. Thank you. Thanks for your service.

**GREG HOLLOWAY:** Thank you.

**CHAMBERS:** May-- may I make a comment?

**LATHROP:** You may make a comment, Senator Chambers.

**CHAMBERS:** Every time I see the flag, because people don't like some things I said, you are one of the few people with a uniform who has that flag on there facing the way it should. When you look at the flag, the stars and field of stars are to be the-- to the left of the observer. On most uniforms, they have the stars facing here and then the stripes. Yours is correct.

**GREG HOLLOWAY:** That's the way it's supposed to be done, yes.

**CHAMBERS:** And there are even military uniforms at Offutt Air Force Base where the flag is backward.

**GREG HOLLOWAY:** Yep.

**CHAMBERS:** So you gave me a shout out, so to speak. I want to give you one. And I wish that people who wear the flag would look at how you have yours on the sleeve and they will do it correctly.

**LATHROP:** OK.

**CHAMBERS:** That's all that I have.

**GREG HOLLOWAY:** I salute you, Senator.

**LATHROP:** Thank you, Mr. Holloway.

**GREG HOLLOWAY:** Thank you.

**LATHROP:** Thanks for being here today. Next opponent, please. Good afternoon.

**STEPHANIE TODD:** Good afternoon. Thank you, committee, for having me here today. My name is Stephanie Todd, S-t-e-p-h-a-n-i-e. I carry daily for self-defense. I'm a firearms instructor and I'm a competitive shooter. I'm certified to instruct the Nebraska concealed handgun permit course. Women are the fastest-growing demographic of

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

firearm owners. I'm proud to say that I am the lead for the Nebraska delegation of the DC Project, an incredible group of women representing gun owners nationally and in Nebraska. I'm here today, honored to speak on behalf of those women, mothers and daughters, young and old, black and white, beginners and experts, hunters and competitors, Democrats and Republicans, and women who have been impacted by legislation restricting their rights. On its face, the things LB816 seeks to accomplish sound great. I think every person in this room would agree that firearm safety and suicide prevention are good things. I believe that every person in this room would agree that one life unjustifiably taken is one too many. The additional restrictions that would be oppose-- imposed under LB816 will do nothing but further infringe on the rights of law-abiding, background-check-passing gun owners. Creating additional laws will not change the fact that criminals don't follow the law. Having more people like me, who are knowledgeable about firearms, educate people about mental health and suicide prevention is a good idea in theory, but I don't feel that I'm qualified to educate my students on that. As an instructor, I've had the honor of introducing many people to firearms. I'm proud to say I'm doing something to promote firearm safety.

**LATHROP:** Thank you, Ms. Todd.

**STEPHANIE TODD:** Thank you.

**LATHROP:** And thank you for the work you do promoting firearm safety.

**STEPHANIE TODD:** Thank you.

**LATHROP:** Appreciate you being here today. Next testifier. Good afternoon once again.

**ANDREW BEBEE:** Afternoon. Again, my name is Andrew Bebee, A-n-d-r-e-w B-e-b-e-e. So things have changed a little bit today, so I apologize. This is a little fragmented.

**LATHROP:** That's all right.

**ANDREW BEBEE:** So this is-- I have people come into the store all the time and they tell me, hey, I actually have somebody in my life that's threatened me, I have a restriction on them and a restraining order on them, and I'd like to purchase a firearm to protect myself. Now there are that things I can recommend, that I can sell, but a lot of people do come in wanting a handgun. So if somebody tells me at Friday at 4:00 p.m. that they would like to purchase a handgun, they have to



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

wait until Monday at 8:30 where the office in Omaha is only open from 8:30 to 3:30 to get a firearm purchase certificate for a handgun. Then they have to wait another three to five days to get that firearm purchase certificate? So what do I do? I hand them a gun that they may not like, or I say, here, have some pepper spray, hope to see you on Wednesday, Thursday. So, you know, and I think that parts of the firearm purchase certificate are faulty in terms of, you know, only having to have one background check every three years for a simple NICS check. So maybe the whole system is flawed. Again, I'm a little scattered here. There is a quote that I would like to leave here with. This is from Jordan B Peterson and he says: You don't make people safe by making them weak; you make them safe by making them strong. Thank you.

**LATHROP:** OK. Thank you, Mr. Bebee.

**ANDREW BEBEE:** Yes.

**LATHROP:** Appreciate your testimony.

**ANDREW BEBEE:** Thank you.

**ANGELEA BEBEE:** My name is Angelea Bebee, B-- A-n-g-e-l-e-a B-e-b-e-e. Thank you for opening up this bill for discussion and listening to our voices. I understand you feel the need to react to violence in the United States. However, we cannot respond to this violence with emotion-filled laws. In the first paragraph of this bill, it states: This bill is an act relating to public health and welfare to provide for dissemination of information regarding firearm safety and suicide prevention. Requiring a person to get a firearms purchase certificate does not inhibit their desire to commit crimes or to inflict harm upon themselves. Reducing the number of background checks will not reduce suicides. A person with evil intentions is not going to care about a piece of paper that need-- that they need to get in order to buy their firearm. They are going to do the evil things that they are set out to do. If you start down this road by putting restrictions on people's rights to bear arms and you consider what I just said about the intentions of evil, you will find yourself completely limiting the freedom of the Second Amendment. Where does it end? No matter what you try to pass, you will never stop evil, but you will inhibit good people from stopping that evil. In the Article I-- I-1 of the Nebraska State Constitution's state of rights, it says: All persons are nat-- by nature are free and independent and have certain inherent inalienable rights. Among these are the life, liberty and pursuit of happiness, and the right to keep and bear arms for the security and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

defense of their family, homes, and others. And my favorite part about this line is that it shall not be infringed by the state or a subdivision thereof. And to secure these rights, governments are instituted among the people and they derive those powers by the consented [SIC] of the governed, which would be us. Thank you.

**LATHROP:** Thank you, Ms. Bebee. Welcome again.

**DAVID PRINGLE:** Thank you. My name is David Pringle, D-av-i-d P-r-i-n-g-l-e. Clearly we know a lot more about each other. So I'd like to continue along with making a few things that we in the industry do that we consider our best practices. Obviously, we recognize that people are committing suicide with firearms and that many of them are gun owners. And so what we've done is we've teamed up with a group called WTTA, Walk the Talk America. They're [wtta.org](http://wtta.org). This is an organization that was formed in the gun industry so that we can reach out and destigmatize mental illness and prevent-- somebody can go and say they're having crazy thoughts, and the first thing that's not going to happen to them is getting red flagged. And so that's what we-- we teamed up with them because we tried to team up with the Veterans Administration suicide prevention, and they canceled because one person at our store they didn't like. You can guess who it is. And so it's the same with this permit. If you think adding \$10 is going to make this thing work, you're crazy. It already doesn't work. You should get rid of the other pistol purchase permit so that we can do a proper background check with every single person. It's a huge weakness. I was shocked when I found out how the purchase system worked. And I'd like to make sure that-- you know, freedom isn't safe and safety isn't free. And so it's up to all of you to choose wisely. And I thank you for my additional time.

**LATHROP:** Yep. You're very welcome. Thanks for being here. Senator Slama's got a question for you.

**DAVID PRINGLE:** Yes.

**SLAMA:** I just wanted to give you a chance. Obviously, we started off this hearing with some comments. Would you like to respond to any of those, just for the record?

**DAVID PRINGLE:** That I'm a white supremacist or that I'm a neo-Nazi or something? I know David Duke. I was the membership coordinator for the National Alliance. I love my race more than any other-- more than any other race, just like I love my family more than any other family and my children more than any other children. I don't hate races that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

aren't my own. I don't hate families that aren't my own. I don't hate children that aren't my own. What happens is that I am the recipient of hate. I just was attacked by a group that had the demographics of a Klan rally that came in here. There was no diversity. I'm attacked like that constantly. Those kinds of attacks stop suicide prevention from coming to DEGuns. And what happened? We had a suicide, one of our customers. They would have been there that day. This kind of toxic culture war that's being waged against us through the media and through the "antis" is what divides us. My customers come from every single walk of life. We have people who, when they get their resident alien card and they can come to our store, they burn it up to exercise freedom, because where they lived, they didn't have it and they have it here. And the other thing, the reason that I testified today and got me burning about this thing, is limiting purchasing from 18- to 21-year-old Nebraska-Americans. That's toxic. Those young men and women and people, however they identify, they-- we could call on them to protect us and give them access to million-dollar weapons systems and they can't come and buy a Ruger 10/22 from me? The minute that they turn 18, they're there to buy guns and they're happy about it because they're exercising freedom. They are an adult. And so you-- please don't take that away. I make money at it, yes, but what I do is I enable and I empower people and I sell freedom.

