

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 2, 2023

**ARCH:** Good morning, ladies and gentlemen. Welcome to the George W Norris Legislative Chamber for the thirty-seventh day of the One Hundred Eighth Legislature, First Session. Our chaplain for today is Pastor Stephen Griffith, who is presently serving as interim senior pastor of Kountze Memorial Lutheran Church and a guest of Senator Raybould. Please rise.

**PASTOR STEPHEN GRIFFITH:** Oh, holy. Oh, true. Oh, beauty. Oh, joy. We have gathered here from hillsides and river valleys, plains and bluffs, grasslands and high rises in all corners of this state. We come from cities and towns, farms and factories, villages and open country suburbs and inner-city apartments. We represent people of many nationalities, many beliefs and convictions, many hopes, fears, challenges, needs. We are a kaleidoscopic people. In the work we undertake in this place, may we have wisdom to seek what is good, vision to see what is needed, curiosity to learn from one another, imagination to envision how to accomplish the difficult, and good humor to appreciate the unexpected. May we listen to understand one another and speak in ways that build up rather than tear down. May we honor colleagues, speak our differences honestly, disagree respectfully, and seek agreement for the good of all. May we bring comfort to the suffering, hope to the despairing, reassurance to the fearful, and may all we do and say be blessing and compassion and peace. Amen.

**ARCH:** I recognize Senator Clements for the Pledge of Allegiance.

**CLEMENTS:** Please join me in the pledge. I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

**ARCH:** Thank you. I call to order the thirty-seventh day of the One Hundred Eighth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

**ASSISTANT CLERK:** There is a quorum present, Mr. President.

**ARCH:** Thank you, Mr. Clerk. Are there any corrections for the Journal?

**ASSISTANT CLERK:** No corrections this morning.

**ARCH:** Thank you. Are there any messages, reports or announcements?

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**ASSISTANT CLERK:** There are, Mr. President: a series of notice of committee hearings, the first from the Revenue committee, also from General Affairs; and a priority bill designation of LB706 from Senator Moser and an amendment to be printed to LB451 from Senator Brewer. That's all I have at this time.

**ARCH:** Thank you, Mr. Clerk. We will now proceed to the first item on the agenda. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, Senator Riepe would move to suspend the rules, Rule 3, Section 14, to permit cancellation of a public hearing on LB464.

**ARCH:** Senator Riepe, you're welcome to open.

**RIEPE:** Thank you, Mr. President. I think the deferment on LB464 has been accepted. Yesterday, I believe it was. Is that the one that's being pulled from committee?

**ARCH:** Yes. Yes, Senator Riepe.

**RIEPE:** OK. I simply acknowledge that we will pull that, and I have nothing else to say. Thank you.

**ARCH:** Thank you. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. Good morning, colleagues. So this is a suspension of the rules to withdraw from the committee hearing. There was a public hearing notice for LB464. And since Senator Vargas has on the agenda that he's withdrawing the bill entirely, first we have to withdraw the committee-- the public hearing notice, so that's what this motion is about here. It is a debatable motion, hence me being up this morning. And-- and as such, I'm going to take some time to talk. I have quite a few things to say, and I want to start out with-- and I didn't-- I didn't discuss this previously, so I apologize. But, Senator Slama, I'm going to make some comments and-- and you-- she didn't ask me to. We didn't talk about this. She certainly doesn't need me to do this. But I saw some things on social media about her statements yesterday that were really upsetting to me as a female legislator. Senator Slama stood up and shared something personal and the process that she went through to make herself feel secure, and I appreciate that she did that. And people on social media have been-- unkind is a generous term. We do not have to agree with each other. We don't have to have the same point of view with each other. But that doesn't mean that people have

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a right to be rude. I think that every single person in here has a right to stand up and speak on behalf of their constituents. And when we take the opportunity to share something about ourselves, to be vulnerable, it's upsetting to see public malign that. And I just wanted to start out the day by acknowledging that, Senator Slama, I appreciate what you said yesterday, I appreciate you as a colleague, and I am sorry that people are being rude, disrespectful and inappropriate on social media. I certainly don't condone that, and I'm sorry for that. So, again, she doesn't need me to have her back. She's a strong individual who can take care of herself, but I think that it's warranted every once in a while to stand up and acknowledge, even when we have differences, that doesn't mean we should be treating each other inappropriately. So thank you, Senator Slama, for your comments. And we'll continue to argue over gun rights, but-- yeah, of course. So-- so what am I doing here today? I'm doing what I've been doing, which is taking time, slowing things down. I'm trying to be intentional. Somebody asked me, what are you going to talk about on these motions? That's a great question because it's a motion to suspend the rules to remove a-- a hearing notice. One thing I do want to talk about is process and procedure. So I had a bill in Urban Affairs this week. It was a TIF bill. And what it did is required a vote of the people for any TIF project over \$20 million. And one of the things that was talked about in the committee hearing was that, specific to the city of Omaha, they already do enough or are transparent in how they conduct themselves. And afterwards, you know, thinking about that, having conversations about that--

**ARCH:** One minute.

**M. CAVANAUGH:** --yes-- thank you-- yes, they are, but this is a perfect opportunity to talk about process and transparency in government. We have very specific process. We give a seven-day notice when there is going to be a public hearing. That is so that the public has adequate notice to attend, to come in and support, opposition, etcetera. That's why we do a seven-day notice. But things change. Life changes. Landscapes change. And so this today is part of our process as to how to address when something changes outside of the confines of our own rules, which is why we're suspending the rules. But this is the process and I think, you know, it's kind of fun to learn more about the pro-- I think it's fun to learn more about the process and I'm guessing anybody who's watching public access TV this morning is interested in the process. Otherwise, I don't know why they're watching public access TV.

**ARCH:** Time, Senator.

**M. CAVANAUGH:** Thank you.

**ARCH:** Senator Clements would like to recognize Dr. Dale Michels from Walton, Nebraska, who is serving as our family physician of the day. Senators, please welcome Dr. Michels. Senator Machaela Cavanaugh also has two guests, Carol Windrum from Omaha and Madeline Baugous from Omaha, who-- they are both in the north balcony. Welcome. Senator Machaela Cavanaugh, you're recognized to speak?

\_\_\_\_\_ : Oh, shucks. Oh, well, I'll come back.

**M. CAVANAUGH:** Thank you. I'll come find you. How about that? Sorry. So, yeah, get back-- yes, so the process, so-- so this is our process for how we, you know, suspend the rules, withdraw a public hearing notice, and then the next thing will be to talk about the bill itself and withdraw all of that. So, you know, when I had my hearing on-- on TIF and I-- full disclosure, the Legislature might be a foreign language to people outside of the Chamber. I love it. I follow the process. I love to learn new things about the process. Omaha City Council is a foreign language to me. I don't understand their process. I have a difficult time keeping track of it. I follow specific individuals on Twitter just to keep up to date on what's happening in the Omaha City Council, but I still don't quite understand the process. So even that said, I had a bill that impacted the process of the Omaha City Council and the city operations. And so I probably should learn more about the process. I'm ever learning about the process. But there are public hearing opportunities when it comes to TIF for people to come in and weigh in and talk about. But similar to our process, it's not accessible to everyone. The Omaha City Council meets in the afternoon on Tuesdays. We meet pretty much-- I mean, at one point, we were meeting all day, but pretty much in the afternoon, evening, so we're not-- we're not really accessible in that way to the people of Nebraska. We do give you a one-week notice of when a hearing is going to happen, but it is hard. It's hard for the people to come, to know when to come, and also it's oftentimes hard for them to know what to do and how that works. Yesterday, we had some hearings in HHS. They were long and I-- I recall a couple of people came and they testified. It was their first time testifying. And I'm always grateful to Senator Ben Hansen, who is very kind and generous to people who are very nervous. And he always tells them, even when they have maybe like just ripped him a new one, he'll say at the end, you did a good job, so I appreciate that type of like affable, positive, "I'm here for the people" attitude. I don't know how other committee Chairs do it, but Senator Hansen is my committee chair and Senator Geist is my other committee chair. And they both are always very kind and generous when

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people come in that are nervous to testify. So that's kind of a note to anybody coming to testify. Transportation and HHS, you got a committee-- you got friendly committees that are here to-- to let you say what you need to say. Yeah. So, OK. I actually don't know what LB464 does. I think it might be similar to a bill that we had yesterday in committee hearing that Senator McDonnell had, but I look forward to learning about what this bill does when we get to that on the next round of debates. How much time do I have left, Mr. President?

**ARCH:** 1:15.

**M. CAVANAUGH:** Thank you. Sorry. While I have recovered from strep throat, I still seem to have this lingering cough, so I need hot liquids still. OK.

**ARCH:** One minute.

**M. CAVANAUGH:** OK. Thank you. There's a lot of things that I feel like we could be talking about this morning. Of course, we can also be talking about the gun debate. Interestingly, the gun debate yesterday kind of took some different avenues. I'm not sure that we've gotten to the substance yet of the actual bill of LB77, but we've got time. We've got time to do that and we probably will get to some of the more substantive part of the amendment today. I know that it's one that is being called a compromise amendment, though I think that there's still some-- some people that don't feel that it's quite what they would like to see. So I am-- I can see there's some other people in the queue, so I'm going to pull up some things to share on my next round of speaking so that I'm not just aimlessly talking here.

**ARCH:** Time, Senator.

**M. CAVANAUGH:** Thank you.

**ARCH:** Senator John Cavanaugh, you are recognized.

**J. CAVANAUGH:** Thank you, Mr. President. Well, I think I rise in support of the suspension of the rules. So I'm sitting here reading it. And just for everybody's, I guess, ed-- edification-- is that the right word?-- edu-- education, I'm not sure, but it's Rule 3, Section 14, public hearing notice: Before taking final action on a bill, resolution or gubernatorial appointment, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice after the bill or pronouncement of the appointee shall have been printed by a publication in the Legislative Journal. No bill or

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resolution, having been set for public hearing, shall be withdrawn, nor hearing canceled within seven calendar days of the date set by a public hearing. So I think we're within seven days because this is set for hearing on the 6th, so we're suspending this rule to allow the cancellation of that hearing. But, you know, just kind of go on what Senator Machaela Cavanaugh was talking about there, you know, the reason we-- we're very lucky here, every bill we introduce gets a hearing. These hearings, everybody gets an opportunity to be heard. I think that everybody who comes to testify should be able to testify, and we shouldn't put these arbitrary limits on them because it's so-- it's so important that everybody has their opportunity to be heard. But the reason for the seven-day notice is that people have an opportunity to be heard meaningfully, so it's not just a perfunctory hearing. It's not just saying we're just doing this to check this box, which sometimes feels like we're doing. But when you-- you give people seven days' notice, they get an opportunity to see the bill, think about it, plan, come and testify, so this is-- ties into the concerns I was raising about AM640 yesterday. This is an amendment that was, in substance, the same as an amendment that was dropped, I believe, on Thursday or Friday. Mr. President, could I get a gavel? I've never asked for that before. Thank you. That feels good. Wow, that was great. Maybe I'll do that more. I've never done it before. But so my objection to AM640 and my-- the fact that I kept saying we needed a hearing on it was it, in substance, violates the spirit and nature of this rule: that we have seven days to prepare and that people have a meaningful opportunity to comment and be heard. And so AM640 was dropped as-- I don't remember what the number was-- as an amendment on, I think it was, Thursday or Friday of last week, and then was a substitute amendment on Tuesday morning. That did not even give people enough, and it was dropped-- nobody knew. It wasn't on the board. It was dropped, I think, as the last second there, as a substitution to an amendment that was already on the board. So people didn't have an opportunity to meaningful-- meaningfully comment and object to it. There were-- there were some people who said this was a compromise amendment that was reached in compromise with the Omaha Police officers union, which we all do work with specific folks to reach compromises, of course. But one of the reasons for the hearing process is that people will have an opportunity to object on the other side of that compromise. So you're compromising with one person, but nobody else-- so they had their opportunity to be heard, but nobody else had their opportunity to be heard about that amendment. Nobody else had their opportunity to-- to get up and say these are the parts I don't like about this, these are the parts I do like about this, this does alleviate this concern, this raises a different concern, and that

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those concerns were not then contemplated in that amendment. So they-- that is the reason for seven days' notice. That is the reason we have a public hearing on everything. And that is why this ties into the conversation we're having already. We need to move AM640 back to committee because it is a substantive change that did not get a hearing and all of the concerns were not raised. It's-- it's addressing one of the many testifiers. I actually don't know how many people came and testified on that bill, but a lot more than the Omaha Police Officer's Association came and testified on that bill, and it only addresses their concern. No one else that came and testified against that bill had an opportunity to be heard on that.

**ARCH:** One minute.

**J. CAVANAUGH:** Thank you, Mr. President. So that's why this rule is important, that's why the hearing process is important, and that's why we have seven days. And-- and again, initially, I was thinking about this to get up and point out seven days is a minimum. We can give more time. There are bills out there that still have not-- do not have a hearing date. And I have people on some of my bills who are nervous it's going to get set in a week and they want to bring in. I've had people who want to come oppose some of my bills and I've said, oh, yeah, you know, please, you know, come and-- and contribute your conc-- your concerns to the conversation. But they said, I need to bring in somebody from out of state and it takes me more than a week to get them here, I need some time to get that set up, can we make sure that hearings get set? So just as a courtesy, as soon as you know, maybe we could get more than seven days' notice as a-- as a courtesy to some people would be nice. But seven days is a minimum. It's an opportunity for people to be meaningfully heard on their concerns about a bill. Thank you, Mr. President.

**ARCH:** Senator Wayne, you are recognized to speak. Excuse me, Senator Wayne. Mr. Clerk, for an announcement.

**ASSISTANT CLERK:** Thank you, Mr. President. The Revenue Committee will hold an Executive Session under the south balcony at 9:30.