**SLAMA:** Thank you.

**DAVID PRINGLE:** Thank you.

**LATHROP:** Thank you, Mr. Pringle. Next testifier.

**KEVIN RUHAAK:** Hello. My name is Kevin--

**LATHROP:** Good afternoon.

**KEVIN RUHAAK:** --Kevin Ruhaak, R-u-h-a-a-k. I'm a concealed carry instructor for the state of Nebraska. I am an NRA instructor. I'm also a range safety officer. I take safety really serious. Like one of the other people said, I've noticed a huge spike in women training and gaining their concealed carry, so I believe women are becoming stronger and willing to defend themselves and doing that. Limiting-- like-- like the previous gentleman said, limiting how or adding to this certificate that already doesn't work, I mean, the government has to look at in the state of Nebraska, start meeting with these people and talking to the people that are out there on the front lines and see what would actually help. I see all these duplicate laws and I just-- I don't feel like those are going to strengthen safety and--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

and limiting anybody will only-- will only take away that strength we're trying to give people. The Second Amendment is a valuable amendment, just like the First, and I believe-- obviously, the bill kind of changed, so some of it was a little bit different, but-- all I have to say.

**LATHROP:** All right. Well, thanks for being here today.

**KEVIN RUHAAK:** Thank you. Yep.

**LATHROP:** Appreciate hearing from you. Next testifier. Good afternoon.

**TERESA CLARK:** Good afternoon. Thank you for the opportunity. My name is Teresa Clark, T-e-r-e-s-a, Clark, C-l-a-r-k, and I am testifying today in opposition of LB816. I am the co-owner of BigShots Indoor Range and Silencer HQ here in Lincoln. We are a veteran-owned business and we have customers and patrons from across our state. BigShots is not only a safe and enjoyable place to shoot. We provide personalized instruction, training and education. Additionally, we sell firearms, suppressors, accessories, ammo, and we train. We take extra--

**LATHROP:** Can you speak just a little bit louder for me?

**TERESA CLARK:** Yes-- and we train. We take extra efforts to promote and ensure safety and responsible firearm ownership and use. We appreciate the recent amendments from-- from the 19th on LB816, but at the end of the day, adding two days to the permit granting does not make a difference. And there are already rigid requirements for legally obtaining a firearm, which you've all been discussing for several hours. I've been on the State Suicide Coalition for many years and I am a QPR, which is question, persuade and refer, gatekeeper training for several years as well. I work with local health departments across the state to take QPR and suicide training to the state -- to the rural parts of our state. Suicide is a mental health-- suicide and mental health are concerns but do not belong in firearms legislation. If the objective is to impact suicide, then let's address suicide separate from firearms. We should not make laws to make laws. This appears to be a feel-good strategy to address a very serious issue our state is currently facing, like suicide prevention. For these reasons, I encourage you to vote against suicide training. One additional comment, we do discuss suicide prevention at every concealed carry class we have. BigShots also offers a place to safely restrict and store people's firearms. We work with the VA, with law enforcement and mental health. It's important to have those things so that when

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

someone is going through a dark time, they can get the guns out of the house.

**LATHROP:** Well, thanks for doing that.

**TERESA CLARK:** Thank you.

**LATHROP:** It's important. Senator Brandt has a question for you.

**BRANDT:** Thank you. Thank you, Chairman Lathrop. Thank you, Ms. Clark, for your testimony. I believe you made commercials, anti-suicide commercials, along with like the police department. There was a number of people, very well done. Do you understand when people come to the Legislature and they are concerned because we have children's suicides or veterans' suicides and quite often it involves a weapon. And I realize that not everybody is consulted on all this, and I come from a very rural area. You know, I own a great number of firearms. But do you have a-- and you-- and the reason I'm asking you this question is you've put in your time on the-- on the suicide part of this component. Do you have any insight that you could offer on that?

**TERESA CLARK:** Absolutely. Good question. I really think we need to do more education and awareness. And, of course, you know, it comes from us when we're selling those firearms. It's important that we talk to the folks about locking them up and restricting them. But to add it to the law, does that really make that much of an issue or can we just truly get on the awareness and education? That's what moves-- that's what moves the folks. It's you know, the criminals are still-- still going to break the laws.

**BRANDT:** Sure.

**TERESA CLARK:** And the Suicide Coalition is doing some tremendous things. They're doing gun lock giveaways and gun box giveaways. But I think more people having that discussion about suicide prevention is where it belongs, not necessarily in firearms legislation.

**BRANDT:** All right. Thank you.

**TERESA CLARK:** Thank you, sir.

**LATHROP:** Very good. Thanks--

**TERESA CLARK:** Thank you.

**LATHROP:** --Ms.Clark.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**ANDY ALLEN:** Afternoon.

**LATHROP:** Good afternoon.

**ANDY ALLEN:** Andy Allen, A-n-d-y A-l-l-e-n. Obviously I had a lot of things that-- with the amendment we're going to kind of skip over. I am going to talk real briefly about what a lot of gun people are going to say is the tax increase, but it's the fee increase.

**LATHROP:** Sure.

**ANDY ALLEN:** I'm just going to point out this increase has been coming up for years. We've talked about it being \$15, about it being \$10 or \$20. Now we're talking \$10; \$10 is possibly reasonable. I would not be the expert to-- the only person that I'd want to talk to when making that. But I am going to add a note that we-- \$5 isn't what everybody in the state of Nebraska pays for a purchase permit. We have places in Nebraska where cities are adding extra fees on. There's a processing fee or whatever. They're-- they're \$20 or possibly more. It's been eight years since I've checked on any of the places that's done it to-- to process those fees, so we'd need to take care of that. Also, when we get to talking about suicide, I'm welcoming people to the party. I've been on this for ten years now. It's been mentioned Walk the Talk America. That organization came about from a discussion that I had nationally with gun groups. It's actually funded by gun manufacturers. Manufacturers are including now in with their new firearms suicide safety information. They're also providing services out to gun dealers. You've also got-- here in the state, we've now got the American Foundation for Suicide Prevention that is providing materials out, and the gun groups here in Nebraska have been very strongly supportive of that and getting it into gun stores and--

**LATHROP:** OK.

**ANDY ALLEN:** --dealers, so forth.

**LATHROP:** Thanks, Mr. Allen. Appreciate hearing from you. I don't see any questions today. Next opponent. Good afternoon.

**AARON WALLIN:** Hi. I'm-- my name is Aaron Wallin, A-a-r-o-n, Wallin, W-a-l-l-i-n. I'm in District 12 and--

**LATHROP:** Good to see you.

**AARON WALLIN:** So I'm not really good with all this, but when I looked at--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**LATHROP:** No, you're fine.

**AARON WALLIN:** --when I looked at the bill, it's saying every single law and regulations and age requirements for a purchase permit, you have to have-- be 21 years and older for purchase permit. Now what about all those people that already had these firearms that are under the age of 21? Do they have to fork them over? And what about somebody that wants to buy one under the age of 21, all the families, veterans? So-- and I could-- you could just go on and on. You know, where do we draw the line on that? Maybe change the age requirement on a purchase permit, but that's a federal law over handguns. And I-- I-- I don't really think that this bill is relevant to anything, really. And I'm pro-Second Amendment. I always have been. I had a person at my church that was a Von Maur survivor. And he didn't say anything about Second Amendment, anything about anti-gun. He just saw in the kid's eyes, before he got shot, that there was pain, anger, and so on. And that's how I-- that's-- I'm done.

**LATHROP:** Yeah. You know what? Thanks for taking the time today to come down here and share your thoughts.

**AARON WALLIN:** I'm really nervous.

**LATHROP:** Appreciate it. Next testifier. Good afternoon.

**VICTORIA HILTON:** Good afternoon, sir. My name is Victoria Hilton, V-i-c-t-o-r-i-a H-i-l-t-o-n. I'm from Lincoln. And I am a range safety instructor. I'm an NRA pistol instructor. I'm also one member of The Well Armed Woman, who formed two chapters here in Lincoln. I'm one of the biggest demographics of gun owners. And one thing we've learned is to educate, empower and equip. And educate is the big thing and education is safety. We teach safety. When it comes to trying to teach suicide prevention, I've had four very close suicides, two of them close family members. There's nothing I could have taught my stepson that would have saved his life. He chose to end his life. He chose to do it with a firearm. There is nothing that we can do like that as firearms instructors. We're not qualified. We need to address the medical health issues in this country, not have a firearms instructor try to decide. One thing I'm taught as an NRA instructor is that we learn to teach people-- or not teach people if they have an inappropriate attitude. That inappropriate attitude can be a lot of things and it can be visible signs of depression or aggression or angry things. I've turned down a lot of people and I refused to teach because they did not have an appropriate and healthy attitude towards firearms. But again, to echo Ms. Clark, there is no place for mental

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

health treatment within a firearms bill. This is something we do need to address as a society, but not a firearms instructor. We are not qualified. We are not physicians. Thank you.

**LATHROP:** Thank you for your testimony.

**ZACK RINGER:** I'd like to submit this 571 pages of that petition as public record if I can.

**LATHROP:** Can we start-- have you start with your name--

**ZACK RINGER:** Yeah, yep. Yep.

**LATHROP:** --spell it for us, sir?

**ZACK RINGER:** My name, Zack Ringer, Z-a-c-k R-i-n-g-e-r. I come here today on behalf of everybody that took their time to read the bill, sign that petition. Again, it's 571 pages long. I really hope that that thing speaks for itself on the opposition to these bills. Both LB958 and LB816. The other-- I'm passing around a flyer, too, to show you guys that firearm deaths are not even in the top ten cause of death in the state of Nebraska, not in the top ten. Out of 169 firearm deaths in the state of Nebraska, 43 of them were homicides. Out of those 43, 32 of those homicides happened in Lincoln and Omaha. So you take the remainder, the remaining nine, and spread that throughout the rest of the state. That tells us that we have a people problem. We do not have a firearm problem. Last thing that I'd like to address and-- is-- is some-- some anti-gun money that's been funneling into the state by one of our senators in this room, received \$8,600 from Everytown for Gun Safety. As-- as everybody knows, Michael Bloomberg-- Michael Bloomberg, is the founder of Everytown for Gun Safety. Michael Bloomberg has also claimed that he is going to spend \$60 million to remove our firearms. Now you guys took an oath to your office to defend and uphold our Constitution. As 11-101.2 states, it is a violation of your oath of office to accept money and trample on our constitutional rights, the Constitution you took your oath to uphold.

**LATHROP:** All right. Thank you, Mr. Ringer. We appreciate your perspective--

**ZACK RINGER:** Thanks.

**LATHROP:** --your testimony today. Good afternoon, sir.

**RON FERGESON:** Good afternoon, folks. Senators, thank you. My name is Ron Fergeson, R-o-n F-e-r-g-e-s-o-n. I live in Bellevue after being



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

honored to serve our country for 26 years in the Army. I fought in Desert Storm to defend my way of life here in America. We were heavily armed and used those weapons to defend ourselves and the guys next to us. Now this bill wants to limit my rights to defend myself in a country that I fought to defend. I'll repeat that. This bill wants to limit my rights to defend myself in the country that I fought to defend. This makes zero sense. Criminals do not and will not follow the law. So why limit law-abiding citizens the right to counter the harmful intent of criminals? The only thing that will stop a bad guy with a gun is a good guy with a gun. Law-abiding gun owners on-- most certainly not the problem. I own several and they-- and rest assured, they do not fire by themselves. There are many ways to commit a crime, and a gun is just one of them. We have been told by law enforcement that speed kills, but there's not a bill proposed to drastically reduce the speed in which a vehicle goes. But why? If this bill is passed, what's next? What rights will we go after next? Our constitution is plain and simple. Our rights shall not be infringed by anyone. I know that Nebraska is trying to lure veterans into the state. Should this bill pass, it would be a wrong-- a wonderful way to get rid of veterans and our money, myself included. I'll never live in a state where my rights are being-- that I fought for are being removed. By the way, the stars on the flag represent our country moving forward. That's why they are on the uniform on the right shoulder with the stars going forward, shows our country progressing. With such an important topic being discussed, I find it quite disingenuous and unprofessional for some on this committee to be messing around on Facebook and texting instead of paying attention to something that is this important. Thank you, Senator.

**LATHROP:** Thank you for your testimony and your service.

**PANSING BROOKS:** Excuse me.

**RON FERGESON:** Any questions?

**LATHROP:** Pardon me. Senator Pansing Brooks.

**PANSING BROOKS:** Well, I don't know if you missed the first statement, but we are using our computers to take notes. I have notes on all of this.

**RON FERGESON:** I saw-- I wasn't actually referring to you, ma'am.

**PANSING BROOKS:** Well, I--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**RON FERGESON:** I just see people messing around, texting, on Facebook. This is an important hearing and--

**PANSING BROOKS:** It absolutely is. And there are people that are talking to their offices, because I at one point did have to text to get some information brought to me, so it is allowed to use computers in--

**RON FERGESON:** I-- I-- I heard that it was allowed. I just think it's unprofessional. I was a professional soldier for 26 years. This is an important hearing, ma'am, and--

**PANSING BROOKS:** That's why we're sitting here through this hearing, so thank you for coming. I appreciate it.

**RON FERGESON:** Well, I hope that everybody's paying attention. You folks have a fine day.

**PANSING BROOKS:** We are paying attention.

**RON FERGESON:** You too. Next testifier. Good afternoon.

**JOHN LINTON:** Good afternoon. My name is John Linton. I'm from Fort Calhoun, Nebraska.

**LATHROP:** John, why--

**JOHN LINTON:** John Linton, J-o-h-n L-i-n-t-o-n.

**LATHROP:** All right.

**JOHN LINTON:** Thank you for giving me time today. I want-- I don't care for anything in this bill, but today I want to speak specifically to Section 22 in the original bill, not the amended bill, and that has to do with gun shows and prosecution for those who operate gun shows. So-- but as to the entire bill, there are roughly 7,117 words in this supposed suicide prevention bill. But you have to read through 6,518 words before you get to the part that discusses mental health and suicide. Currently, there are seven American Legion posts and one VFW post that host gun shows in the state of Nebraska to raise operating funds. These operating funds keep our doors open to veterans and their families. It provides for youth sports and community projects. In this bill, in Section 20-22, this bill allows for-- under the operation of a gun show, if there is a supposed illegal transaction but what-- it's-- what is legal now but would become illegal under this bill, if that illegal transaction takes place, the people that are-- that are

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

actually conducting that illegal tran-- illegal transaction will get a misdemeanor. The operators of the gun shows will get a felony. So this bill was designed by the Bloomberg bunch to do a couple of things here. Their operators can contact a gun show, lie about their credentials, rent a table, have one of their coconspirators come in, transact a supposed illegal gun operation, call local law enforcement, admit to what they did. They would get a misdemeanor and then they would go back to California, New York, or wherever Bloomberg brought them in from, and the veterans that host these shows would get slammed with mis-- with a felony charge. This is the biggest anti-veteran piece of legislation that I've ever seen debated in these halls.

**LATHROP:** OK. Thank you, Mr. Linton. We appreciate your specific concern. Next testifier.

**SCOTT SHAVER:** Howdy again. I appreciate you guys sitting through this. I dealt with the same thing. I know it's sort of a nightmare.

**LATHROP:** It's what we do.

**SCOTT SHAVER:** I know. And it gets--

**LATHROP:** Let's have you give us your--

**SCOTT SHAVER:** --really, really old, I know.

**LATHROP:** No, it's not. We're happy to be here, every one of us. If you can start with your name again--

**SCOTT SHAVER:** I'm sorry. Scott-- Scott Shaver, S-h-a-v-e-r, and I'm from Scottsbluff, have a gun store. I'm an FFL-- well, I'm a federal firearms licensed dealer. I just got handed a copy of the amended bill, so I'm kind of scrimmaging around trying to find stuff because I don't know what was and wasn't changed just right off the top. One of the things that really stands out to me is on page 7 where it says Nebraska State Patrol shall adopt and promulgate rules and regulations to carry out sections of this and that, and then it says another place-- where is it-- that the state-- on the next page, on page-- on section or page-- line 9: State Patrol will prepare and publish minimum training and safety requirements and adopt for-- and promulgate rules and regulations governing handgun training and safety courses. So is this saying that they have to have a course in order to buy a handgun now?

**LATHROP:** We can't answer those questions for you but--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**SCOTT SHAVER:** OK, because-- because--

**LATHROP:** But if that's your concern, we'll make good-- due note of it.

**SCOTT SHAVER:** That's-- that is-- that is a concern if that is what that is.

**LATHROP:** OK.

**SCOTT SHAVER:** Another one was brought up by-- by another gentleman was that you can die for your country at 18; you should be able to own a handgun at 18. And I don't think anybody is-- is not worried about suicides. I don't-- as an FFL, I'm not qualified to diagnose somebody. But one of the things that I was told is if somebody comes in and they pass everything and everything is perfect, I can for any reason refuse to sell them a gun.

**LATHROP:** OK.

**SCOTT SHAVER:** So that's what we're-- that's what our-- our role is in this.

**LATHROP:** Yeah.

**SCOTT SHAVER:** All right?

**LATHROP:** Hey, thanks for coming all the way in from Scottsbluff.

**SCOTT SHAVER:** Yep. Thank you so much.

**LATHROP:** Yeah.

**PANSING BROOKS:** Steve.

**BRANDT:** A question.

**LATHROP:** Oh, I'm sorry

**SCOTT SHAVER:** Yes, sir.

**LATHROP:** Senator Brandt.

**BRANDT:** Yes. And this isn't really a question as much as it is a clarification for all of you out there so you don't have to suffer through 1,200 of these.