**ARCH:** Senator Wayne, you are recognized to speak.

**WAYNE:** Are-- are we-- thank you, Mr. President. Are we sure this time I get to speak? OK, I was just checking. All right. Thank you, Mr. President. Colleagues, I haven't spoke a whole lot this year and probably will starting here pretty soon because the hypocrisy is getting a little thick for me, but not going to talk about that yet. I

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might do that here in a little bit. But so as a committee Chair-- I've been one since I've-- my first year-- one, I studied the rules pretty well; and two, I know what it's about when you do substantive amendments, and I have to completely disagree with Senator John Cavanaugh on LB77 needs a separate hearing. One, I'm always the one who says you have to go back and have a hearing, have a hearing, have a hearing. But if you look at the testimony, what they were talking about is un-- people who are not protected or people who are not prohibited should be prohibited. The police union and others laid out their issues about city ordinances, about some things that I do and don't disagree with, the duty to inform, public safety, etcetera, etcetera, etcetera. Any amendment that addresses those issues that are brought up at the committee level do not need a new hearing. If you negotiate anything-- in fact, Senator Cavanaugh is working on a bill that I really like about transfer with people. His bill, his amendment will be substantive. I don't believe that needs a new hearing. If it's in the context of the bill and the issues are brought up at the hearing, there can be an amendment by the committee or individual on this floor that makes sense. I will even go a step further, is for the last three years we let bills in other committees even be attached to bills in other committees, which I think has always been against the rule, but we've now created a practice the last three years of doing that. My-- my point in saying that is you have a committee hearing to hear the issues and you try to work out those issues, and some of those are substantive changes, if it's within the confines of the bill itself. If it is something completely new and completely different, yes, you have to have a new hearing on that. You don't have to. You should have a new hearing on it per the rules. But in this case, those issues were lined out in the hearing. Those issues were discussed in Exec with the understanding that there is probably an amendment that is going to be offered by either Senator Geist at the time or Senator Brewer or myself on the floor. But because this was a priority designation, per the rules, a committee needs to Exec or it needs to-- not-- you don't need to Exec because you don't have to, but you should Exec on priority bills to either give that person the opportunity to fix their bills, to correct what happened, or-- or talk to people on the committee or not. So I don't think there's a need for a new hearing on this bill. In fact, I'm asking Urban Affairs to have a new hearing on another bill because it is a completely different white copy, substantial change outside of a bill that was already heard. But if it is within the context of the bill and the topic, I don't really care how substantial it is. If the issues were raised, as the committee, that is the committee's job and those who are listening to figure out how to move the bill forward. If we go with the standard

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that there is substantial change, then we would have hearings for the rest of this year because almost every amendment on the floor didn't get debated in a hearing because you're trying to solve the issue that was debated in the hearing, so nobody got the opportunity to debate it in the hearing because you haven't had an answer yet. That's why our rules-- not just our rules, but I'll start with our rules-- call for three rounds of debate, because those three rounds of debate--

**ARCH:** One minute.

**WAYNE:** --give people opportunity to comment on amendments. That's why on Final Reading you have to pull it back, per our constitution, and let it sit for a day so public can look at what amendment you put on a bill in Final Reading. So when it's Final Reading, you have to pull it back. It has to sit for one calendar day, per our constitution, to give people an opportunity to comment. While this may be a change and a change that I don't 100 percent agree with, and Senator Brewer knows that, it doesn't require a new hearing for Judiciary. And as Judiciary Chair, I'll stand by that. Thank you, Mr. President.

**ARCH:** Thank you. Senator Vargas, you are recognized.

**VARGAS:** Thank you very, very much. I'm planning on talking about the motion to withdraw. My only two cents here is-- and I-- and I agree with a lot of what Senator Wayne just said. The only caveat I have is that, you know, there's no hard and fast rules on priority bill designations. You know, Chairman or Chairpeople are supposed to do everything they can to try to work on these. I've had priority bills in the past that have sat for a really long time while we worked on amendments and-- and tried to work them through within the committee. I think that's an independent choice and sometimes I've had some committee Chairs that have actively not tried to get my bill out of committee because they didn't think it was ready when we didn't have all the amendments worked out within the committee. So sometimes that does happen, as well, so I don't think it's necessarily a hard and fast rule. The reason why we are here or motioning to suspend the rules, and I do want to thank Senator Riepe for-- for this, and I-- I spoke to the Speaker, is because my intent is to withdraw LB464. LB464 is a-- a legislation that I introduced focusing on mental health supports with certain first responders and also having to do with workers' comp. Upon introducing this bill, I ran into the happy circumstance of realizing a couple other senators had similar, not the same, bills, similar content areas, similar process, and a few of those being Senator Blood's LB5 and Senator McDonnell's LB460, and realize that there's an opportunity to remove some redundancy and

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repetitiveness with the content and the area that we're trying to work on when I got a, a large number of bills as well. And so an effort to reduce the legislative load on the Business and Labor Committee, the intent was to remove this bill so that we can actually speed through some of the things within the committee and save us some time. I do want to thank Senator Riepe and, and the Speaker, as well, for bringing this up so that we could take it, because it was within the seven days when the, the notice of the hearing. So that's the reason why we had to suspend the rules. So I do appreciate people for supporting this effort. This-- the suspension of rules is not a-- is, is purposeful and needs to happen to remove this so that we don't have to have this bill on Monday and not have the hearing and can save us some time on the back end on, on that Monday hearing. So thank you very much and I appreciate your time.

**ARCH:** Thank you, Senator Vargas. Senator Erdman, you are recognized.

**ERDMAN:** Question.

**ARCH:** The question has been called, Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. There has been a request to place the house under call. The question before the body is, shall the house go under call? All those in favor vote aye; opposed, nay. Mr. Clerk, please record.

**ASSISTANT CLERK:** 16 ayes, 7 nays to go to under call, Mr. President.

**ARCH:** The house is under call. All unexcused members, please return to the Chamber. The house is under call. All unauthorized personnel please leave the floor. The house is under call. Senators, please record your presence. Senator Armendariz, Senator Bostelman, Senator McDonnell, please return to the Chamber. Senator McDonnell, Senator Armendariz, please return to the Chamber. The house is under call. All unexcused members are now present. The question before the body is to cease debate. All those in favor vote aye; opposed, nay. The question before the body is to cease debate. All those in favor vote aye; opposed, nay. Roll call vote has been requested. Mr. Clerk.

**ASSISTANT CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Blood voting no. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting no.

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Senator Machaela Cavanaugh not voting. Senator Clements voting yes.  
Senator Conrad. Senator Day voting no. Senator DeBoer--

\_\_\_\_\_ : Senator Conrad's here.

**ASSISTANT CLERK:** Senator DeBoer voting yes. Senator DeKay voting yes.  
Senator Dorn voting yes. Senator Dover. Senator Dungan not voting.  
Senator Erdman voting yes. Senator Fredrickson not voting. Senator  
Geist voting yes. Senator Halloran voting yes. Senator Hansen. Senator  
Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting  
yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting  
yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator  
Lippincott voting yes. Senator Lowe. Senator McDonnell voting yes.  
Senator McKinney. Senator McKinney not voting. Senator Moser voting  
yes. Senator Murman voting yes. Senator Raybould voting yes. Senat  
Riepe voting yes. Senator Sanders voting yes. Senator Slama voting  
yes. Senator Vargas voting yes. Senator von Gillern voting yes.  
Senator Walz. Senator Wayne. Senator Wayne voting no. Senator Wishart  
voting yes. Senator Conrad voting no. Vote is 34 ayes, 5 nays, Mr.  
President.

**ARCH:** Debate does cease. Senator Riepe, you're recognized to close.  
Senator Riepe waives close. The question before the body is-- the  
question before the body is, shall-- shall the motion to suspend the  
rules pass? Roll call vote has been requested.

**ASSISTANT CLERK:** Senator Wishart voting yes. Senator Wayne voting yes.  
Senator Walz. Senator von Gillern voting yes. Senator Vargas voting  
yes. Senator Slama voting yes. Senator Sanders voting yes. Senator  
Riepe voting yes. Senator Raybould voting yes. Senator Murman voting  
yes. Senator Moser voting yes. Senator McKinney voting yes. Senator  
McDonnell voting yes. Senator Lowe. Senator Lippincott voting yes.  
Senator Linehan voting yes. Senator Kauth voting yes. Senator Jacobson  
voting yes. Senator Ibach voting yes. Senator Hunt. Senator Hughes  
voting yes. Senator Holdcroft voting yes. Senator Hardin voting yes.  
Senator Hansen. Senator Halloran voting yes. Senator Geist voting yes.  
Senator Fredrickson voting yes. Senator Erdman voting yes. Senator  
Dungan voting yes. Senator Dover. Senator Dorn voting yes. Senator  
DeKay voting yes. Senator DeBoer voting yes. Senator Day voting yes.  
Senator Conrad voting yes. Senator Clements voting yes. Senator  
Machaela Cavanaugh not voting. Senator John, John Cavanaugh voting  
yes. Senator Briese voting yes. Senator Brewer voting yes. Senator  
Brandt voting yes. Senator Bostelman voting yes. Senator Bostar.  
Senator Blood voting yes. Senator Ballard voting yes. Senator  
Armendariz voting yes. Senator Arch voting yes. Senator Albrecht

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voting yes. Senator Aguilar voting yes. Senator Dover voting yes. Vote is 43 ayes, 0 nays, Mr. President.

**ARCH:** The motion passes. Mr. Clerk. We raise the call.

**ASSISTANT CLERK:** Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote on MO49.

**ARCH:** Senator Cavanaugh, you're welcome to open.

**M. CAVANAUGH:** Thank you, Mr. President. How much time do I have?

**ARCH:** You have ten minutes.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, so appreciate the call the question. I think I was the only person in the queue, but it's fun because it takes up more time, so thank you for doing that. And I'm here to take up time. That's what I'm here about, time, time, time. So-- so also, I want to thank people. I, I would have voted for the motion to suspend the rules and withdraw the committee hearing notice, except for I'm trying to take up time, so that's why I didn't vote for it. So I appreciate that everybody else did vote for it. It would be a terrible precedence to not vote for such a thing, so thank you, everyone, for doing that, although I guess, if we didn't do it, then we would be requiring the Business and Labor hearing to have-- Committee to have an extra hearing, so that might have just been fun to do, but I think it's still the more appropriate, collegial thing to do, to not do that, so thank you. Yesterday, in various committee hearings, we had what I think are aptly described as the pro-LGBTQ pieces of legislation. I, I, I'm a fan of, of all of them, but one in particular is near and dear to my heart, LB316 that Senator Fredrickson introduced, and it has actually previously-- I've introduced it numerous times before. It has actually passed before, and Governor Pete Ricketts vetoed it and said in his veto letter that the reason he was vetoing it is because the change to the marriage license application documents could be made administratively. Great. They haven't. That's why we continue to introduce this bill. Senator Fredrickson informed me that it had a robust opposition yesterday, which is really telling to me about where we are as a society. So my middle child was born on June 25, 2015, and at that time my uncle was the county clerk in Douglas County, Omaha, and one of the duties of the county clerk in Omaha and Douglas County is marriage license. And my uncle Tom Cavanaugh, who many in this building are familiar with, he served as-- over 30 years in that role. He was in hospice at that time and he left, he left hospice to go to his office to sign the

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first same-sex marriage license in Douglas County. Literally, he was dying and he left his hospital bed to go do that. So when I was elected, I decided to honor his memory, and to honor the people that are seeking these marriage license, that I would introduce a gender-neutral marriage license bill. And that year, my freshman year, it passed. The Governor vetoed it because it could be done administratively. I requested a meeting with the Governor, which he took. A lot of people couldn't believe it. I didn't know-- freshman naivete, I guess I didn't know that when the Governor vetoes your bill, you don't ask to meet with him. I thought, well, you vetoed my bill, we should chat about this. And we did and he told me that he could do this administratively, and we even came to a resolution that the terminology would say "spouse," spouse 1 and spouse 2, not "applicant" but "spouse," because even though it says "bride" and "groom," that's not really like a legal term. "Applicant" would be the-- more of a legal terminology on a marriage license application, but "spouse" kind of, you know, is a warmer term than "applicant" and describes the contract which you are entering into. So we had this conversation. We had this-- what I thought was an agreement, but it just never came to fruition. I don't know why it didn't come to fruition, but it didn't. And so I have introduced this bill again and again, and now Senator Fredrickson has graciously taken up this cause, and I'm so appreciative of him for doing that. It is a legal document, and the way the documents are currently, we are forcing people to lie on it or choose. I mean, if we want to talk about misgendering individuals, when we-- when, when two individuals show up to obtain a marriage license and two of them are men, they are both men or they are both women, we as a government force them to choose which one of you will be misgendered on your marriage license, a legal document. That's just bananas to me, like that's not a religious issue. That's not a-- we're not saving the children here. We're not protecting anyone. We're forcing people to lie, misgender themselves on a legal document. We're forcing them. We're telling them that they have to. That doesn't make any sense at all. I don't-- I genuinely do not understand what the opposition is to gender-neutral legal documents, like all of our legal documents should be gender neutral. That makes zero sense. The only legal document that shouldn't be gender neutral is your birth certificate. So to those that came in opposition yesterday to LB316, I think you misunderstood the premise of the entire bill. It is not a religious rights bill. It is not a liberty bill. It is not a free speech bill. It is not a Second or First Amendment bill. It is a legal document. It is reconciling our legal marriage license process with federal law. But kudos to you for taking time out of your day to come and show your disdain for the LGBTQ

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community. And fortunately, you got to just package it in and visit a bunch of committee hearings and share your disdain for the community publicly, inappropriately, and without compassion. When we get to the point where we are coming and having a diatribe against gender-neutral marriage license, a bill that passed with no opposition, none, zero opposition the first time, zero opposition-- the second time, it had one testifier in opposition and it was the Catholic Conference, of course, because they apparently need to get involved in the administration of legal documents at a county level, and now it has-- it's riddled with opposition, and for what reason? Because people don't like gay people getting married. Doesn't protect children. Doesn't do all the other things that we keep saying, these nonsensical culture-war fight on the trans/LGBTQ community bills do. It's just a legal document, yet here we are. So, you know, so my Uncle Tom, he passed away in October of 2015. So that was June of 2015, and he passed away in October of 2015, and I was very fortunate in that I had my daughter, "Hattie" Harriet, and she was a newborn and he was--

**ARCH:** One minute.

**M. CAVANAUGH:** Thank you. He was at the Douglas County Hospital in their hospice wing, which is a really wonderful facility. And they had-- they offered really amazing care and had a great space for families, a large family such as ours that had family dinners in the-- in the hospice wing, oh, numerous times a week. But I was very fortunate. I was on maternity leave, and so I was able to spend a lot of time with my uncle. And this bill has always been really important to me for that reason, of course, but also for all the people that I care about in this world that deserve to not be misgendered in their marriage license and for all the people I don't even know in this world that deserve to not be misgendered in their marriage license. No one in this body deserves--

**ARCH:** Time. Senator.

**M. CAVANAUGH:** --to be misgendered. Thank you.

**ARCH:** Senator Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you. Which, me or other--

**ARCH:** Senator Machaela Cavanaugh.

**M. CAVANAUGH:** Thank you. Yes. No one in here-- I mean, I can't even imagine the outrage if some of the male senators in here, if on your marriage license you were the bride. If you were the bride on your

marriage license, gentlemen, like that would probably strike you as ridiculous, just, like, why? Why would Tom Smith be the bride when he's marrying Mary Smith? It's that ridiculous when it's two people of the same gender getting married. It is equally ridiculous. It would be ridiculous for you to be the bride and it would be ridiculous for any male to be the bride on their marriage license. All that is to say that I hope that this is a consent calendar bill, but it can't be because of all the opposition that came to it. That's not consent calendar worthy. But this is where we're at. This is where we're at as a society, is that we just fight things for the sake of fighting them because they have anything tangentially to do with the LGBTQ community, and then we act like this isn't an assault on this community. And it is. It's a complete assault on the LGBTQ community, on the trans community. They are under fire and I, for one, do not understand. I don't. I didn't grow up-- I'm-- I'm not young, but I'm not old enough to have grown up during the Civil Rights Movement, so all I know about it is what I've written and stories that I've heard. But when you think back on the Civil Rights Movement, for those in this body that remember it, for those that just remember hearing about it, for me personally, it's like, oh, my gosh, I can't believe-- I cannot believe we ever had colored water fountains, colored bathrooms. I can't believe that we had-- we still do, especially in Omaha, have segregated schools, but they're not officially segregated. They're segregated through redlining and other economic practices that have led to this sort of marginalization of minority populations. We've always found ways to marginalize minorities no matter what type of minority they are. We continue to find ways to marginalize minorities. But to have like positive bills that support and uplift a marginalized community, like we did yesterday, and to have the vitriol that we had for that community, it-- it is-- it's heartbreaking, it really is. How much time do I have?