**SCOTT SHAVER:** Yeah.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**BRANDT:** If the language is not underlined or crossed out, it's existing language in law. If the language is underlined, that's the new proposal to the law. If the language is crossed out, the law is saying that language will be struck. So I know these things are really hard to read, guys, and when this is all over, if you want to contact your state senator or my office, we--

\_\_\_\_\_ : [INAUDIBLE] answer the phone---

**BRANDT:** Well, yeah.

\_\_\_\_\_ : --take phone calls.

**BRANDT:** OK. Well, that's another issue. But anyway, I just thought I would clarify that. So the language you were refer--

**SCOTT SHAVER:** So this is the original bill with the curve-- with the changes.

**BRANDT:** Well, this is-- that is the law of the land where--

**SCOTT SHAVER:** Oh, OK.

**BRANDT:** --this came from.

**SCOTT SHAVER:** OK.

**BRANDT:** OK?

**SCOTT SHAVER:** OK. Thank you. That was-- that was-- I really appreciate the clarification.

**BRANDT:** You bet. All right.

**SCOTT SHAVER:** Thank you, guys.

**LATHROP:** Thanks, Mr. Shaver.

**SCOTT SHAVER:** Really appreciate your time.

**LATHROP:** Yeah. You bet. Next testifier. Thanks, Senator Brandt. That probably helped.

**BRANDT:** Always here to help.

**LATHROP:** That helped.

**BRANDT:** Yeah.

**COLEY O'HALLORAN:** Good evening, everyone. I appreciate your time greatly. I'm an 18-year-old from Papillion, Nebraska. My name is Coley O'Halloran, C-o-l-e-y, O'Halloran, O'H-a-l-l-o-r-a-n. So right away, I am in opposition to LB816. Let me start by saying that LB816 is entirely unconstitutional and it solves absolutely nothing. This bill is presented under the name of suicide prevention, public health and welfare, yet this bill manages to achieve none of these goals. Today I ask this committee to see that this proposed bill is not a solution to suicide, as firearms are simply one form of means to an end. According to the CDC, in 2017, over 41 percent of suicides came by way of poisoning and suffocation alone. Tragically, the people who want to commit suicide will do so by any means possible. This happens in the same way that evil people will do evil again by any means necessary. By April in 2018, the city of London, where firearms are practically outlawed, there were 31 murders by way of knife. This is practically identical to the 32 murders by way of firearm in New York City during the same time. I'm sure many people have come through here and said that this is an encroachment on our Second Amendment rights and I have to agree with them vehemently. I'd like to finalize my statement by reciting the-- some of the most important words in the constitution: A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

**LATHROP:** Coley, where did you say you're from?

**COLEY O'HALLORAN:** Papillion-La Vista.

**LATHROP:** OK. I don't see any questions. Thanks for being here.

**COLEY O'HALLORAN:** Thank you so much.

**LATHROP:** Good afternoon.

**KEVIN BARTAK:** Good afternoon. Chairman Lathrop, members of the Judiciary Committee, my name is Kevin Bartak, K-e-v-i-n B-a-r-t-a-k. I am testifying in opposition to LB816 on behalf of the Nebraska Firearms Owners Association and its nearly 10,000 members across the state. We are grassroots, we are volunteer only, and we represent gun-- gun owners and voters in every district across the state. NFOA's position on LB816 is simple. It creates additional burdens and inconveniences for law-abiding gun owners, but it will be ineffective at reducing violent crime or reducing suicides. Our membership across

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

the state is particularly concerned that such an obvious attempt to burden and restrict the rights of law-abiding citizens is being pursued under the veil of suicide prevention. If the Legislature is interested in pursuing the gun control measures that have been outlined in this bill, then it would seem to be a more transparent approach to label it something such as the Nebraska Gun Control Act of 2020. If the Legislature wants to help prevent suicide, and I hope that we all want that, we would ask you to consider alternate-- alternative approaches that attempt to systematically address-- address root causes. These include supporting and promoting programs that exist, like the suicide prevention program created by the National Shooting Sports Foundation, the American Foundation for Suicide Prevention, the Walk the Talk initiative for veterans, or promoting the nonprofit work of Hold My Guns at ranges across the state. These are leading resources in our community that focus on providing education, outreach, counseling and support to help prevent suicide. LB816 misses the mark on suicide prevention and crime prevention, and it would create unjustified burdens on the constitutional rights of Nebraskans. And for these reasons, we ask the committee not to advance LB816 to the General File.

**LATHROP:** OK. Thanks for being here today.

**KEVIN BARTAK:** Thank you.

**LATHROP:** We appreciate your time. Next opponent. Good afternoon.

**CODY ANDERSON:** Good afternoon. My name is Cody Anderson, C-o-d-y A-n-d-e-r-s-o-n. I oppose LB816. I'm a survivor of somebody who completed suicide. I don't understand how this solves the problem. I think in the silence you've all felt what we feel. I'm opposed to this. Come up with a solution and I will support it. Thank you.

**LATHROP:** Thank you for your testimony. OK. We can't do the clapping and the-- the-- the shows of support or opposition.

**FRANK PLANER:** My name is Frank Planer. I'm from Norfolk, Nebraska, F-r-a-n-k P-l-a-n-e-r.

**LATHROP:** P-l-a-n-e-r?

**FRANK PLANER:** Yes, sir.

**FRANK PLANER:** I'm a father of six and I'm opposed against the LB16. [SIC] I mean, I have a right to defend my family at all costs and I will not have it be infringed. We are homeland security.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**LATHROP:** Little closer to the mike if you can--

**FRANK PLANER:** OK.

**LATHROP:** --so we can make sure we--

**FRANK PLANER:** I said we are homeland security. The only way to stop a bad guy with a gun is a good guy with a gun. You want to do gun reform? No, you need to do criminal reform. It's not us law-abiding citizens that are committing the heinous crimes. And with that, I'm done.

**LATHROP:** All right. Well, thanks for coming all the way from Norfolk and sharing your thoughts.

**FRANK PLANER:** Thank you, sir.

**LATHROP:** Next opponent.

**PAUL BRADFORD:** My name is Paul Bradford. I'm from Omaha. I'm the head instructor at Nebraska Firearms Academy. It's P-a-u-l B-r-a-d-f-o-r-d. I come here as an opponent to this bill, LB816. We all agree that suicide prevention is a necessity for everybody. No one wants to see a wasted life for no reason. but to include firearms restrictions in that is not right. Focus on one issue at a time. Suicide is one thing, but trying to say that someone is more apt to do it with a-- with a firearm or to try to limit people's ownership of firearm by delaying it is not right to anybody who does own a firearm or to anybody who would want to own a firearm in the future. You know, again, suicide prevention, we talked about it. There's a lot of organizations that stand up and try to do stuff in the gun community like Walk the Talk America. We do a lot. You know, I give free basic pistol classes because I believe education is necessity-- a necessity to help prevent any type of firearms-related death, whether it's suicide or accidental. That's about all I have to say.

**LATHROP:** All right. Well, we're glad you came here to share that.

**PAUL BRADFORD:** Thank you.

**LATHROP:** Next testifier.

**SHANE BURNETTE:** I'm Shane Burnette from Lincoln, Nebraska, S-h-a-n-e B-u-r-n-e-t-t-e. I'm here to oppose the bill. I've had four people in my life that have attempted suicide, two of which are still alive, two aren't. For that matter, I'm also a registered Democrat, so to most



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

people, I should be for this. I'm against this. This is a violation of our rights. I've seen nothing in here that convinces me that this is going to help prevent suicide. I see it more as something to hinder people who want to protect their families. And I wasn't a gun owner until last year, to be honest with you. There were two attempted kidnappings within a mile and a half of my house. I think they were confirmed. So I'm trying to decide this time to protect my family. This would hinder my ability to do that properly, and other people's. I'm not for people committing suicide. People do need help. This is not the way to do it.

**LATHROP:** OK. Thanks for sharing that.

**SHANE BURNETTE:** That's all I'll say.

**LATHROP:** Appreciate you being here today.

**SHANE BURNETTE:** Thank you.

**LATHROP:** Good afternoon.

**CHRIS HASSEBROEK:** Good afternoon. I apologize for clapping.

**LATHROP:** That's-- no, that's all right. Go. I know.

**CHRIS HASSEBROEK:** My name is Chris Hassebroek, 242 North 248th Circle, Waterloo, Nebraska, 68069. I live in Legislative District 39. Lou Ann Linehan is my senator. The text of LB816, the word "firearm" is mentioned 101 times; handgun or pistol is mentioned 79 times; rifle, 11; shotgun, 8; and weapon, 6. Total is 205 instances in this bill. The word "suicide" appears eight times. That's eight times in a 23-page document that supposedly is about suicide prevention. It's a ratio of 25 to 1, and I rounded the number down. LB816 is not about suicide prevention. This is a gun control bill and a people control bill, specifically Section 7, subsection (5): No civil liability shall arise to any law enforcement agency if such law enforcement agency complies with sections of this act. And I'm going to skip around here. Section 12, subsection (3): Any person, agency or mental health board participating in good faith in the reporting or disclosure of records and communication under this section is immune from any liability, civil, criminal, or otherwise, that might result from this action. You are seeking to deny people reciprocity when their God-given constitutional rights to keep and bear firearms is infringed upon. I oppose this bill, but I urge everyone here, if this passes out of committee, I want this bill changed so everyone involved, including the senators supporting it, including the senators supporting it, are

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

held responsible, full penalty of the law, when, and not if, the government is wrong. And I assure you, the government will get this wrong. Thank you.

**LATHROP:** OK. Thank you, Mr. Hassebroek. I do not see any questions for you today.

**CHRIS HASSEBROEK:** Thank you.

**MICHAEL PICKARD:** Hi. My name is Michael Pickard, P-i-c-k-a-r-d. I'm from Falls City, Nebraska, 68355. I was going to address you today about my opposition to LB816, which you can probably figure from my shirt. I was going to remind you of your constitutional oath, but somebody beat me to that. I was going to remind you of what the Second Amendment is all about, but somebody beat me to that. I'd just like to remind you that you already have laws on the books concerning robberies being committed with firearms you seem lax to enforce. There are laws against murder which hold no real deterrent with life sentences being less than 21 years. The death penalty would be much more effective than taking away everyone's God-given rights, but this is not about protection. It's about control. I'm not in the mental health field, but I would like to remind you, on suicide, the federal government had Jeffrey Epstein locked up in a cell on suicide watch and he still killed himself. Thank you.

**LATHROP:** OK. Thank you for your testimony. Next opponent. While you're getting situated, do you know, are-- are we-- do we have all the people that want to testify out of the overflow room?

\_\_\_\_\_ : I believe, yes.

**LATHROP:** OK. OK, so we're looking at the-- the testifiers.

\_\_\_\_\_ : That's right.

**LATHROP:** Perfect. Welcome to the Judiciary Committee.

**CHRIS FERDICO:** Thank you, Senator. My name is Chris Ferdico. For background purposes, I'm a licensed attorney who has practiced law in Nebraska for 24 years. I'm also a combat veteran of the United States Army, having served honorable-- honorably on multiple combat deployments and throughout my career, having retired after 23 mili-- years of service in the military. I've also worked in the firearms industry. I have both manufacturing and retail experience regarding firearms. I also represent individuals, all variety of FFL holders and businesses with regard to firearm matters. I've given you a copy of my

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

testimony and because of the time limitations, I'm going to skip around a little bit. I ask that the entirety of my letter be offered into the record. Senator, I did email you an electronic copy so if you need additional copies--

**LATHROP:** OK. Appreciate that.

**CHRIS FERDICO:** While I understand that the proposed AM2498-- and I should also say I have a typographical error in my bill. I reference-- or, I'm sorry, my--

**LATHROP:** We won't grade you on that.

**CHRIS FERDICO:** Yeah. [LAUGH] A-- I reference AM2367, which is-- actually goes to LB56 [SIC] I didn't mean to do that, so please substitute AM2498 to that.

**LATHROP:** All right.

**CHRIS FERDICO:** But I understand that the proposed AM2498 will significantly change LB816 as written, but I still think it's important to address the amendment as originally proposed. I believe this is important because it's not clear what other amendments may be offered or whether any original language of LB816 may survive or be revived. It-- this has been offered as a suicide prevention bill, but the bill goes to great lengths to define rocket launchers and grenade launchers, which I find curious because neither rocket launchers nor grenade launchers are legal in Nebraska anyway. And I'm always suspect of legislation that does not-- that proposes legislation that doesn't recognize what may already-- what the law already is. I know there's limited time, so I'm going to-- I just ask that you consider the--

**LATHROP:** We'll let you make one more point--

**CHRIS FERDICO:** --comments-- thank you.

**LATHROP:** --if you'd like. Yep.

**CHRIS FERDICO:** I would just say that I appreciate your time and consideration of my written comments. If you have any questions or would like to know more about firearms, their operations or other issues I allude to in this letter, I do welcome one-on-one conversation and I welcome you to contact me at your leisure. I'm happy to meet with any individuals and discuss these important issues. I also invite any of you to go to the range with me so you can experience what many Nebraskans already understand, and that is

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

firearms, like automobiles or combines or baseball bats, are perfectly safe when operated by responsible and law-abiding citizens. Thank you.

**LATHROP:** OK. Thank you. Oh, hang on one second.

**CHRIS FERDICO:** Any questions?

**LATHROP:** Yeah. Senator DeBoer has a question.

**DeBOER:** I didn't-- I didn't hear or wasn't able to hear. Did you say that you have reviewed AM2498, the new--

**CHRIS FERDICO:** I have.

**DeBOER:** You have?

**CHRIS FERDICO:** Yeah.

**DeBOER:** OK. And did you see that-- what did you--

**CHRIS FERDICO:** Well, ultimately, my concerns is-- is that the Handgun Purchase Permit Act has been the law in Nebraska since 1991 and, for all practical purposes, has worked fine, with little controversy. Now I know there are concerns about-- that it's not a perfect law because it can't prevent people from not following it. But the reality is, is we can't legislate proper behavior. If you could legislate people from committing crimes, we would have no crime. So my concern is that, even as proposed, you're tinkering with something that's been working fine, and anytime you do that, there are unintended second- and third-order impacts that cause problems. And I don't think those have been appropriately addressed, but that is addressed in my comments. Thank you.

**DeBOER:** Thank you.

**CHRIS FERDICO:** Any other questions?

**LATHROP:** Doesn't look like it. Thanks for being here today.

**CHRIS FERDICO:** Thank you.

**LATHROP:** Next opponent. Good afternoon.

**GREGG LANIK:** Good afternoon. Gregg Lanik, L-a-n-i-k, Lincoln, Nebraska. I came here late from-- running late from work, so I don't have my prepared statement with me, but basically I'll get to the point and that is that this appears to be, yet again, gun control or a

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

people-control bill that is dressed up with the excuse of suicide prevention. I believe suicide prevention is a very serious problem and it's something that needs to be addressed. In rural Nebraska, there is definitely a lack of access to suicide prevention for people. And I would like to see, rather than-- rather than the promotion of gun control and people control, that-- that the actual focus be on access to suicide prevention for people in-- in the rural areas. I also am disappointed because we do have senators that apparently take and copy and paste legislation from out of state or lobbying groups that are supported and funded by New York billionaires, and we have senators that take money from New York billionaires and then promote their legislation, and I feel that it is disingenuous that they do that. I'd like to see them recuse themselves. There, I'm done. Thank you.

**LATHROP:** OK. Thanks for being here today. Good afternoon.

**ZACH COLHOUR:** Afternoon. Zach Colhour, Z-a-c-h C-o-l-h-o-u-r, District 46. Make this short and sweet for everybody. This is a Trojan horse of suicide prevention on the outside and gun control on the inside. Now I'm going to go to the waiting period that this is on the inside, a taxing our rights on the inside. And to you and I, the raise in the cost of this might not be much. But if you go to a job site and you ask somebody there working ten hours a day, five, seven days a week, if that's a lot of money to them, that is a lot of money to them. It is affirming that a certain financial class will not be able to have access to firearms. It is affirming that a certain group of people may have a firearm and other certain groups might not, which is wrong. Access to firearms is a civil right that should be afforded to all. And *Murdock v. Pennsylvania*, the Supreme Court ruled that you cannot tax our rights. And there is people in here that want to call it, oh, it's a fee, not a tax. Come on, guys. It's a tax. You're charging us for our rights, and that's wrong. Thank you for your time.

**LATHROP:** OK. No, thanks for being here today, Mr. Colhour. Next opponent. Good afternoon.

**JUSTIN GRUSING:** Good afternoon. Chairman Lathrop and members of the committee, my name is Justin Grusing, J-u-s-t-i-n G-r-u-s-i-n-g. I own Nebraska Shooters Training Academy. We teach a variety of firearms courses across the state of Nebraska. I'm testifying in opposition of LB816. As members of the Judiciary Committee, you have accepted a huge responsibility of culling bills that do not comply with the U.S. Constitution and the state of Nebraska's Constitution. As you're well aware, both documents state clearly that the right to bear arms shall not be infringed. They're-- they are phrased with the intent to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

restrict governing bodies from infringing on an inherent right. Unfortunately, many politicians have already passed hundreds of laws which violate this mandate, but that does not justify any future transgressions. These misguided politicians are either corrupt or are under the delusion that they know what's best for their subjects. We are not your subjects. We're the people that you're here to represent. Law-abiding citizens trust that you will respect the laws of the land and abide by your oath to uphold the Constitution of the United States and Nebraska. This will have no-- this bill will have no effect on criminal purchases, since criminals by definition do not abide by laws. The additional waiting and fee will not change mental illness, depression or suicidal tendencies. Since we're a nation of laws, what you're doing here has a great effect on all law-abiding citizens. But you may be disappointed to realize that criminals are influenced much more by law-abiding gun owners than by laws. So keep in mind that knocking a few teeth out of the sheep will not make the wolves less dangerous. As a law-abiding citizen, we have much more to fear from misguided politicians than from criminals. Criminals can only violate a finite number of citizens, but legislators can violate us all. The Second Amendment was put in place to protect us from tyrannical government. Most governments do not become tyrannical overnight. It happens in increments.