**ARCH:** 1:12.

**M. CAVANAUGH:** Thank you. I-- I can see that there's a queue. I can't actually see who's in the queue, so I just assume that the question's going to be called again.

**ARCH:** One minute.

**M. CAVANAUGH:** Thank you. So in the event that the question is called again, I don't get a chance to say this, I just want to remind all the LGBTQ+ individuals in our state that are listening, that are watching, you are loved, that you matter. There are people here fighting for you.

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**ARCH:** One minute.

**M. CAVANAUGH:** I'm not the only one. I'm just the one--

**ARCH:** Sorry, Senator Cavanaugh, 40 seconds.

**M. CAVANAUGH:** Thank you. I'm the only one standing here right now, but I'm not the only one. And I'm going to continue to fight for you and so are my colleagues. And you deserve equality. You deserve love. You deserve happiness. You deserve respect. And I hope to continue to bring that to you every day that I am here. And I'll just keep taking time until I get the rest of these people to come along with me. Thank you.

**ARCH:** Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Mr. President, thank you. So, well, I guess I'm not in favor of the motion to reconsider. I act-- I voted the way I wanted to vote on that, so I'm going to keep it that way. So I was-- just wanted to continue the conversation. I appreciate Senator Wayne engaging on the conversation about whether AM640 should have a new hearing. And it is-- you know, the-- it's a sort of fine-line conversation we are having. We do bring amendments that are in response to testimony that's at a hearing. The bill he referenced, I am working on a amendment that would address some of the concerns raised at the hearing. I don't think that it substantially changes the-- the bill because it is just a small change to it that kind of clarifies how people interpret it. But I certainly would-- would not shy away from having another hearing on that bill, if that's what the body decided. But there is a rule about whether or not bills get referred for another hearing. And the reason I-- I'm keyed into this issue is because, my first year here, we had a hearing and during that hearing some of the people who came and testified raised their opposition to the bill and said-- and I just asked, point-blank asked, I said, what would help you out, what would address your concerns on this? And they-- they told me what that was. And so I brought an amendment, I guess, being all wide-eyed and new and excited about trying to fix things, said, oh, OK, well, I'll bring an amendment to fix the concerns that were raised in the hearing. So I brought that amendment, got it put into the committee package. It got kicked out of committee with that amendment that was addressing those concerns, got to the floor of the Legislature, got past General File, got past Select File, got to Final Reading, got pulled back from Final Reading to Select, and then we were ordered to go back and have another hearing in General Affairs on the amendment because it didn't have its own

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hearing. So we did that because everyone said that it was so substantive of a change from what the bill was originally, and so we were required to have a hearing on it before we could go forward. So that's what we're talking about here, is that there are change-- you can bring an amendment that addresses concerns that are raised at a hearing. Of course we can. Of course you should. And we should try and fix things and we should try to address concerns. That's the point of the hearing process. But when the way to address those concerns becomes so substantial that it fundamentally changes the nature of the bill or the impact, then it-- it should have another hearing, because that is the purpose of the hearing, is not to just address those concerns, but it's to make sure that everybody gets to be heard on it. So if someone's concern is so far out-- my-- mine was-- this was about keno and adding a, a allowance for keno to help them mitigate the harms of casinos. And that was, that was probably the right decision, really, honestly. Speaker Hilgers at the time made that decision, and I didn't disagree with it. I wasn't particularly happy at the time, but I think it was the right decision. But in this case, to address the concerns here is the creation of a bunch of new offenses, creation of a new scheme in how we charge people under these offenses by having consecutive misdemeanor offenses, to change the prohibited person-- how prohibited person is applied to this in such a way that it incorporates two separate sections of federal statute that reference each other. And so it is a substantive change. It's not just addressing the concerns that some people are going to have-- be able to get access to guns and some people that, that we don't want to have access to guns. Of course, those are concerns that would be raised. But the method in which we're addressing it is creating a whole list of new offenses that were not necessarily addressed at that hearing, were not allowed-- people weren't allowed to come and testify about whether those were the right ones or not. So the fact that that is--

**ARCH:** One minute.

**J. CAVANAUGH:** --thank you, Mr. President-- the-- the-- it's the size, the substance of the change, not the fact that they're addressing concerns. It is the fact that they're cha-- addressing them in such a substantive way that is the requirement for the new hearing, not just that there is a change. So, yes, you can bring amendments that address concerns. Yes, you can bring amendments on the floor in committee. You can, you can make changes to bills. Of course you can. But you cannot fundamentally alter the nature of the bill in-- in that way without having a hearing. So that's my suggestion to the body about these things. And again, I think that this amendment has some mistakes in it that I've pointed out repeatedly, and I'll probably have the

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opportunity to do that again-- again, another argument for why maybe we want to take a beat and go back and have a conversation about this amendment before we go forward. But that's what-- there's a distinction between changes and the substance of the change, not just that any change needs a new hearing. It has to be a substantive change, and I think this is a change that is of enough substance to require another hearing.

**ARCH:** Time, Senator.

**J. CAVANAUGH:** Thank you, Mr. President.

**ARCH:** Senator Conrad would like to welcome a guest, Cassidy Bell from Lincoln East High School, located under the north balcony. Welcome, Cassidy Bell. Senator Erdman you are recognized.

**ERDMAN:** Question.

**ARCH:** The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Request has been made for a roll call vote. Mr. Clerk.

**ASSISTANT CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting yes. Senator Blood voting no. Senator Bostar not voting. Senator Bostelman. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad voting no. Senator Day voting no. Senator DeBoer not voting. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan not voting. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Geist voting yes. Senator Halloran voting yes. Senator Hansen. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe. Senator McDonnell voting yes. Senator McKinney voting no. Senator Moser voting yes. Senator Murman voting yes. Senator Raybould. Senator-- Senator Raybould voting yes. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas. Senator von Gillern voting yes. Senator Walz. Senator Wayne voting no. Senator Wishart. Vote is 29 ayes, 7 nays, Mr. President.

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**ARCH:** Debate does cease. Senator Cavanaugh, you're welcome to close on your motion to reconsider.

**M. CAVANAUGH:** Thank you, Mr. President. Thank you, Senator Erdman, for calling the question. It always takes up time, and I appreciate that. How much time do I have for close?

**ARCH:** You have five minutes.

**M. CAVANAUGH:** Thank you. OK, so I am going to-- OK, so voting for the motion to reconsider, well, I mean, OK, so here's what could happen. If 25 people vote for the motion to reconsider, then we go back to the vote. Then we have to vote again on the motion to suspend the rules and remove the committee hearing notice, so don't do that. I mean do, do that. That would take more time and actually would be kind of spectacular because I'm not sure that that's ever happened before, but-- and maybe it even takes 30 votes, might take more than 25 votes. I'm looking up at the Clerk's Office or the Clerk's area. Is it 25? It's 25. OK. Well, still, 25 people, please don't do that, or do, just for funsies, but not because we want to actually undo the vote. I probably will just go ahead and vote against my own motion to reconsider, because then we'll just move on to the next thing, which is withdrawing Senator Vargas's actual bill. So this motion from Senator Riepe is to withdraw the public notice for the hea-- the public hearing, and we have to do that before we can withdraw the bill itself, so we're going to vote on this motion and then we're going to come to the motion on the public hearing itself. OK. So I continue to be asked what am I doing. What am I doing? And for those that listen when I'm talking-- which, again, I'm not offended if you don't listen. I talk a lot and for a long time and on a wide variety of subjects. But if you are listening to what I am doing, I am slowing things down. So we have our worksheet order here and we have 89 bills on General File worksheet order. We have 17 bills have desi-- been designated priorities. Now, not all 17 of those are-- have been kicked out of committees yet, and we have 23 bills on Select File. So Select File is the second round of debate, and then there's a third round after that. And if we-- now, some of the Select File bills could be priority bills. I don't think that they are, actually. So if we pass the combined of what's on Select and what's a priority bill, that is 30-- that is 40 bills, even. Friends, we have the opportunity to just pass those bills. Wow. We could pass-- at this point, we could pass what's on Select and what's on pri-- the priority list to date, and, and then maybe we'll be done, except for that's not true, because none of those are the budget. And I don't know. I think we're coming up soon on the budget day, so that will be more time.

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**DORN:** One-- one minute.

**M. CAVANAUGH:** Thank you. So, yeah, so the intention: What am I doing? I'm slowing things down. I'm slowing things down. I'm purposely, intentionally slowing things down. Why am I slowing things down? Because-- because of how the Committee on Committees decided to do the committee makeup, our committees are not balanced as they have typically been; there is not thoughtfulness and diligence going into the committee process. Things that are not ready for primetime, as we like to say, are being kicked out of committee and prioritized. We're rushing things through. And to be very clear, even if I loved every bill, if we were doing the process the way that we're doing it, whew, we would spend all of next year--

**DORN:** That is time.

**M. CAVANAUGH:** --fixing everything.

**DORN:** Senators, you've heard the close on M052. Question before the body is for reconsideration. There's been a request for a roll call vote. Mr. Clerk, please call the roll.

**ASSISTANT CLERK:** Senator Wishart. Senator Wayne voting yes. Senator Walz. Senator von Gillern voting no. Senator Vargas voting yes. Senator Slama voting no. Senator Sanders voting no. Senator Riepe voting no. Senator Raybould voting no. Senator Murman. Senator Moser voting no. Senator McKinney voting yes. Senator McDonnell voting no. Senator Lowe. Senator Lippincott voting no. Senator Linehan voting no. Senator Kauth voting no. Senator Jacobson voting no. Senator Ibach voting no. Senator Hunt. Senator Hughes. Senator Holdcroft. Senator Hardin voting no. Senator Hansen. Senator Halloran voting no. Senator Geist voting no. Senator Fredrickson. Senator Erdman voting no. Senator Dungan voting no. Senator Dover. Senator Dorn voting no. Senator DeKay voting no. Senator DeBoer voting no. Senator Day. Senator Conrad voting yes. Senator Clements voting no. Senator Machaela Cavanaugh voting yes. Senator John Cavanaugh voting no. Senator Briese voting no. Senator Brewer voting no. Senator Brandt voting no. Senator Bostelman voting no. Senator Bostar. Senator Blood voting yes. Senator Ballard voting no. Senator Armendariz voting no. Senator Arch voting no. Senator Albrecht voting no. Senator Aguilar voting no. Vote is 6 ayes, 31 nays, Mr. President.

**DORN:** The motion fails. Speaker Arch, for an announcement.

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**ARCH:** Thank you, Mr. President. When we get past this on the motion to suspend the rules, I just want to let you know that, as per my prerogative as Speaker, we'll be passing over the next two items and we will also be working through the lunch hour. Thank you.

**DORN:** Mr. Clerk, for the next item.

**ASSISTANT CLERK:** Mr. President, the next item is LB77, offered by Senator Brewer. It's a bill for an act relating to firearms; to prohibit the regulation of weapons by cities, villages and counties; provide for the carrying of a concealed handgun without a permit; change provisions relating to other concealed weapons; provide requirements, limits, offenses relating to concealed handguns; provide penalties; harmonize provisions; repeal the original sections. The bill was introduced on January 5. It was referred to the Judiciary Committee, which placed the bill on General File with no committee amendments. The bill was considered yesterday. At that time, Senator Brewer had offered AM55. There had been a unanimous consent request to offer instead LB77, at which point there was a motion to withdraw AM55 and substitute AM640. Followed by that, there was a motion from Senator Machaela Cavanaugh to bracket the bill until March 2. That motion is now pending.

**DORN:** Senator Brewer, if you would take a minute or two to refresh us.

**BREWER:** LB77 will provide for the carrying of concealed handguns without a permit, change provisions related to the concealed weapons and prohibit certain regulations referencing gun registration. LB77 would authorize that concealed carry without a permit by anyone who can legally possess a weapon. IT would require the person to immediately notify a law enforcement officer upon contact and that would include a law-- emergency responder also. It would preempt local ordinances that specifically affect the right to keep and bear arms. It would promote-- I'm sorry-- it would not allow felons, perpetrators of domestic violence or those with dangerous military-- mental illnesses--

**ARCH:** One minute.

**BREWER:** --or a prohibited person from carrying. It would not change the background check requirements for obtaining a weapon and it would not stop businesses from prohibiting weapons in their premises. Thank you, Mr. President.

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**ARCH:** Thank you. Senator Brewer. Senator Machaela Cavanaugh, you are given one-minute refresher on your bracket motion.