**LATHROP:** Mr. Grusing, we've got to enforce that light.

**JUSTIN GRUSING:** Once again, thank you.

**LATHROP:** No, thank you for your testimony. We're pleased you're here today. Good afternoon.

**MICHAEL CAIN:** Good afternoon. Michael Cain, M-i-c-h-a-e-l C-a-i-n, and I am a range officer for the North Platte Sportsmans Club. And I-- like the rest of them have said here, we're not psychiatrists. If we want to get the suicide rate down, we need to get back on our [INAUDIBLE] the state has closed all of its-- 90 percent of its mental health facilities all over the state. But they want to tack on a phony gun bill with it on top of it. And that's all I have to say. Thank you for allowing me to say it.

**LATHROP:** Well, thank you for coming all the way-- coming all the way from North Platte. Next opponent.

**MATT HUMM:** My name is Matt Humm.

**LATHROP:** Can you spell that for us, please, Matt?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**MATT HUMM:** M-a-t-t H-u-m-m. A lot of points I had have already been made, so I'll keep it short. I'd just like to say ten years ago, I got a DUI in college. So for ten years in Lancaster County, I haven't been able to obtain a pistol purchase permit or a concealed carry. I've had to rely on the defense of-- or the protection of others around me rather than being able to do it myself. And I would also say that anyone who's lived a long life has had some sort of hardship, has maybe felt suicidal or what could be considered mentally ill at some point. And I still think that they still deserve their constitutional rights as opposed to what they can be judged as-- as a relative point in time. And then lastly, I'd just make the point that a lot of judgment comes towards you guys about how many bills you're passing or how many-- how much legislation you're pushing through. But I think it's also relative as to how much legislation you're protecting us from and protecting our rights. And that-- I'd just leave you with a quote that some of-- some of the best governments which govern best govern least. And so I'd hope you'd take into consideration the rights of the many over the concerns of the few. That's it.

**LATHROP:** All right. We'll do that. Hang on just one second. Senator Brandt has a question.

**BRANDT:** Mr. Humm, thank you for testifying today. If you could just clarify a point for me, because of the DUI, is there a limitation on when you could have gotten a firearm in existing law?

**MATT HUMM:** You could get a long gun, but in Lancaster County, it's ten years for a pistol purchase permit and to concealed carry.

**BRANDT:** So that's unique to Lancaster County.

**MATT HUMM:** It's unique to this county.

**BRANDT:** OK. Thank you for that clarification.

**MATT HUMM:** Yeah.

**LATHROP:** OK.

**MATT HUMM:** Thank you.

**LATHROP:** I don't see any other questions? Thanks for being here. Good almost evening.

**WAYNE McCORMICK:** OK. Good afternoon, Sen-- Chairman Lathrop and members of the Judiciary Committee. My name is Wayne McCormick. That's

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

W-a-y-n-e M-c-C-o-r-m-i-c-k, and I live in Columbus, Nebraska. Most of my notes that I had were pertaining to the long gun and provision-- the semi-automatic weapon provision. So I do have a few notes. I'm here as a private citizen for the state of-- or in the state of Nebraska, proud gun owner and sportsman, and not representing any particular group or organization. Suicide is a big part of our problems we have. As a former teacher, you know, I experienced students, you know, that had-- some were guns; others were other means. But I don't know that it needs to be-- what do I want to say-- included in a gun control bill. With the number of random suicides and mass shootings in the nation, I totally understand the pressure on the Legislature to "do something" to show that they care. But we must be careful that we do not have a knee-jerk reaction to enact laws that negatively impact law abiding-citizens while not actually addressing the problem. I do not believe that we do have a way of doing that, and that is a bill that was introduced last year, and that is LB343. And as a former teacher-- it's-- it's called the Rapid Response School Safety Act, introduced by, I think it was, Senator Halloran last year, signed on by Senator Brewer. That would be one that I know as a former teacher I could support, I could get behind, and truly really believe in. So if there's a way, maybe it's too late this year to get that out of committee, but I would support that and-- and urge your support of that.

**LATHROP:** All right. Well--

**WAYNE McCORMICK:** Thank you so much and--

**LATHROP:** --thank you, Mr. McCormick.

**WAYNE McCORMICK:** --do you have any questions for me?

**LATHROP:** I don't see any.

**WAYNE McCORMICK:** Thank you.

**LATHROP:** Thank you for being here. Can you hang on just one second? Stop the light, will you? How many people still want to testify? OK. You can come on over here and jump in line. We're kind of moving through and getting near the tail end of the testimony. No, I'm-- start his light right now. OK. Go ahead.

**JACOB CHARLES:** Long afternoon. My name is Jacob Charles. I live here in Lincoln, Nebraska, and I work as a software engineer here.

**LATHROP:** Jacob, can you spell your last name for us?



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**JACOB CHARLES:** C-h-a-r-l-e-s.

**LATHROP:** Got it. Thank you.

**JACOB CHARLES:** Not only am I, Jacob Charles, in opposition to this bill, but the people of Nebraska are too. Nebraska is a Republican state and this bill is pushing a progressive Democratic agenda. In addition, this bill is a violation of not only the Nebraska Constitution, but the federal constitution. Our right to bear arms is a constitutional right and shall not be infringed. The Nebraska Constitution states it shall not be denied or infringed by the state or any subdivision thereof. Passing these bills would be an infringement and a violation of our constitutional rights.

**LATHROP:** OK. Thank you for being here today. Good evening.

**GREG MEAD:** Good evening. My name is Greg Mead, G-r-e-g M-e-a-d. I'm here to speak in opposition to LB816. I'm president of Mead Industries. I'm out of Wood River, Nebraska. A few of my employees and myself came today to show support against this. I've been in the shooting industry for over 30 years. I-- I design bullets, is what my company does. I'd say most of the gun owners and people here today have shot product I have designed. I have companies-- country-- or companies I've done work for, most of them domestic, several overseas. I would ask you, everyone on the committee, some things I haven't really heard today. And that's why I decided to get up and speak without any prepared-- this is a suicide prevention bill. And I'm kind of a practical person. So when I look at something and try to determine the value of it, the first thing I look at is, what's the goal? If suicide prevention-- prevention is actually the goal and saving lives is the goal, I would ask you all to do a little research, look worldwide at suicide rates in all nations and also look worldwide at private gun ownership, and see if you can reconcile the fact that in some of the nations that have the highest suicide rates, have the lowest private gun ownership. So this bill, if it had any effect at all, would only affect the mechanism of committing suicide, which seems to be an issue for many in this nation that guns are evil and the crime committed, suicide in this instance, really doesn't matter as long as it isn't done with a gun. So if you would just do that research and reconcile that fact yourselves, I'd appreciate it. Thank you.

**LATHROP:** All right. Thanks for being here. Next testifier. Good evening.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**CARLTON HAVINS:** My name is Carlton Havins, H-a-v-i-n-s. I am here-- I am a law-abiding citizen of the great state of Nebraska. I stand before you in an unusual circumstance, as I am usually a pretty quiet guy. I don't get like a lot of attention and I mind my own business. But as of lately, my right to bear arms has come under siege. Lawmakers claiming stake to my rights has gained my attention. I am a certified firearms instructor and enthusiast. I possess-- I possess firearms first and foremost to use as protection to keep my family safe and for the ability to put food on my table. Now I stand before you to speak my desire to defend my Second Amendment rights that were given to me by my forefathers. These rights that I speak of come under multi-faceted attacks from every angle. And I shouldn't even be sitting here making this defense but I am. I'm here side by side in unity with these red-blooded, God-fearing Americans to make our stand. I would like you to take a minute and look around the room at the faces of these men and women here. We have patriotism running through our veins. We have to embrace our God-given right to defend our families, as many generations have before and will in the future. We-- we the people retain our right to keep and bear arms. Under no circumstances will we comply with tyrannical narratives that attack from the very freedom of millions of honorable men and women, every one of which had twice the character that now wish to take these rights from us. These men served, and many of whom died, to create the greatest country on earth. I stand before you as a true patriot, a loyal American, a father and a husband. I am not here to beg for my rights. I'm here to carry forth the torch, the freedom that was passed down from our forefathers and generations of patriotic, freedom-loving Americans that follow. We will stare down the barrel of tyranny without falter. We will--