**M. CAVANAUGH:** Thank you. This is a motion to bracket until today so I'm not sure if I have to withdraw and put in a new motion if it's bracketing until today. But I will keep it up here for a minute while I draft a new bracket motion and then I'll be withdrawing this bracket motion.

**ARCH:** Returning to the queue. Senator Machaela Cavanaugh, you're recognized to-- for speak.

**M. CAVANAUGH:** OK. I'm going to multitask on this whole bracket motion situation. LB77 until 3/3/23. OK. Gosh, I'm sorry. I should have been paying attention to the fact that I was bracketing until, until right now. That's the problem. When you do a bracket motion and you only do it one day, you can get caught up like I just did. So I just submitted another bracket motion so I'm just going to stand here for a moment and say that I now, looking up at the front, am going to withdraw my motion to bracket until today. Thank you.

**ARCH:** Motion to withdraw. Mr. Clerk for a motion.

**ASSISTANT CLERK:** Mr. President, Senator Machaela Cavanaugh would now move to bracket LB77 until March 3, 2023.

**ARCH:** Senator Cavanaugh, you're welcome to open on your bracket motion.

**M. CAVANAUGH:** Thank you, Mr. President. OK, great. Here we go. This is bracketing it until tomorrow. Sorry, that was slightly nonsensical for a moment there, unlike everything else that I do, which is 100 percent sensical. That was sarcasm. So now then my motion brackets this bill until tomorrow. And I just want to acknowledge-- so we had two other motions to withdraw bills on the agenda for today that the Speaker moved over. And for the freshmen in the audience today, I want to just say we could have done that last week. We could have gotten to all of those things on General File last week if we had moved over LB147. See, it is the prerogative of the Speaker. The Speaker sets the agenda. So when you're annoyed with things that I'm doing and I tell you very clearly why I'm doing them and you're giving me the power, I'm going to take the power, so. I don't control the agenda. I just can control what I can do within the rules with what's on the board. And I can't do anything about the fact that we moved over those other two things, one of them being mine, so there we go. And with that, I

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think I have like eight or nine minutes left, so I will yield them to Senator Raybould.

**ARCH:** Senator Raybould, 8:26.

**RAYBOULD:** Thank you, Senator Cavanaugh., And thank you, Mr. President. Good morning, colleagues. Good morning, fellow Nebraskans watching this debate. I want to first of all thank so many people who emailed me after our-- what I thought was a very productive debate hearing from so many of our colleagues. So thank you for the emails in support. But I do want to thank those that still are concerned with the debate and my, my opposition to LB77. But I just want to say thank you for those folks that do support LB77 and emailed to me their concerns. I, I truly appreciate that and they did it in a very respectful way. Today, I hope to have the opportunity to certainly continue our discussion about concealed carry and the fact that this bill goes way, way too far. But also, I wanted to really focus on the gun violence in our state and the impact that it is having on children in our state of Nebraska and children throughout the United States. But also the questions that I asked my coll-- the question I asked my colleagues yesterday was, feel free to share. Like, tell, tell us, tell the Nebraskans watching and tell your constituents what are you doing as a state senator to keep our children in Nebraska safe from gun violence? And then the other question I wanted to pose to my colleagues is feel free to chime in and get in the queue to talk about it. What are you doing as state senators to help keep our law enforcement safer? So these are two questions. And I hope if you-- instead of yielding time back to Senator Brewer, which is certainly your prerogative, I ask that you, you know, take on those two challenging questions. What are you doing as a state senator to help keep our children safe in Nebraska from gun violence? And what are you doing to help keep our law enforcement safer in the performance of their duty? OK, on to some of the statistics that I love to, to share with you all. I know I mentioned this yesterday. Gun violence recently surpassed car accidents as the leading cause of death for American children. You know, for much of our nation's history on disease, disease was the number-one killer of children. Then America, we became the land of the automobile. And then 20 years ago-- after that, we are realizing that an American child is still three times likely to die in a car accident as to be killed by a firearm. But unfortunately, that, that has changed. The greatest cause of death for children is now gun deaths. The gun death rate for children is in nearly-- is nearly 5 in every 100,000. It was flat for more than a decade, starting in 2000. In most years, fewer than 3 in every 100,000 children were killed by guns. In 2014, the rate began to creep up and by 2020, guns became the

leading killer of our children. Last year was a particularly violent one; 3,597 children died by gunfire according to provisional statistics from the Center for Disease Control and Prevention. The death rate from guns was the highest it has been in more than 20 years. There is really no group of children have been spared, but some have fared far worse. Last year, nearly two-thirds of the gun deaths involved-- involving children were homicides. Since 2018, they have increased by more than 73 percent and unfortunately, most homicides involve black children. The number of children who die by suicide with a gun has also risen to historical high over the last decade. Last year, suicides made up nearly 30 percent of the child gun deaths of about 1,078. And that's certainly one of the issues that I do want to talk about. My bill and my amendment, once we get to it, is suicide risk protection order. It is a red flag law, but particularly when it comes to children and children's deaths by suicide. Unlike homicides, suicides disproportionately involve white children, mostly teenage boys. A decade ago, the number of white children who killed themselves with a gun totaled around 500 annually. In three of the last five years, that figure has surpassed 700. The researchers who study gun violence say that it is really difficult to explain why gun deaths among children have risen so quickly. But most emphasize that the increased availability of guns, especially handguns, which tend to be used in homicides and suicides and also tend to be stored less safely than some other types of gun, has most likely played a role in the increasing deaths attributed to our-- children's deaths attributed to firearms. What is clear is that the United States is an extreme outlier when it comes to gun fatalities among children. When researchers at the Kaiser Family Foundation recently compared a set of similarly large and wealthy nations, they found that among this group, the United States accounted for 46 percent of the child population-- but here's the real kicker-- but 97 percent of all child gun deaths. Here is a very, very sad statistic. Black boys are now eight times as likely as other children to die by gunfire. Black children represented almost half of all the gun deaths and two-thirds of gun homicides involving youths last year, despite making up only 15 percent of children in America. This disparity of death has grown significantly worse in recent years. Black children are now nearly six times as likely as white children to be killed with a gun. And that is why, when Senator McKinney is discussing this-- thank you, thank you, Senator Arch. I think when Senator McKinney gets up and talks about the disproportionality of people of color being killed and being jailed, this goes straight to the core of it. About a decade ago, black boys were killed with guns at a rate of about 12 out of every 100,000. Five years ago, it was 15 every out of every 100,000. By last

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year, nearly 26 out of every 100,000 black boys in the United States were killed. Comparatively, the gun death rate for white boys last year was less than five.

**ARCH:** One minute.

**RAYBOULD:** Thank you, Mr. President. The one thing I wanted to, to say to my colleagues, that if you have additional time, feel free to tackle the question before you yield your time back to Senator Brewer. Or certainly, you're welcome to, to yield the time to me. But going back to the wider presence of these weapons increases the chance of guns being involved in accidents, being used in domestic disputes and being available to young people contemplating suicide. About 45 percent of gun homicides of children and more than half of the suicides last year were among children under 17. Once again, racial disparity is present at all ages. Black children are now far more likely to be shot and killed than white children at every age from the moment that they can walk until they are old enough to vote. This sharp rise and stark inequality of these gun deaths--

**ARCH:** Time, Senator.

**RAYBOULD:** Thank you, Mr. President.

**ARCH:** Senator McDonnell would like to recognize the American Cancer Society and the Cancer Action Network members in the north Balcony. Please rise and be welcome by the Legislature. Mr. Clerk, for items.

**ASSISTANT CLERK:** Thank you, Mr. President. Notice of committee hearing, a cancellation regarding LB464 from the Business and Labor Committee. Urban Affairs, notice of committee hearing. Your Committee on Agriculture reports various bills to General File: LB218, LB263, and LB264, all with no committee amendments, as well as LB305 and LB740 with committee amendments attached. Amendments to be printed: Senator Murman to LB698; Senator John Cavanaugh to LB77; Senator Raybould, a motion pertaining to LB77; Senator Geist, amendment to LB77; and Senator McKinney to LB631. That's all I have at this time.

**ARCH:** Senator Blood, you are recognized.

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, first of all, I want to say I am sorry to see that Senator Brewer is not feeling well. I hope you feel better. It's going to be a rough day for you. Hey, I stand opposed to the bracket motion, but I do want to talk on a couple of issues because clearly there's an effort to slow things down today and we can take those opportunities to talk on other things

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because it's going to be slowed down regardless. We might as well make the best of it. A couple days ago, before this bill was put on the agenda, I received a flier in my door and it was from Young Americans for Liberty in Austin, Texas, asking the people in my district to call my office, to email my office-- amongst the other long list of people that were already encouraging people to do so-- to tell me to support LB77. And there's a couple of things I want to say about that. First of all, thank you for the great picture, whoever is taking pictures when we're in hearings and stuff and using those pictures on those fliers. It was a great picture of me so I'm appreciative of that. Thanks for that. There weren't any horns coming out of my head. There wasn't any fire behind me. It was just a really nice picture. My hair looked good that day. Makeup was on point. So thanks for that. But I want to tell the people who are funding this project, people like Flat Willow Farm, Maple Engine, The American CEO, Laitram. What a bad investment that is to send somebody in neighborhoods door to doors with fliers that just basically end up in the garbage can. So you might want to rethink how you're promoting or not promoting things when it comes to legislation here in Nebraska. I think some of that is the same when you talk about the postcards that were sent out in reference to term limits. There were two or three postcards-- also great pictures, by the way. Thanks for that-- that were sent out. And I received no calls, no emails. So bad investments, people. Folks just don't read their mail anymore. Anyone telling you otherwise would be wrong. So yesterday in Judiciary, we had a lot of people tell us that we need to read our Bibles and make decisions based on Christianity and do the right things when it comes to who's allowed to marry in Nebraska and who isn't, which they can get married already by the way, friends, and how we need to learn from the Bible about how a marriage is between one man and one woman. And I just want to tell you that I read the Bible and I have for decades. And I want you to know that Solomon in the Bible had 700 wives and 300 concubines so I think you're giving me permission now to have some fun here. I don't know. Abraham, Jacob, David and a long list of others all had multiple wives and the Bible actually nowhere explicitly condemns it, even if you move into Genesis. Lamech, he married two women. And, you know, part of it is because there's been patriarchal societies for a very long time. And really until the last few decades, it was really impossible for any unmarried woman to provide for herself, let alone in biblical times. But the one thing that I always remember when I hear theories like this about how we're supposed to, to use the Bible as our guide is I remember Romans 13. And I remember this because I wasn't always Catholic. I grew up Methodist and I still remember a sermon when I

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was, like, 10, 11 years old. And it was a revelation for me where they said, Obey the laws of the land, obey the laws of the land.

**ARCH:** One minute.

**BLOOD:** So when the government puts something into place that lifts up people who may identify differently than you because love is love, I'm going to obey the law of the land should we change that law. Because I believe in 1 John 4 where, for those of you that do believe in God, it clearly says you can't love God if you don't love your neighbor. Thank you, Mr. President.

**ARCH:** Thank you. Senator Dungan, you are recognized.

**DUNGAN:** Thank you, Mr. President, and thank you, colleagues. I'm kind of glad we're getting back to this debate so we can continue the conversations we've been having. I rise again in opposition to the substituting amendment AM640 for AM55 and also in general opposition to LB77. I want to start by highlighting some of the things that we had talked about yesterday. We're talking about some bigger overarching issues here. But I also want to make sure we focus our conversation about what the specific motion is that we're discussing and that's this AM640, which is the implementation of new crimes that have not been discussed by the committee. It's the implementation of a different definition regarding prohibited persons, or at least a broader definition of prohibited persons. And so I think it's important that we make sure we talk about that. But from a bigger 30,000-foot view, I guess I just want to acknowledge that this is an incredibly complicated situation. This is an incredibly complicated issue. I think there are some times where issues are clear. They're black and white. It's easy to pick a side. There's moral rights and wrongs. There's legal rights and wrongs from time to time. But I think it was Senator Hunt yesterday that I picked up on this from and I wanted to sort of highlight it again. And that's this is a really difficult issue. And I think when we're talking about this constitutional carry idea or this right to carry, it really does cut across political divides. I have friends who are on the further right end of the spectrum who do not support this because they think that there absolutely should be licensing requirements. And I have friends on the further left side of the spectrum who absolutely do support this because they believe that it's an infringement on their personal rights for the government to say what they can and can't do. And so I just-- I think that too often in here, we get bogged down in left, right, which side are you on? And I think it's actually good to acknowledge that this is complicated. I think it's actually right to

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acknowledge that this is a difficult issue to talk about and I welcome that. One of the first things I said on the mike weeks ago at this point-- almost 30, 30-some days ago-- was that we were sent here to have the hard conversations and we were sent here to have the complicated discussions. And we were sent here because our constituents got together and decided that we were the ones who were best equipped to have these conversations. And so I don't think we should shy away from complicated debate and I don't think we should shy away from the intricacies of the law. And when things become overly simplified, I think we're doing a disservice to not just the people we represent, but also to our job here in the Legislature. I think a really good example of that that we heard yesterday was the oversimplification of whether you support law enforcement or not, and the oversimplification of whether or not law enforcement supports this bill or not. I would respectfully push back on some of the comments that were made yesterday as to whether or not voting for this amendment means you support law enforcement or you don't. What we've heard is that law enforcement entities, whether we're talking about unions or the actual police organizations, support LB77. And I think what's been talked about is that this amendment that we're talking about here, AM640, got some of the police unions to be neutral. I want to highlight that again, this does not mean that the actual police chiefs support it. It does not mean-- or even are neutral. Lincoln Police Department, I believe, as an actual entity, or at least the police chief is still opposed to this. I believe the Omaha Police Chief is opposed to this. I believe the city of Omaha is opposed to this. I believe-- and correct me if I'm wrong, somebody-- that the city of Lincoln is opposed to this, even with the amendment. And even from that, I think it's important to note that just because the police unions whom I respect and I think have had a very complicated and difficult task trying to come up with a way to make this work, even though they're neutral, we can't conflate neutral with support. A friend of mine sometimes gives me a hard time because I say "I don't disagree" instead of "I agree." And he contends those--

**ARCH:** One minute.

**DUNGAN:** Thank you, Mr. President. He contends those are the same thing. I don't think so. Saying I don't disagree is not the same thing as agree. And I'm sure he and I will continue to talk about this. But that's like saying, oh, they don't oppose it, therefore, they're for it. The fact that the police unions are neutral, I simply would just urge my colleagues to, to understand that that does not mean they support this bill. That does not mean that all of a sudden, because we're having AM640 potentially added on, they're now in favor of LB77.

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It simply means they're not going to fight the fight that they were maybe going to put up before. I highlight that because I think, again, too often in this body, we start to conflate things. We start to try to make things simple. It's easy to look at things as right or wrong and it's easy to look at things as blacks-- as black or white, but that's not what we were sent here to do. We were sent here because we were entrusted with the responsibility of making tough choices and because people think we can parse apart difficult tasks and difficult--

**ARCH:** Time, Senator.

**DUNGAN:** --conversations. Thank you, Mr. President.

**ARCH:** Senator Day, you are recognized to speak.

**DAY:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I haven't had an opportunity to speak on this bill yet, but I did just want to mention we had this debate on this almost exact same bill last session. And initially, representing a fairly conservative district, knowing I have a lot of Second Amendment supporters in my district, on the first round of debate, I did vote yes on this bill. I felt slightly conflicted about it just because of my personal opinion on the content of the bill. But from there I made the decision to essentially do some informal polling on the bill where I asked for emails and any kind of correspondence, phone calls from constituents that could be verified with name and address to determine where the majority of my constituents would stand on this issue. So in doing so, my staff did an amazing job of handling literally hundreds and hundreds of emails, phone calls. And after several days, including a weekend of organizing all of that and cross-referencing the names and addresses with a voter database, we found that it was overwhelmingly opposed to allowing people to conceal carry a firearm without a permit and without any training. It was a surprise to me to find out. We had several people that corresponded with us that were-- that mentioned being strong supporters of the Second Amendment, that had a concealed carry license that said that they believed that this piece of legislation is potentially very dangerous, that concealed carrying a firearm does require a specific set of knowledge and understanding and training. And without that, there can be some really dangerous consequences. So I just wanted to add that I know that we often hear in here that there is support for this type of legislation, particularly in conservative states like ours, particularly in conservative districts like mine. And I wanted to tell everyone that that is not necessarily true. Additionally, I, I just wanted to share

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my own personal perspective on this. Senator Raybould had touched on recent CDC data showing that the leading cause of death for children in the United States is now firearms. As a mother of two young boys, ages 14 and 10, who attend public schools in Millard, it's become increasingly alarming to see the increase in gun violence and mass shootings in the United States. We recently had a shooting at the Target in Omaha that my family frequents for grocery shopping. Fortunately for us, we were not there. Just last week, I believe we had a fifth-grader that brought a loaded firearm into school in a backpack and threatened a classmate here in the city of Lincoln. I cannot stand here knowing that in the United States, we have a very unique problem of children dying from firearm deaths and continue to support legislation that will only exacerbate the problem. I don't want my kids to die at school. My kids go to school to learn. They have, since they were--

**ARCH:** One minute.

**DAY:** --in elementary school, had to go through active shooter drills. I'm 41 years old. I never had to go through an active shoot. We did drills related to tornado safety and that kind of stuff, but we never did active shooter drills when I was in elementary school, you know, 30 years ago. For my kids, that's just the way it is now. Even my staff mentioned having to do active shooter drills when they were kids. That's terrifying. We are normalizing something that is a unique problem to the United States. And I continue to hear colleagues stand up and talk about how much we care about children and, and the lives of babies and this and that and yet they will turn around and support legislation that will literally lead to the deaths of more children. It's frustrating as a mother, it's frustrating as a Nebraskan to be terrified to send your kids to school every day.

**ARCH:** Time, Senator.

**DAY:** Thank you, Mr. President.

**ARCH:** Senator Raybould, you are recognized.

**RAYBOULD:** Thank you, Mr. President. I just wanted to continue on the same vein that Senator Day has risen to speak on. In continuing my discussion, the sharp rise and stark inequality of these gun deaths in-- to children have a devastating impact. It's beyond the horrific impact of a child dying. The cost of gun violence extends so far beyond that, says Maya Rossin-Slater. She's an associate professor of health policy at Stanford University. She said in addition to each

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life lost, there are whole communities, whole families, whole neighborhoods, whole schools where people experience these lasting adverse impacts on so many measures of their well-being. She went on to say that she's also worried about the peers of the children that they have witnessed being killed in school. They're affected by this trauma during their most formative years of their childhood and adolescence, which would have negative downstream effects for their mental and physical health, educational trajectories, economic stability, and broadly, their own happiness. I have to tell you, I have a very dear friend. She has been a preschool teacher probably for about 50 years and she shared with me, with her two- and three-year-olds, this is the drill they practice. She says, let's do tiptoe, tiptoe, shh. Tiptoe, tiptoe till they go-- so that the kids go into the closet and are secure or go into a dark classroom. And so she does all kinds of these activities to try to keep the kids calm and keep them safe. But these are the drills that little kids that are only two and three years old have to deal with. I remember growing up in Lincoln and we had to deal with, you know, bomb shelters. You know, we're going to have air raids and nuclear weapons and so we had to hide under a desk. Not like that was going to make any bit of difference. I want to share with you something that one of my constituents sent, sent to me. And I know we can't do props so I won't hold it up, but this constituent wrote, he said, I am especially concerned about LB77. I believe any gun regulations that encourages, promotes, makes it easier to obtain, carry or possess guns is not pro life. It is a fact that more guns equal more deaths. And he says, please vote no on LB77 and then he sent me a full-page ad from the New York Times. It says, hospital CEOs across America unite to fight against gun violence. And in their caption, there's a whole bunch of names on this front-page ad in The New York Times-- or not a front-page ad, but a full-page ad in The New York Times. You can imagine how much something like that has to cost. It says guns are now the leading cause of death for kids. This needs to change. As healthcare leaders, we pledge to use the collective power of our voices and resources to curb this epidemic and make our communities safer for everyone. So that is why I'm so passionate about this. And I have worked so hard for the 12 years when I was a county commissioner, eight years as a city council member, to really pass common-sense gun safety measures that my constituents tell me, that the community tells me. I have traveled all across the state, as some of you may be aware of, for multiple campaigns and I can tell you that those responsible gun owners--

**ARCH:** One minute.

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**RAYBOULD:** Thank you, Mr. President. Those responsible gun owners feel that universal background checks are so fundamentally important. They want to know that their neighbor down the street that has a whole arsenal of firearms is safe and competent. Are they storing them safely? You know, the incident that Senator Day spoke of and I spoke of yesterday, the fifth grader came to Prescott Elementary just, you know, down the street from my house with a gun in their backpack. And they actually showed it to a fellow child in the-- his classroom that he was upset with. Thankfully, that situated-- situation ended peacefully. Nobody got hurt. But the reality is, why are there so many guns in someone's house that are not properly stored? The MU was not-- the ammo was not stored. These are things that are impacting the children in our community and I ask everyone what are we doing to keep children in our--

**ARCH:** Time, Senator.

**RAYBOULD:** --state of Nebraska safe from gun violence? Thank you, Mr. President.

**ARCH:** Senator Linehan, you are recognized to speak.

**LINEHAN:** Thank you, Mr. President, and good morning, colleagues. I appreciate Senator Raybould's passion on this issue. Clearly, she has strong feelings about guns, but I don't understand the connection between her arguments and this bill. I am not on the committee. I haven't paid a lot of attention to this. But I don't-- you're not going to stop bad people and you're not going to stop some of the horrific things that have happened. They-- I don't know how this bill would make it more likely. I'm disconnected here somewhere. So my understanding is it doesn't-- you still have to have background checks. It doesn't make it any easier to get a gun. So I, I'm confused by the arguments. And with that, I yield the rest of my time to Senator Wayne.

**ARCH:** Senator Wayne, 4:00.

**WAYNE:** Thank you, Mr. President. Thank you, Senator Linehan. So first, I just want to note, as committee chair, I want to make sure I point this out that if we get to Senator Raybould's bill, that bill is not out of my committee and you are voting on a pull motion. So we'll have that debate when we get there because there's a lot of people who don't like pull motions. And I want you to understand that bill is still on our committee. We have not Execed on it and that, that would be a pull motion. Second, LB77 is an interesting bill. Again, I'm not

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really crazy about the amendment. I'm not sure how I'll really do on the amendment, but LB77 as a whole is an interesting bill and a dynamic that affects my community in multiple ways. I don't see Senator Dungan, but when I get to my time, I'm going to ask Senator Dungan some questions because we're going to talk about how many young African-American kids and Latino kids are disproportionately affected by the city ordinances in Omaha and what constructive possession is. And if you don't know what constructive possession is, during my time, Senator Dungan and I will have a conversation about what constructive possession is and how young people who are being charged who don't even actually possess the gun and it may not even be their gun. They could be in a car underneath the seat and don't even know about it and the entire car gets charged. And once you get that charge of a carry concealed, you can't go get your carry concealed permit. And the second time is a felony. And if you don't think that's happening disproportionately, well, let me explain something. This bill does not change public safety. If it did, the police union and the police officers wouldn't be in favor of it. What it does do is limit one of their tools. However, now under the amendment that tool is kind of back, which I have problems with. But when a police officer testifies last year on this same bill that they use this to bump up kids-- they're not talking about bumping up kids in Bennington. They're not talking about bumping up kids in western Nebraska. They're talking about bumping up minority kids in Omaha. When they talk about-- and the chief says this will change or reduce the disproportionate impact of those being arrested, it's because this bill deals with post arrests. It deals with charges. When somebody walks up to a car, an officer, they still got to be notified that they have a weapon in the car or not. That's under current law. But what happens is they don't have these additional misdemeanor charges that if it's a second-time violation, it becomes a felony. That it's continuing to happen in our community. So why it's an interesting struggle is because I'm struggling with more black and brown kids, based off of the testimony in the hearing, being charged and going to prison for, if not significant time, maybe life or the possibility of somebody having a gun and being concealed and you not knowing about it in our community. But if your issue is with the proliferation of guns, this bill doesn't change that.

**ARCH:** One minute.

**WAYNE:** This bill doesn't change how you currently purchase a gun under the law. It doesn't change it at all. What changes are the charges that can be resulted if you have a gun. You can own a gun legally in Omaha, but if you don't register it, it is a, it is a misdemeanor. If

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you have it concealed-- and here's an example. If I'm driving down with a legal gun and a cop pulls up, I get scared and put it underneath my seat or I put it somewhere out of reach, underneath the back seat, not to hide it, but I don't want to get shot because I'm black and I'm getting pulled over by a cop. Guess what? It's actually better to leave it on the front-- right in front of your dash because you're not in violation of a city ordinance. That's the problem. These people are actually buying guns legally. But getting bumped up was the word used by officers. That's the struggle I have with this bill.

**ARCH:** Time, Senator.

**WAYNE:** Thank you, Mr. President.

**ARCH:** Senator Jacobson, you're recognized.

**JACOBSON:** Thank you, Mr. President. Well, I've sat patiently listening to the debate on this yesterday and again today and so I'm going to weigh in. And I'm just going to tell you that I fully support Senator Brewer's bill. I supported it last year. I support it this year for all the reasons that have been articulated. But I do want to address some of the issues that are being raised. First of all, I think Senator Linehan and Senator Wayne, I fully agree with their points. We get often asked, how are we going to make kids safer? OK, well, let me think. We're talking about guns, but let's talk about drugs for a minute. Let's talk about drugs. There's no constitutional safeguards for possessing illegal drugs. But have we eliminated illegal drugs? No. Illegal drugs are on the rise. They're on the rise. We've got illegal drugs coming across the border. Fentanyl is at a record high in terms of problems. It's killing kids. Fentanyl is killing kids. We can pass all the laws we want to prevent illegal drugs. And you know what? It's not going away. So we can talk about the same thing about guns that does have constitutional protections. And yet we think somehow we're going to eliminate guns? Because every case I've heard about the kids taking a gun in their backpack to school, did that kid legally possess that firearm? I'm going to say no. He wasn't legally in possession of that gun. So how is this bill going to do anything to stop that from happening? It's not. This bill is very, very simple. Senator Brewer has explained this many, many times. We already have laws in place to be able to possess a firearm, a handgun. There are background checks. There are all kinds of things you have to go through. There are many people who aren't eligible, as Senator Wayne has pointed out, to own a firearm. But if you can own a firearm, you can carry it open carry and you're not required to take training to possess that firearm under our current laws. But if you conceal that

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gun without a concealed carry permit that you're going to pay the fee for and do the training, suddenly you've broken the law. So that's what we're talking about here. I could stand here with a firearm in my hand if I legally could possess the firearm and that would be legal. If I put it in my coat pocket, I just broke the law. That's what we're trying to fix. That's all we're trying to fix with this bill. I think people need to remember that as we have this debate and we're burning eight hours to go through this filibuster, you're going to hear all kinds of chatter about all kinds of situations, but they're-- none of them pertain to the bill itself. This bill does nothing but allow law-abiding citizens to conceal carry a gun that they've legally obtained. Anything else that's going on is already against the law. And guess what? The laws are being broken. So passing more laws or making it more restrictive for people to exercise their constitutional rights, their Second Amendment rights, I think is, is a folly. It doesn't make any sense. That's all we're doing here. When I start thinking about if somebody wants to do harm, you want to protect kids in schools? Harden the target. I'm a banker. Banks are exempt. You can't, you can't conceal carry in a bank today. I'm opposed to that.

**ARCH:** One minute.

**JACOBSON:** Thank you, Mr. President. I'm opposed to that. I want people to be concealed carry in our bank. Why? Because if some maniac comes in there that wants to start shooting up the place, that probably doesn't have a permit, probably has an illegal firearm, but they don't care-- you know what? Criminals don't care about the law, do they? That's why they're criminals. So if you come into the bank and you're concealed-- and you're concealed carry and you're a criminal, you're going to be wondering if somebody else is going to pull a gun and take you down. Same thing would happen in the schools. Why do these cowards go to schools? Why do they go to soft targets? Because they're soft targets. That's why. Thank you, Mr. President.

**ARCH:** Senator Lippincott, you're recognized to speak.

**LIPPINCOTT:** Thank you, sir. All the statistics that are flying around the room today, I'm reminded of a quote by Winston Churchill, who said, I only believe in statistics that I doctored myself. So I've got a number of stories here that I'd like to share regarding weapons and self-protection. Studies indicate that firearms are used more than 2 million times a year for personal protection and that the presence of a firearm without a shot being fired prevents crime in many instances. Shooting usually can be justified only where crime constitutes an immediate imminent threat to life, limb or in some cases, property.