**LATHROP:** Mr. Havins, we got the red light.

**CARLTON HAVINS:** OK.

**LATHROP:** But thanks for being here. We appreciate hearing from you today.

**CARLTON HAVINS:** Thank you.

**LATHROP:** It's important that we-- we hear from those who came here to share their thoughts. Good evening.

**PATRICK HOWARD:** Good evening. My name is Patrick Howard, P-a-t-r-i-c-k H-o-w-a-r-d. And, you know, I didn't plan on coming here. I didn't plan on the speech. I didn't plan on talking to you guys. But I'm here

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

because it's important. And, you know, I have to say that I'm just a representative of many of us in the state. You know, I came here alone, but, you know, they're-- we're just the first wave. And we're all law-abiding, good people. And if-- if you are really concerned about suicide, then we need a serious bill on it, OK, and not try to tack on something on our God-given constitutional rights, which all of you did take an oath to protect. And it's not happening right now. This is-- this is really concerning me. And that's why I'm down here right now is to let everybody know here in this office now that, you think this is a pretty good crowd, this is nothing. This is nothing. There's a freedom movement throughout our country and our state. And people are getting political and people are getting educated. They want to know the truth. They want to know people's names, what they're really about. And, you know, I just want you to know that this is America. This is not any other country. This is America. And we stand by our constitutional rights and we ask that you guys do the same.

**LATHROP:** OK.

**PATRICK HOWARD:** That's all I have to say.

**LATHROP:** Thank you, Mr. Howard. That's one of the few rules we have in here, other than the timer, is that we can't applaud or boo or-- it's a hearing.

**BRIAN HUSTED:** Hi. My Name is Brian Husted I come from Valparaiso, Nebraska. I'm a retired mechanical engineer and an Air Force veteran. And besides engineering, I also studied some psychology. I can't see how this bill could have any effect on suicide rates at all. While training the police in suicide prevention might be useful for officers in their personal lives, I can't see how it would be useful on duty. It's not likely that a police officer would be able to immediately determine if a person was suicidal without some outside information such as a caller might provide. If the reason is to prevent suicide, you must recognize the symptoms in advance. This must mean that you have to be around a person for a significant amount of time to assess their behavior. Family members and close friends are-- are most likely to be able to do that. People who commit suicide are not always those persons with mental health issues or histories. They do not always present symptoms. They also use a variety of methods to achieve their goal. Firearms are only one choice. They use poisons, sleeping pills, various drugs, motorcycles, airplanes, boats and so on. My father had no symptoms at all, and at 60 years of age he got up one morning and drank poison. My brother, my oldest brother, a Marine, contracted AIDS, suffered and deteriorated for some time. He couldn't bear the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

thought of how his life would be if he carried on, so he shot himself. At age 18, Brent, my youngest son, also committed suicide without warning by sleep-- leaping from an eight-story building window. And not terribly long ago, my neighbor lost his son to suicide. He was a veteran of two wars. His wife was divorcing him and he could not stand it. He called his mother to say goodbye. And while she was on the phone trying to talk him out of it, he shot himself. They tried desperately to kill him-- or talk him out of killing himself, but it didn't work. Nobody could get [INAUDIBLE] So I definitely know what sadness is, true sadness.

**LATHROP:** Yeah, you do.

**BRIAN HUSTED:** So police do just not-- do not have the time to spend with people so they can see the symptoms. They're called in to emergencies when some type of immediate action is needed. Some situations, an officer may need to react in a fraction of a second to save their life or the people around them. I have a brother-in-law who is a highway patrolman, retired, and a young man right now who's on the police force here in Lincoln, so I'm concerned about him all the time.

**LATHROP:** OK. Thank you, Mr. Husted. We appreciate you--

**BRIAN HUSTED:** I-- can I go on just a little bit more? I've just got this little bit more.

**LATHROP:** If you just have one more thought, I'll let you-- I'll let you do one more.

**BRIAN HUSTED:** It just-- this is-- I'm kind of alarmed about Section 4 of this document. I haven't got the new one. It gives the Nebraska Patrol a lot of authority. They can-- they can define what weapons are and they can do so without any regard to the Con-- to Congress. And in addition to that, they can do it at anytime they want, and there's no provision at all for them so they can notify the public. So it gives them the chance to make a decision on something and make it illegal and then turn around, confiscate a guy's weapon, and then jail him in just that much time.

**LATHROP:** OK.

**BRIAN HUSTED:** Thank you.

**LATHROP:** No, thank you. Thank you for sharing that.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

**BRETT HENDRIX:** How are you guys today?

**LATHROP:** We're doing all right. How about you?

**BRETT HENDRIX:** I'm all right. My name is Brett Hendrix, B-r-e-t-t H-e-n-d-r-i-x. I live in Omaha. I would like to say that the entire constitution is an unemotional document. So in order to take situations that derive of emotion and try to actually assemble certain laws or-- or statutes in order to actually prevent certain things is a compromise that equals compromise of the actual document. So with the Second Amendment being a well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed, when you look at original meaning, original meaning to keep meant to conceal; to-- to carry-- or, excuse me, to bear meant to openly carry; and "Arms," capitalized, literally means any weapon. That is not the case today. I'm not allowed to have a machine gun, not allowed to have all sorts of different kinds of weapons. And the only reason why was emotion for each and every time, every time. Every time a gun was taken away, like back in the 1930s, we were dealing with the gangsters, so they wanted to take the machine guns from us then where people who had those machine guns also could have used those on those people that were threatening the actual public. Well, now we don't have machine guns and it's been actually processed completely out with other bills later, such as the banning of the manufacturing of the actual machine guns in certain areas. So we've actually phased out certain weapons. When will it happen with the rest?

**LATHROP:** OK.

**BRETT HENDRIX:** That's all I'm asking.

**LATHROP:** All right. Thanks for being here.

**BRETT HENDRIX:** Thank you for your time. Thanks.

**ZAK LYON:** Good afternoon, everybody.

**LATHROP:** Good afternoon--

**ZAK LYON:** My name is--

**LATHROP:** --or evening.

**ZAK LYON:** Evening. My name is Zak Lyon, spelled Z-a-k L-y-o-n. I am a resident of Lincoln, a former infantry Marine, did a deployment to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

Iraq and a deployment to Afghanistan. Upon enlisting into the armed forces, every individual swears an oath, just like every member of a government body. Though our oaths differ, each one starts off with the same first line, which states: I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic. That oath did not end when my time in service was up, but it ends when I'm laid six feet under, which is why I stand before you here today. This bill is outright unconstitutional and our founding fathers are rolling over in their graves over the fact this bill was even introduced. We the people will stand against LB816 and we will go the distance to protect the inalienable rights of every American so that future generations in America do not have to hide in attics and outhouses to prevent being rounded up like sheep and sent to the gas chambers like the Jews of World War II. While the Second Amendment is not the first, it is the most important. The Second Amendment protects every single right, we Americans have. And when our right to bear arms has been chipped away to nothing, what means will we the people have to protect the rest of our God-given rights like the one I am currently exercising? We Americans will not be brought to heel. And as I have already stated, this bill is unconstitutional. For those of you who support it, you have violated your oath of office to support and defend the constitution and have spit in the face of the American people. Do not force our hand because we will not comply and we shall give no more, as the founding fathers intended. That would be all.

**LATHROP:** Thanks, Mr. Lyon.

**BILL AULTZ:** [INAUDIBLE] I'm going to skip around since--

**LATHROP:** You-- did you just give your name? I couldn't hear.

**BILL AULTZ:** Sorry. Bill Aultz, A-u-l-t-z.

**LATHROP:** You want to sit down--

**BILL AULTZ:** Sorry.

**LATHROP:** --Bill, and then we can make sure it gets on the record.

**BILL AULTZ:** Yes. My name is Bill Aultz, A-u-l-t-z. I was born and raised in Nebraska. I'm a Navy veteran who served in combat during the Gulf War. I'm here to testify against this bill that the title intends to make it appear that anyone who takes issue with the bill can be labeled against firearm safety, suicide prevention. I take sincere issue with that and intend otherwise. I'm also concerned that a bill

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

with such inaccurate information has been put forth, and I understand it had been amended and so forth, so that's what I was going to talk about here. For instance, in section pertaining to Transfer Certificate Act, page 4, line 14 and 15, a belt-fed, semi-automatic shotgun is described as one of the list type of firearms. What is that? Hollywood doesn't even make that in their movies. The military doesn't even have that. Senator McCollister's bill attempts to reclassify a firearm by listing of parts and accessories. Firearm is already defined by the ATF; barrel shroud, a forearm grip, detachable or nondetachable magazines. Being classified as a firearm is like classifying a four-cylinder, four-door Dodge Neon as a racecar. Because you have added racing stripes, a number on the door and a racing fin on the trunk, it does not make it a racecar. I'm going to skip through the very back here. When I volunteered for the Navy in 1988, I took an oath to defend against all enemies, foreign and domestic. My oath hasn't expired. And to me, there has been no-- no country equal to ours in the history of the world and it's the constitution that guides us. Let me close with a quote from Samuel Adams-- Adams, from Massachusetts Ratifying Convention 1788: The constitution shall never be construed to prevent the people-- United States who are peaceful citizens from keeping their own firearms. Thank you for letting me speak against LB816.