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I'd like to relay a story from an individual down in Baton Rouge, Louisiana. A woman agreed to sell a video game console to a 20-year-old man. The two agreed to meet at her apartment in Baton Rouge-- [RECORDER MALFUNCTION] got off work around 8 p.m. on September 28, 2021. The man reportedly approached the woman and held a pistol to her head. According to local sources, the woman dropped the console, fled to her car, but the alleged attacker picked up the console and fired a gun at her. Upon reaching her vehicle, the woman was able to retrieve her own firearm and return to fire at the man before fleeing and contacting the police. The assailant was later found at a local medical center with gunshot wounds and was identified by the woman as her attacker. He was booked for attempted murder and armed robbery. Another story: a Spottsville-- or a Spottsylvania, Pennsylvania man was at an ATM with cash in his hand around 9 p.m. on October 15, 2021, when another man approached him and then began striking him. The victim, a concealed carry permit holder, drew his gun and fired several shots at the attacker who was not hit and immediately fled and called 91-- 911 to report having been shot at. Local law enforcement officers were already responding to a separate reported robbery attempt and they determined that the 911 caller matched the description of an earlier robbery suspect and took him into custody. He'd done two ill acts within just a few minutes of each other. The suspect, who had a prior criminal record was charged with attempted robbery. That was in October of 2021. California: in Foresthill, California, a man attempted to break into a trailer around 5:30 a.m. on the morning of October 25th, according to local law enforcement. The resident reportedly heard banging and screaming outside his trailer and told the individuals to leave. But the man threw rocks at the trailer, breaking windows while threatening to kill the resident. The assailant then reached through the hole, ripped in the front door, grabbed the resident who was able to get himself loose, draws his firearm to shoot the suspect in the leg. The suspect was treated at a local medical center and later charged with burglary, criminal threats and assault with a deadly weapon. A 54-year-old woman jogging in St. Charles, Illinois, on December 16, 2021, noticed her neighbor's Labradoodle dog, escaped its electric fence. She managed to snag the dog by its collar and was attempting to return it to its owner when two other dogs, Rottweilers owned by the same neighbor, also escaped and attacked her.

**ARCH:** One minute.

**LIPPINCOTT:** The dog's owner and a man who had been passing by attempted to stop the dogs' attack unsuccessfully. The passerby was a concealed carry license holder but was unarmed at the time. But

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fortunately, he was able to call his father, who was only a block away, to come bring over his gun. The man shot one of the Rottweilers, killing it. The other dog was frightened away and their life was saved. Guns do have a place and time in society. I yield my time.

**ARCH:** Thank you, Senator. Senator Clements, you are recognized to speak. Senator Clements waives. Senator Hardin, you are recognized to speak.

**HARDIN:** Thank you, Mr. Speaker. Colleagues, I'm a freshman senator. Like everyone, I come to this Legislature with a set of life experiences, personal and professional. I started life as a fourth-generation farm kid in Scotts Bluff County. Over the course of my career, I've worked in marketing, in financial services and insurance. I consulted with firms across many different market sectors financial technology, cybersecurity, early childhood education, even the arts. But what tied it all together for me is a love for creative problem-solving. That's why I thought I could make a contribution in the body as a Nebraska senator. To solve a problem, you have to start out by figuring out the nature of the problem you're confronting. In the debate on LB77, some of the opponents of Senator Brewer's bill have repeatedly focused on the victims of gun crimes, but that's only half the equation. If we're trying to make good policy, we need to know the other half. What about the people who did not become victims because of a defensive gun use? That is the other half of the equation. It turns out we have some data available to fill in those variables. In 2013, President Obama issued a number of executive orders relating to gun violence. One of them directed the CDC and other federal agencies to identify related social science research problems as a sort of roadmap for future social science investigation. As a result of that executive order, there was a meta study published later that year by the National Academy of Science on Priorities for Research to reduce the threat of firearm-related violence. Researchers surveyed a number of studies and concluded the following about defensive use of guns. It said, quote, defensive use of guns by crime victims is a common occurrence. Although the exact number remains disputed, almost all the national survey estimates indicate that defensive gun uses by victims are at least as common as offensive uses by criminals, with estimates of annual uses ranging from about 500,000 to more than 3 million in the context of about 300,000 violent crimes involving firearms, and that was in 2008. Wow. That means that on the low end of the estimates, there were more than 1,000 defensive gun use per day in the United States during the statistical period they looked at. And more importantly, it turns out that self-defense with a gun is more common than criminal use of a gun. Now we're starting to fill in

some important variables for the discussion. If defensive gun uses are that common, one question we might ask is whether the defenders are better off using a gun. This study addressed that question too. A different issue, it said, is whether the defensive use of guns, however numerous or rare they may be, are effective in preventing injury to the gun-wielding crime victim. Studies that directly assess the effect of actual defensive uses of guns, such as incidents in which a gun was used by the crime victim in the sense of attacking or threatening an offender, have found consistently lower injury rates among gun-using crime victims, compared with victims who used other self-protective strategies. So this meta study tells us two important things related to our debate on LB77. Number one, self-defense with a gun is more common than gun crimes are. And number two, victims who use guns in self-defense are less likely to be injured than victims who use other strategies. I'm guessing that President Obama would not have predicted those conclusions when he was issuing his executive orders.

**ARCH:** One minute.

**HARDIN:** But that's what's great about the scientific process. It takes us where the data leads. Supporting LB77 is not about being callous to victims of violence. Supporting LB77 is about recognizing that people have a constitutional, legal and moral right to keep and bear arms so that hopefully they and their loved ones don't have to become victims. The Second Amendment exists for a reason, colleagues. Article I, Section 1 of the Nebraska Constitution was put there for a reason. I'm going to support LB77. Thank you, Mr. Speaker.

**ARCH:** Senator Briese, you are recognized to speak.

**BRIESE:** Thank you, Mr. President. Good morning, colleagues. I rise today in support of LB77, AM640, opposition to the motion to bracket. I want to address some of the conversation that's been occurring around law enforcement and this piece of legislation. I understand there may be some law enforcement leaders and organizations out there who have hesitancy around this bill, but they are certainly not the majority. Since this bill was introduced. I have heard from law enforcement officers, sheriffs and a chief of police in my district who have been absolutely behind efforts to expand and protect our Second Amendment rights in Nebraska. One sheriff went so far to-- so far as to say that he would oppose this legislation if it involved curtailing constitutional rights. I have not heard from a single law enforcement officer, police chief or sheriff in my district who has any reservations about this bill. And I've heard from a lot of

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constituents in my district, probably 95 percent of whom are completely in favor of LB77. As was noted yesterday, there's not a unified position from law enforcement on this. But from my perspective, in rural central Nebraska, this bill is overwhelmingly popular and a top issue for the people. You know, I come from a place where, you know, as a kid, we started shooting guns and hunting when we were seven, eight, nine years old. I come from a place where we want our Second Amendment rights protected and I thank Senator Brewer for his relentless efforts to do so. So I would urge my colleagues to consider what one police chief called, quote, that great big state that exists outside of Lincoln and Omaha and I-80, unquote, and consider a green vote on this legislation. With that, I would yield my time-- the balance of my time to Senator Wayne. Thank you, Mr. President.

**ARCH:** Senator Wayne, 3:00.

**WAYNE:** Thank you. Can I ask Senator Dungan a question? Will he yield to a question?

**ARCH:** Senator Dungan, will you yield?

**DUNGAN:** Yes.

**WAYNE:** OK, I get an extra, I get an extra 30 seconds then I just want to-- but can you-- do you, do you know what constructive possession is of a fire-- of a firearm?

**DUNGAN:** Is the mike-- OK, yes. I-- yes, I'm familiar with the idea of constructive possession.

**WAYNE:** Can you give a 30-second-- because I don't want people just thinking Justin is talking. Can you give a 30-second kind of description of it?

**DUNGAN:** Yeah. And I talked about it very briefly yesterday, but just to try to make it as simple as possible-- and attorneys who are listening might critique the way I say this, but there's two different kinds of possession. There's actual possession, meaning you physically have it in your hand or on your person. And then there's constructive possession. Constructive possession essentially means that you have knowledge that something is somewhere and that you could or intend to exercise control over it. So if a gun is sitting on the passenger seat of my car, it's going to be assumed that there's at least evidence that I constructively possess that firearm, even though it's not in my hand or on my person.

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**WAYNE:** So if it is underneath the seat, the gun, underneath the seat of a back car and you and me are right-- are driving, does Lincoln charge both people with a violation of a concealed weapon or how does Lincoln do it?

**DUNGAN:** I think it depends on the specific circumstances and who they actually interview and what people say they know. But I think they pos-- they could. Absolutely. If there is a belief that the individuals had knowledge the firearm was there or other circumstantial evidence that they had knowledge of it, that they constructively possessed it, they could both get charged. There's specific case law that says circumstantial evidence can be taken into consideration with regards to constructive possession so I think it's entirely possible.

**WAYNE:** Thank you. Thank you, Senator. And the reason I bring that up is because there are a lot of charges in that in, in, in Omaha. And if you don't believe me, you can ask another attorney who practices in Omaha, Senator John Cavanaugh. That is a simple misdemeanor for most people, but the issue is--

**ARCH:** One minute.

**WAYNE:** --the second time you're riding around in a car and you don't know that there's a gun in there or your friend has a gun, it's a felony charge. You could potentially lose your job because you're sitting in the county jail waiting for a preliminary hearing, then waiting for a trial or a plea. And all of those things that go with this carry concealed issue we see a lot in Omaha that are disproportionately affecting black and brown and that, that's the struggle. Again, this isn't an easy bill for me. It's never been an easy bill for me, but I'm trying to balance these charges against these individuals and every stat shows that once you are in the system it's damn near impossible to get out. It's balancing those two. But what makes me lean a little more towards LB77 is it's not changing how you buy a gun. It's not, it's not decreasing or lowering how you buy a gun. The gun purchase is--

**ARCH:** Time, Senator.

**WAYNE:** --still the same. Thank you, Mr. President.

**ARCH:** Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Thank you, Mr. President. Well, I would ask Senator Wayne a question if he wanted to finish his thought.

**ARCH:** Senator Wayne, will you yield?

**J. CAVANAUGH:** He doesn't want to finish. That's OK. But why I-- and it's great that I got to follow that conversation between Senator Wayne and Senator Dungan because I've learned a lot from Senator Wayne and I learned a lot from him before he was Senator Wayne. And actually he knows just as much as I do that exactly what he's saying is what happens in Omaha. Because the very first motion to suppress that I was a part of in my legal career, the codefendant was one that Senator Wayne represented. And it was for this exact scenario that he just described where there were two young men in a car. They were both charged with possession of that firearm that was found under the seat. So I'm sure, like me, he's done many more of those. But I remember-- that, that one sticks out to me because it was the first one that I ever did. And I was rising in-- to speak about my concerns about the underlying bill as it pertains to the-- these issues. And again, those were, were two young black men who were arrested in a car for having that gun under there. And, and that's one of my concerns about LB77 as written, which on page 15 creates the exception under the statute for the prohibition extends to minors. And the bill continues to define minors as anyone under 21. And a first offense is a Class I misdemeanor and a second offense is a Class IV felony. And that's a concern that I have about it-- everybody here has gotten up and said how important-- this is a constitutional right. We shouldn't make people pay for it. Which I said, yeah, let's eliminate the requirement to make people pay for a concealed carry. But this is a fundamental right, should be protected. We should be doing all--everything we can to make sure that everybody has-- their rights are protected. So I guess my question is why, if it's a fundamental right, should it become a felony by virtue of the fact that you're under the age of 21 when you do it? If it's a fundamental right, why are we charging young people with a felony if they don't comply with what the previous statute was? And the answer is what Senator Wayne pointed out, the desire to bump up charges, as he said, for young black and brown men in Omaha, that we want-- law enforcement wants still to have that opportunity to add that charge on top of whatever other thing that they are stopping them for. In that particular case-- Senator Wayne probably does remember this-- it was a turn signal violation. They hadn't signaled that they wanted to change lanes on the interstate about 20 miles before they got pulled over. And then they were pulled over on a city street in a parking lot much later. And then those other charges from that turn signal violation turned into both of those young men being in county jail for I don't even remember how long, probably six months, really, while we went through the process

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of having that preliminary hearing, having a motion to suppress and then ultimately getting to a resolution on that case. And that was because they were charged under this section of the statute, which we are not changing in this bill. And we're specifically setting that aside as something that they could continue to be charged with. And so my question then is why, if it's a fundamental right, is it not a fundamental right for people who are 18 to 21? And it's because the part that everybody goes-- leaves unsaid here, aside, aside from the desire to overpolice certain communities, there are-- we do have an ability to put regulations on this. We do have ability to put reasonable regulations on gun possession. And that's why that-- there's a distinction there. So I just wanted to flag that for folks, page 15 on LB77.

**ARCH:** One minute.

**J. CAVANAUGH:** Thank you, Mr. President. I also just would point out, to continue down the path that I've been talking about, that same paragraph also makes that an offense for a prohibited person. Again, I would point out under-- I think it's 28-1206-- the prohibited person statute has its own definition of prohibited person, but that is a ID felony if you possess a firearm when you're a prohibited person. Under this statute, it creates-- it makes it a Class I misdemeanor if you're carrying a concealed firearm. So I guess I don't know-- I just want to put that on your radar again as another place where this bill potentially unintentionally creates a lesser included offense for someone that we have previously decided what the penalty should be. And I don't know if people have thought about that, if that was considered in how this is going to play out in the real world. But in the real world, that could result in some radically different charges and sentences for people under the prohibited persons statute. So I do have--

**ARCH:** Time, Senator.

**J. CAVANAUGH:** Thank you, Mr. President.

**ARCH:** Senator Armendariz, you're recognized.

**ARMENDARIZ:** Thank you, Mr. Speaker. I wanted to speak today to my constituents so they can understand how I came to the conclusion of supporting LB77 and AM640. I have taken my time to listen to all sides of this debate over the last several months, including emails, phone calls, as well as the time on the floor the last two days. While I do not have a personal interest in carrying a weapon, I do understand

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many people do want that privilege and that privilege is specifically spelled out in our Constitution. I was elected to make sure that the state does not infringe on that constitutional right. I do think it is reasonable to say placing a monetary or personal time commitment restriction on those rights is infringement. I personally would not have issue, if I wanted to carry a weapon, taking on the current hoops one is made to jump through, but I know I am here to look through the lens of all the people of Nebraska, not just my perspective alone. And placing extra measures on one's ability to take advantage of a clear right spelled out in our Constitution is inappropriate. I did have reservations on this bill initially, not because it was not sound and not because it was not a valid argument on infringement, but because the Omaha Police Union had concerns with that keeping themselves and the citizens they protect safe. This is a true example of the urban-rural divide we all know. I believe urban areas have different challenges than rural areas when it comes to weapons and people carrying weapons illegally. The Omaha Police Union had items they wanted addressed and I supported them having as many conversations as they needed to come to an amiable conclusion. I believe AM640 does that and now I feel I can fully support this bill with the amendment. I appreciate Senator Brewer and his office for taking the extra steps to make sure our law enforcement officers were heard and him working with them to address their concerns. What this bill does not do is address whether we as a society should be allowed to have guns. That is already clear and outlined in the Constitution. I believe if that is the conversation we want to have, that would be done in changing the Constitution. I welcome those to bring that proposed change to the Constitution before the people to see if the people support that change. That is the process, not the constant infringement on the clear right we all have currently today. I thank you.

**ARCH:** Senator Wayne, you're recognized to speak.

**WAYNE:** Thank you, Mr. President. Again, colleagues, this is not an easy bill. Yes, do I own weapons? Yes. Do I have firearms? Yes. The main reason why I bought my firearms really was because if you'll recall, there was a young individual by the name of James Scurlock who was murdered, killed, however you want to argue this, in Omaha. And I started representing the family and I received numerous of death threats and I felt like it was time to make sure I protect my family. But the reason why I struggle with this bill is-- I'm trying to figure out how to say this nicely. The same reason why many of us are getting up and standing up and saying-- and I'm not pointing at anybody because we all do it-- that this, this area is so important on X, Y,

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or Z that I'm going to slow the process down-- which trust me, I think I wore the same shirt one day a couple of years ago that I, I was sitting over there and I slowed the whole process down because Senator Groene and Speaker Scheer asked me a question that took me into-- at that time, we had a three-hour debate rule. And once you cross three hours, it becomes a filibuster. And I had a bill that shouldn't have went that far. So I get that passion. I get what we're doing. But if we talk about discrimination on this floor and we talk about discrimination and the impact any bill will have, if it will discriminate, if it won't discriminate, then I'm asking everybody to keep that same energy when it comes to bills that affect black and brown kids, when it comes to bills that we know, if we don't pass, that, that the effect will be a disproportionate impact on black and brown kids. And I can't say much more clearer than the police testified to this, but we don't have that same passion when it comes to discrimination that happens in east Omaha. So not passing LB77-- and I'm not talking about the underlying amendment, but not passing LB77 as is, we know the effect. We know the data. The data is clear, Senator John Cavanaugh agreed. In Omaha, they use this to bump up. So by not passing it, we're saying it's OK. It's OK to discriminate. It's OK to add more charges to these young kids. It's OK to triple-stack these charges for these young kids. We know it's happening. We can't turn a blind eye no more because it isn't just an African-American senator saying it. A Caucasian senator said, yes, it happens in Omaha. This is not a race bait type. These are facts. So I'm just saying, let's be consistent. There is a-- there is tools being used to discriminate. LB77 will take away those tools. So am I leaning towards LB77? Absolutely, for that reason. Just like many of you are leaning against or for other bills that have a practical effect of discriminating against a group or a subgroup that you feel passionate about. I'm just saying discrimination, discrimination, discrimination. Let's figure out how to solve them all. Rather than just say no, let's figure out how to get to a yes. I'm telling you, I'm going to ask Senator Erdman if I can propose a rule and have a hearing that you can't be on Judiciary and Education at the same time.

**ARCH:** One minute.

**WAYNE:** Because for five days a week, I just hear no from every establishment on any changes we want to make to either system. Literally, I know how my day is going to go. No matter what bill is up, if it's trying to improve criminal justice, the prisons, education, it's no, it's no. But yet in prison and education, the most people who are being affected look like me. So every day, I hear no from every establishment. I have yet to hear a bill where we are

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making a difference and they're like, we support. It's tiring. So that's why when this bill, I voted it out of committee, I said, I'm still trying to figure it out. I understand the gun issues. I understand what happens in my community and the violence there. But I also understand the prison and how this-- these city ordinances are being used. It's a tough position to be in. So I'm asking, colleagues, let's just be consistent. If we're going to say, hey--

**ARCH:** Time, Senator.

**WAYNE:** --we're not going to support-- thank you, Mr. President.

**ARCH:** Senator von Gillern, you are recognized to speak.

**von GILLERN:** Good morning, colleagues. I first want to thank Senator Wayne for pointing out the hypocrisy of some of the previous testimonies that we've heard regarding LB77 and, and frankly, for reviewing it on its own merits. So thank you for that. I do rise opposed to the bracket motion and in support of LB77 and the withdrawal of AM55 and substitution of AM640. This is a topic that came up numerous times during my campaign this past year and many people were supportive of changing the law to allow for permitless concealed carry. In fact, for many of them, it was the first issue they asked me about when, when-- after greeting them at the door. As Senator Brewer has previously noted, the same angst, the same fears, the same arguments that were posed when permitted concealed carry was debated a number of years ago are being presented in this argument. While gun violence has increased nationally, there can be really no tie found between concealed carry or permitless concealed carry or open carry in the commitment of those crimes. In fact, as had, had-- as has been testified already and will be testified additionally today, I'm certain there are many, many stories about cases where a concealed carry-- a legal concealed carry holder has prevented a crime and prevented harm from coming to an individual. There's no reason to appear-- there doesn't appear to be any reason to anticipate an increase of gun violence should LB77 pass and the citizens of Nebraska be allowed to carry a weapon. Just a reminder, a right-- that is a right that we currently possess. The only change would be simply we don't have to go through the permit process and the payment of hundreds of dollars and waiting periods that are unreasonable in order to get that done. Again, since concealed carry passed, there's been no measurable increase of gun incidents related to the concealed carry of weapons. And I, I just want to remind, that's what we're talking about today. We're talking about concealed carry of weapons by legal carriers, by people that want to abide by the law. I possess a

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concealed carry permit. I had to jump through many hoops in order to get that done. In fact, a number of years ago, I mistakenly allowed that permit to expire and went through the-- had to go through the whole process again. Frankly, it's burdensome, it's time consuming and it's expensive and sometimes, those who need it the most have the least access to it. The process, frankly, felt punitive. It felt as if the rules-- many of the rules were simply created to slow the process and deter applicants from completing the process. And of course, I wasn't in this body when that law was passed so I don't know what the motivations were or what concessions might have been made in the development of that law, but that's the way it feels as an applicant. I've had the occasion to interact with law enforcement on several occasions since I received my permit. I've followed the rules that stand today and rules that I want to remind everyone will continue to stand under LB77, not only stand, but they get firmer under LB77. Those rules mandate that you shall inform a law enforcement officer that you hold a permit or that you, that you are carrying a weapon regardless of whether you are carrying or not. And again, LB77 still stiffens those penalties for lack of announcement. The amendment, AM640, actually clarifies the definition of a prohibited person for the, for the purposes of constitutional carry. AM640 makes the third offense failure to inform a Class IV felony. Currently, a first offense is a Class III misdemeanor and a second offense is a Class I misdemeanor. So again, there are many elements of this bill and the amendment that are actually going to stiffen things and create additional regulations that many of my colleagues are actually desiring and asking for. I think it's also important to understand what LB77 would not do. It would not allow felons or perpetrators of domestic violence, those with dangerous mental illness or other prohibited persons--

**DeBOER:** One minute.

**von GILLERN:** --from carrying weapons. It would not change the list of locations where concealed handguns are prohibited. It would not stop businesses from prohibiting weapons on their premises. It would not change background check requirements for obtaining a handgun. I want to repeat that again. It will not change background check requirements for obtaining a handgun and it would not get rid of the current concealed handgun permit program or affect the validity of permits for interstate reciprocity. All very important items. Current laws are very tricky around the possession of a handgun, particularly in a vehicle, and Senator Wayne alluded to that earlier. Under the current law, if you have a handgun in your vehicle and it's in the glove compartment, that's a concealed weapon. And again, that was mentioned

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earlier and that was part of the reason that many people actually obtained their concealed carry permit, not so they can carry it on their hip or their boot or in a bag, but so they can carry it in their vehicle.

**DeBOER:** Time, Senator.

**von GILLERN:** Thank you.

**DeBOER:** Thank you, Senator von Gillern. Senator Erdman would like to announce three guests: Kim Metz, Logan Metz, and Kolby Lussetto who are located under the balcony. Please stand and recognize-- be recognized by your Nebraska Legislature. Returning to the queue, Senator Brandt, you're recognized.

**BRANDT:** Thank you, Madam President. Good morning, Nebraska. It is still morning. This will probably be the only time I speak on this. I represent LD 32, a very rural district in the state. We have 43 towns and villages, the biggest of which is 7,000 people. We have an abundance of firearms. We have an abundance of people that support this bill. I support AM55 and LB77. This bill is pretty good. I mean, this is-- this, this amendment does a lot for the bill. Senator Brewer passed out literature from the Nebraska Sheriffs Association that now support the bill with the passage of the amendment. I have not heard from my sheriffs per se on this, but if there was a problem, I'm sure they would be contacting me. In regards to law enforcement, what this bill would do is it would require a person immediately notify a law enforcement officer or other emergency responder when contacted while carrying a concealed handgun. That means if you get pulled over in your truck or your car and you have a gun in the vehicle, they would be required to immediately reveal that information. What it does not do, it would not change the list of locations where concealed handguns are prohibited. It would not stop businesses from prohibiting weapons in their premises. So if they've got the sticker on the door that says no guns, that means no guns. It would not change the background check requirements from obtaining a handgun. These are all very important. I don't know if anybody has listed all of the states that have constitutional carry. Currently, there are 25. And I want to read these for the record: Alabama, Alaska, Arizona, Arkansas, Georgia, Iowa, Idaho, Indiana, Kansas, Kentucky, Maine, Missouri, Mississippi, Montana, New Hampshire, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Vermont, West Virginia, Wyoming. And similar legislation is expected to pass in South Carolina and Florida. And what you'll notice about most of those states is they're very rural in nature. They, they support the idea that people can decide this issue

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and I guess that's where I'm at. Would Senator Dungan yield to a question?

**DeBOER:** Senator Dungan, will you yield?

**DUNGAN:** Yes.

**BRANDT:** Senator Dungan, we talked some on what Senator Cavanaugh was presenting and I just would like some clarification from a legal standpoint. So let's say today I'm driving through Lincoln and I get pulled over as a lawful citizen and that gun is-- I set that gun on the passenger seat. What are the consequences?

**DUNGAN:** Assuming that you're following the local ordinances with regards to proper transport and you don't have any prior felony convictions or for any other reason are a prohibited person, you'd be OK with that, I believe.

**BRANDT:** Same scenario. I've got the gun in my belt. Did anything change?

**DUNGAN:** I think it depends on how much of it is visible to the officer when they're having that conversation with you. I know that in the proposed law, there's a new-- a different and more specific definition of concealed. But there's some case law about what counts as concealed and what doesn't and it gets a little bit, in my review, subjective as to whether it can or can't be seen. But yeah, if it's if it's obscured or--

**DeBOER:** One minute.

**DUNGAN:** --it seems like there's intent to hide it, then you could get in trouble at that point because it's now concealed.

**BRANDT:** Same scenario. The gun is in the cubbyhole.

**DUNGAN:** Cubbyhole.

**BRANDT:** Glove, glove compartment, hidden.

**DUNGAN:** That's a concealed weapon at that point.

**BRANDT:** What would be the penalty for that?

**DUNGAN:** Carry concealed weapon, I believe it's a Class I misdemeanor if it's your first offense. I'd have to double-check. I'm sorry for not knowing that off the top of my head.

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**BRANDT:** So actually, the new law is more severe or less severe?

**DUNGAN:** Well, there are multiple penalties contemplated in LB77. Are you talking about the amendment or in LB77?

**BRANDT:** The amendment.

**DUNGAN:** I have to pull it up here. Again, I apologize. I believe, potentially more severe depending on if it's your second offense or third offense.

**BRANDT:** All right.

**DUNGAN:** Class I misdemeanor for a second offense, Class IV felony for a third offense, I believe. I'd have to go back and read that, but yeah.

**BRANDT:** All right. I appreciate that.

**DeBOER:** Time, Senator.

**BRANDT:** Thank you.

**DeBOER:** Thank you, Senators Brandt and Dungan. Senator Dungan, you're recognized.

**DUNGAN:** Thank you and thank you to Senator Brandt for asking those questions. The reason I hesitate on some of those is one of the most obnoxious things a lawyer will answer with is it depends and I apologize for being somewhat equivocal in my answers. I want to make sure that I'm giving accurate information, though. I think that Senator Brandt's comments are well taken. But I also think that it somewhat highlights a lot of my issues with what we're talking about here with regard to AM640, as well as the underlying bill of LB77, and that there is a lot of ambiguity. One of the things that I, I think causes some of my biggest hesitation about AM640 is the nature with which the amendment was brought to the floor. Obviously, we're looking-- again, if you look at the board, it's a motion to withdraw AM55 and then ultimately substitute AM640. But as I discussed yesterday, and I think it's important for us to continue to talk about, AM640 is a substantive and significant modification to LB77. For LB77 to make it out of the committee-- I'm not a member of Judiciary, but I know there's been many discussions both on the floor and in the committee about the effects that LB77 has on certain populations. I really, really appreciate Senator Wayne making the comments he made earlier about the disproportionate effect on certain

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marginalized populations. He speaks to that in a way that I possibly couldn't and I appreciate him articulating that. But I think that when the discussion surrounding LB77 in committee was somewhat predicated on the negative effects that some of these laws have on marginalized populations and then once it hits the floor, we have AM640, which then institutes new crimes, new penalties and new language. It's problematic for me when in order to get it out of committee, it looked one way. And then now that it hits the floor, there's a potential amendment that implements an entirely separate provision. I know we talked a little bit yesterday about this, but the whole purpose of the committee hearings are to provide the public the opportunity to comment on these things and to provide the public and the members of the committee to fully appreciate and fully understand what the bill is that they're passing and what the potential consequences of that bill could be. And so when I say that this amendment on AM640 creates a new crime, it's not hyperbole. It literally creates a new crime of the possessing or, I'm sorry, carrying a firearm during the commission of a misdemeanor, however they phrase it. But it's literally a new section, a new crime that's being put in here with its own specific penalties and an entire definitional section of what counts as a dangerous misdemeanor. And so to wait until it hits the floor to then bring the discussion, I think just in my brain, it subverts the process this is supposed to follow. It subverts the process of allowing the members of the committee who ultimately voted it on to the floor the opportunity to ask these questions and to ask what is the effect of the new crime that is being implemented here and how is that going to affect certain members of certain populations? How is it going to affect individuals with prior convictions? And this harkens back to a larger discussion we've been having throughout this entire legislative session so far, which is the purpose of the committee process is to ensure that these questions can be answered and asked by individuals who have the expertise or by individuals who are placed there because they're the ones who can ask those questions. So I reiterate that and not to, not to belabor the point, but just to highlight again that AM640 is not a small amendment. It's not a cleanup amendment. It is substantive in nature. And so I would urge my colleagues to take that into consideration when determining whether or not they should support the addition of that amendment onto a bill that's already made its way to the floor. I also want to take a moment just to highlight, again, some of the data and the information that we've been talking about.