**LATHROP:** Thank you for being here, Mr. Aultz.

**BILL AULTZ:** Thank you.

**LATHROP:** We do have a number of people that have testified that are veterans, and to keep things moving, you know, I want to acknowledge, and I think everybody up here does, the-- and thank you guys for what you did and your service to this country. Good evening.

**ED BENNETT:** Good evening. My name is Ed Bennett, E-d B-e-n-n-e-t-t. I'm here in opposition to this bill. I grew up as a young man and the constitution, federal and state, was one of the highest things in the land. I was taught this in school. It was the supreme law. You didn't go against the constitution. Over the years, I have come to the new gun laws that we have. I got the firearms purchase permit, did it the legal way so I could have-- buy a gun. I got a concealed weapons permit when they come across with that so I could carry a concealed weapon to protect me and my family. All this time, I keep going back to the things that people are doing and in this bill that want to take my guns away. Now I have a semi-automatic shotgun. I go shoot ducks. I shoot pheasants. That gun is not a bad thing. You know, I have pistols that are not a bad thing. You know, I have things that, you know, are

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

legal guns, nothing illegal, and yet this bill wants to redefine what my guns are. In other words, they're trying to take them away from me. And as a right to the Second Amendment and to the Constitution of the United States, it says our rights shall not be infringed, period. There is no yes, no, right, left, nothing to it. That's the law. That's all I have to say on your bill.

**LATHROP:** OK. Thank you, Mr. Bennett.

**ED BENNETT:** Thank you.

**LATHROP:** Next testifier. I feel like we're getting near the end. Number of people left? OK. That's helpful. We'll look forward to your testimony--

**DANIEL KELLER:** Also, here are my notes with [INAUDIBLE]

**LATHROP:** --batting cleanup. Good evening.

**DANIEL KELLER:** Hi. Good evening. My name is Daniel Keller, from Lexington, Nebraska, representing myself and fellow Nebraskans opposing bad legislation.

**LATHROP:** Can you spell your last name for us, Mr. Keller?

**DANIEL KELLER:** That is K-e-l-l-e-r, first name Daniel. Thank you for the revised vision [SIC] of LB816, AM2498. Chronologically, just reading through the bill, changing the time frame from three days I believe is just insignificant, will not alleviate any demand in processing of these permits. They're three years, so like the big rush has already been done. On page 3, line 17, if someone-- if something hasn't been found out or uncovered already, I don't see what 48 more hours is going to exactly address. On page 4, why limit the appeal to a time frame? That's only going to catch, you know, your person that's at work or something like that, missed an appeal, whereas the criminal, he's either going to-- don't care or go do something else anyway. So on page 6, Section 8, I'm not for sure who would want to assume the liability for a gun show. If you call your local gun dealer and say, hey, you want to sign off on all the gun transfers, that would just be great. OK. How are we going to compensate him? How long is he going to be liable for missing those things? Further, making sponsors, organizers and managers felons if they miss those things, how long does that liability extend? Is it indefinite? You know, 10 years from now a gun is used in a crime. They go back to that gun show? It's just bad legislation. On page 7, line 26 and 31, there's a "shall" and "may" kind of a mix-up there maybe. Page 8: Material could



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

be-- let me see-- provided. They already talk about-- again, "should" and "may," the materials already-- they-- they are required to do gun safety and they could provide additional suicide training. It doesn't need to be in legislation that you could give an advice to do that. And then finally, that's about it, but the initial testimony talked about catching 90 percent of suicide training is from a gun at home already, and the training that's included already in the initial gun legislation talks about gun safety, locking up your guns, and so we're initially catching 90 percent of what is happening already or [INAUDIBLE] So thank you very much.

**LATHROP:** No, thank you. Appreciate your testimony. I think you're batting cleanup.

**JOSEPH SHULTS:** OK. Hi.

**LATHROP:** Good evening.

**JOSEPH SHULTS:** Hey. My name is Joseph Shults, S-h-u-l-t-s. I'm pretty much known as "Pappy" because I done got old. But anyway, I wasn't planning on testifying at all today and I didn't come dressed to testify.

**LATHROP:** You're fine. You're fine.

**JOSEPH SHULTS:** And I work in the outdoors industry so that-- I didn't want to be stereotyped because of how I looked, because it kind of fits in with what I do for a living. But anyway, I have listened to everybody, and even the-- even the people that are for the bill. I've listened to them very intently. And everything's been addressed today. Everything's been pretty much thoroughly addressed today, so I'm not going to rehash any of that. But as I was sitting out there listening today, I heard something, and I just wanted to add this to it. And I'm-- I'm a patriot. OK? I'm an American. I love the constitution. I love my freedoms. I love my family. I love my friends. And I'm here to represent everybody that couldn't be here today that I know that wanted to come. That's why I came. OK? I'm a veteran. My wife's-- my wife's father was a World War II hero. My son is a veteran. He was injured in Afghanistan. So, I mean, we love our country and we know what the constitution stands for. But what I was going to say was, you know, a lot of people are worried about their gun rights, and I am, too, and how they're being infringed upon and how it's been hidden in this mental health bill. Well, what I wanted to share with you today was my father tried to murder everybody in my family, including myself. And there was a gun involved, but it was to protect our

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 21, 2020

family. And I had to use it. I didn't shoot him, but it got him out of the house. OK? And I realize I'm out of time. I'm going to be fast about this.

**LATHROP:** No, you can finish.

**JOSEPH SHULTS:** I had to use that firearm to de-escalate the situation. I didn't have to shoot him, but it got him out of the house and we lived. We survived. Seven years later, my father killed himself. OK? He didn't have access to a gun because we had removed those. He couldn't get one, OK, thank God. But just because he couldn't get a gun, didn't keep him from killing himself. He burned himself up with gasoline. Now people use all different manners and-- and ways to eliminate their lives if they can't handle things anymore. They don't necessarily use a gun. So guns are not the problem. It is a problem when a person like that gets their hands on it, but we can't legislate that. We can't legislate morality and we can't legislate problems that people have with mental health. We have to come up with ways to deal with those problems and address those things without trying to attack the rights of free citizens, law-abiding citizens that love our country and love their family and friends. And that's all I had to say.

**LATHROP:** No, that's a-- that's a point well made.

**JOSEPH SHULTS:** And I hope it makes a difference.

**LATHROP:** OK. Any questions for Mr. Shults? I don't see any. Thanks for your comments today.

**JOSEPH SHULTS:** OK.

\_\_\_\_\_ : Yes, sir.

**LATHROP:** Is anyone else here to testify in opposition to the-- this LB816? Is there anyone here to testify in a neutral capacity? Seeing none, Senator McCollister, you are free to close. Before you do that, though, I want to read the letters, if I still have them. Well, I probably buried them in my pile of paper. We have 3 letters of support and 57 letters in opposition, and I will spare reading all the names tonight, but suffice it to say, there are a lot of letters in opposition. Senator McCollister, you may close.

**McCOLLISTER:** Chairman Lathrop and members of the committee, my sincere thank-you for this hearing. And I know you've had a hard, long week. So I'm-- I'm grateful for your time here this evening. First off, we

should make absolutely clear, nobody wants to take away the rights of gun owners. Nobody wants to do that. Nobody on this committee wants to do that and I certainly don't want to do that. Thirdly, suicide is a serious problem. I haven't heard a single person get up here tonight and say suicide is no big deal. Suicide is a-- is a problem we need to deal with and, you know, insofar as it relates to handguns or guns of any kind, we need-- we need to deal with that for sure. We do need to look at the time periods. I talked to a number of people out in the hallway and that-- that is something we probably should take a better look at before we-- we move forward with another bill. A number of organizations have helped me update this bill and maybe improve it. And I-- I'm going to take their advice and perhaps enlist, so to speak. Senator Brewer, he's offered to help me with a suicide bill because he knows a number of his friends and soldiers, and, you know, that is a serious problem in the military, so we need to deal with that as well. So thank you once again for your time. I'm-- I'm impressed and grateful.

**LATHROP:** Thanks, John. Any questions for Senator McCollister? Seeing none, thank you for introducing the bill. That will close our hearing on LB816. I do want to say, before everybody gets away and you run off, I want to thank everybody that was here for their respectful participation in this process.