**DeBOER:** One minute.

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**DUNGAN:** Thank you. I appreciated Senator Hardin talking about data and I appreciated some of the discussions we've had so far on this debate about whether or not anecdotes or data are helpful in passing legislation or debating issues of legislation. And I still maintain that anecdotes are helpful insofar as they can be illuminating of certain problems, but I, I still believe that we cannot and should not be legislating based on anecdote alone. And the fact that the vast majority of studies that have been done demonstrate an increase in violent crime if bills like this pass is problematic to me. One of the things in my campaign that I talked about on a regular basis that was reiterated by constituents is we want less violent crime and I fear that if this bill passes, violent crime will increase. It's happened elsewhere. I'm not saying there's going to be blood pouring down the streets. We're not being hyperbolic about that, but the studies and the numbers show that crime does increase.

**DeBOER:** Time, Senator.

**DUNGAN:** Thank you.

**DeBOER:** Thank you, Senator Dungan. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Madam President. I rise in support of the bracket motion and in opposition of the withdraw AM55 to substitute with AM640, although I just oppose all of it anyways. So when we had the concealed carry bill, I think it was last year, here's my biggest issue with the concealed carry. I, I don't-- I'm fine with people having concealed carry permits and go through the training. That's, I think, important and appropriate. But if we get rid of the permit, we get rid of the training. That's the problem. And I offered last year the option to create some sort of fund, whether it's a scholarship fund that we're very fond of for people that can't afford it, a scholarship fund for the training. But the training is important and people have argued you don't need training if you have open carry. Well, I think you should. But I'm not here to fight that fight today. I'm-- certainly just want to protect the training that we do have. I don't want to remove the training that we currently have. I'd be happy to expand the requirement of training, but I certainly don't want to diminish the requirement of training. And Senator Brewer, at least last year-- and perhaps he has this year and I missed it-- talked about the training and how important the training was and how much he appreciated the training. And I feel like there's a path forward on this that we could create a, a cash fund, a scholarship, something so that-- or even a state program for concealed carry training that is

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free. If that's, if that's-- the cost of the training is the issue at hand, then let's find a solution to that. And it's not a disingenuous offer. I 100 percent mean that if the cost of the training is the problem, let's find a solution for it because I don't want to infringe on anyone's rights, period. I do not want to infringe on your rights, but I do want people to be safe and I want it to be practical. And so I would love to see that be the conversation. How can we get to yes on this? For me, if you want me to be yes on LB77, we don't eliminate the training requirement. We fund the training requirement. Now, as the-- as my colleague, Senator Riepe would say, I'm a fiscal hawk. And so this isn't necessarily a function of government, but I feel like this is a opp-- this is a time where we should probably compromise on what we're using taxpayer dollars on. This is such-- an issue that is so important to so many people in our state that if it is a financial barrier, maybe it warrants taxpayer dollars to address it. I don't believe it is an essential function of our government, but I do think that it is an opportunity for compromise. It is a quarter to 12:00 and halfway through our morning, it was announced that we're going to be working through lunch. I'm fine with working through lunch. I do think that it does speak to the broader issue that we're having this session of just ramrodding our way through legislation, that we're trying to rush through-- rush, rush, rush, rush, rush through every single bill. We know that this is going to go eight hours. I'm unclear as to why we need to take this through lunch. It-- except for just another example of rushing through. And also, there's going to be fewer people here over the lunch hour. There just always is. People drop off, people get hungry or "hangry" and so it just--

**DeBOER:** One minute.

**M. CAVANAUGH:** --it feels like we're doing a disservice to the public debate by rushing through this yet again. We can continue this debate tomorrow. But, you know, as the Speaker said, the agenda is his prerogative. It's unfortunate that we're rushing through this bill, but we are where we are, I guess. So, colleagues, if you do leave to go to lunch, please check out because I will likely do a call of the house. And I don't want anybody to be mad because they get called back while they're out of the building at a lunch. So if you leave, check out. That way you don't have to come back for a call of the house. And yeah, with that, I guess I'm pretty much out of time. So, Madam President, it's lovely to see you up there. And thank you. I yield the remainder my time to the Chair.

**DeBOER:** Thank you, Senator Machaela Cavanaugh. Senator Day, you're recognized.

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**DAY:** Thank you, Madam President, and good almost afternoon, colleagues. I stepped out for a minute into the Rotunda while Senator von Gillern was talking on the mike about Omaha police. And as a fellow Omaha senator, I was just going to ask him a few questions on the mike if he would yield.

**DeBOER:** Senator von Gillern, will you yield?

**von GILLERN:** I will.

**DAY:** OK. Thank you, Senator. So you mentioned the Omaha police in your time on the mike. Did you-- is that correct? I'm sorry. I didn't hear everything that you said.

**von GILLERN:** I don't recall. I may have, but if I did, it would have been with regards to the Omaha Police Officers Association.

**DAY:** OK. Just to clarify, so does the chief of police of Omaha support or oppose this bill?

**von GILLERN:** Opposes.

**DAY:** OK. Does the mayor of Omaha and the city of Omaha oppose or support this bill?

**von GILLERN:** My understanding is the mayor opposes it.

**DAY:** OK. Is there any concern on your part as an Omaha senator of this bill being amended with AM640, with the carveout for Omaha and Lincoln and that opening the city of Omaha up to lawsuits related to that carveout?

**von GILLERN:** Actually, it's not a carveout for Omaha because the amendment applies to statewide. There is no carveout for Omaha, I know last year, that term was used to discuss the amendment last year. But this amendment this year is very different. The, the penalties that are imposed for multiple repetitive infractions of LB77 apply statewide. There is no carveout for the city of Omaha.

**DAY:** OK. So as I understand it, AM640 applies for everyone statewide. It's not just specific to the cities of Omaha and Lincoln.

**von GILLERN:** Yes.

**DAY:** OK. Thank you. And then leading with that question, how-- related to what Senator Wayne was talking about earlier with the

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disproportionate effects on marginalized communities with this type of law, how would this bill change that, in your opinion? Would this bill change the disproportionate effect of gun laws on black and brown communities?

**von GILLERN:** Yeah, thank you. That's a great question, Senator Day. And yes, I believe it will change that. Currently, there are fees or application processes there. And interestingly, this just occurred to me, but there's, there's a great debate of which I believe you've testified in-- on behalf of regarding voter ID and the expense of, of obtaining an ID in order to vote in Nebraska. The fees associated with this in order to carry a concealed weapon are multiples of the expense of, of obtaining a driver's license. So, yeah, it is a disproportionate effect on marginalized communities, many of whom are black and brown individuals.

**DAY:** So what about the furthering of the increase in charges? How does that affect within the amendment? Because we have increased potential for charges within the amendment, how does that affect black and brown communities in east Omaha or wherever?

**von GILLERN:** Well, I don't think it disproportionately impacts any community because, again, the rules are the same for everyone and that is that you must announce that you are carrying to a law enforcement officer and that-- again, actually under the amendment, those penalties are stiffened beyond what the current concealed carry permit law is. Currently, you're required to share that information when you're-- if you're pulled over for a traffic violation, for example.

**DAY:** Okay.

**von GILLERN:** And this law actually creates a third-- the third offense or that becomes, I believe-- and forgive me if I'm going-- I'm going off memory if it's not accurate. I believe it becomes a Class IV felony--

**DAY:** OK.

**von GILLERN:** --or misdemeanor, forgive me.

**DAY:** Thank you. Senator. I appreciate you playing along with me--

**von GILLERN:** Yes.

**DAY:** --and answering my questions--

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**ARCH:** One minute.

**DAY:** --today. So I guess my question was to the larger discussion about the increased penalties within the amendment that will inevitably get passed with LB77 and how that would affect what are already potentially increased penalties for black and brown communities with this type of bill. We're not-- from my perspective, and maybe I'm wrong-- it sounds like Senator von Gillern has a different perspective-- but this does not decrease the effects of gun laws on black and brown communities and the disproportionate effects of those. So I-- I'm still listening here. I, I still am confused a little bit about, about all of that. But again, I appreciate Senator von Gillern's willingness to answer my questions. Thank you.

**ARCH:** Senator Raybould, you're recognized to speak.

**RAYBOULD:** Thank you, Mr. President. I just want to weigh in on some of these questions. So LB77 would negate existing laws that we have in the city of Lincoln, in the city of Omaha when it, when it is in regards to firearms. And that's probably why Chief Ewins said opposing LB77 isn't about denying rights. It's about maintaining already established precautions. Is now the time to make it easier for more people to have more guns in more places? And just the thought of untrained Nebraskans of-- some of whom couldn't even pass a criminal background check carrying concealed weapons is, is downright scary. Chief Schmaderer also said the same thing. LB77 would reverse the current downward trend in the city's violent crime-- LB77 would reverse the current downward trend in the city's violent crime rate. And tragically, and I think, unfortunately, addressing some of Senator Wayne's concern and Senator McKinney's concerns, whether LB77 passes or if it fails to pass, unfortunately, I think in the city of Omaha, you will see the same discrimination that is going on right now. Senator Dungan also talked about data and statistics. I love data. I love statistics. I have all my papers here with citing the sources. It's irrefutable data that says states with tighter gun control laws have fewer gun-related deaths. That is irrefutable data. So if we relax our concealed carry by saying you don't need a permit, you don't need a background check, and oh, by the way, you don't need that training how to carefully manage that-- Chief Ewins spoke directly that, you know, a concealed carry-- if you can figure out how to secure an AR-15 under your, your jacket, you can carry one of those. The other thing that we need to, to keep in mind, the, the United States-- the states-- actually, the states with the most guns report the most suicides. In states with more guns, police officers are also killed on duty. And this, this bit of information comes from Vox News

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working with Stanford University. It says in states with more guns, more police officers are also killed on duty. Maybe that's why both the chief of police in, in Omaha and Lincoln are so against this relaxation of laws that help protect people. And I know that we also kind of briefly touched on urban-rural divide. Well, the real sad tragedy is there are more suicide deaths in our rural community than in our urban cities. And that is something that I know, Senator Brandt, your constituents and other people have said they're hearing from their constituents. But the sad reality is we are seeing more suicides in rural communities. One of the reasons is because having access-- ready access to a firearm is pretty easy in a rural community and that is the unfortunate weapon of suicide. Police are more likely to be killed in homicides in states with more guns and they have a dramatic graph here. Researchers looked at federal data for firearm ownership in homicides of police officers across the U.S. over 15 years. They found that states with more gun ownership had more cops killed in homicides. Every 10 percent increase in firearm ownership correlated with ten additional officers killed in homicides over the 15-year period.

**ARCH:** One minute.

**RAYBOULD:** Thank you, Mr. President. It also goes on to say that several specific gun policies are quite popular with people. They want to make sure that there are the appropriate safeguards in place. We've talked about this time-- common-sense gun safety measures, universal background checks, get the appropriate training. So I want to just keep reiterating that and then jumping right back to the Second Amendment rights and going to our favorite conservative constitutional Supreme Court justice. Again, he says, like most rights, the rights secured by the Second Amendment right is not unlimited. The Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever, in any manner, in any manner whatsoever, and for whatever purpose. So my next section that I wanted to talk---

**ARCH:** Time, Senator.

**RAYBOULD:** Thank you, Mr. President.

**ARCH:** Senator Bostelman, you are recognized.

**BOSTELMAN:** Thank you, Mr. Speaker. Good morning, Nebraska. Good morning, colleagues. I'm-- haven't spent any time talking on this bill. I do oppose the motion, MO53, and I do support Senator Brewer's motion, MO46 and LB77. I want to talk maybe to address some of the

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comments have been made on, on youth and firearms and those type of things. As a, as a parent, over the years when my son turned six years-- six year-- sixth grade, he started in the 4H program on shooting sports. I became a shooting sports instructor. As a parent, I took on that responsibility. As a parent, it's my responsibility as having firearms in my home that I teach my children and his, and his or her friends safely-- safe use of firearms. What, what does that look like? 4H as a program that they do, that's where I was trained and that's where my son was trained. The Boy Scouts have a program for certain firearms. Our public schools and our private schools have training and shooting sports as well. Thousands of kids every year participate in shooting sports; handgun, rifle, shotgun. First part of May, there's over 2,000 6-12th graders, over 2,000 6-12th graders that will compete in a trap-- in the state national shoot out at Doniphan. That's been going on for a long time. I know that's been going on for over ten years from my-- when I was involved with, my son was shooting out there. Never an incident. Not one. Schools are providing that training for handling that. Handgun, air rifles, .22 rifles; that's being done and competition. That's being taught to youth as well. So when there's concern that no one's being trained, no one's being educated on it, (1) it comes back to the parent's responsibility to do that, (2) to let you know there are thousands. Hunter safety, if you don't participate in trap, if you don't participate in shooting, shooting sports competition, if you don't participate in, in .22 long competition or handgun competition, there's hunter safety. There's thousands, thousands of youth that have to pass those courses before they can handle a firearm. Any of those in that time. That's happened in the cities, in the country, across the state of Nebraska. Back to in order to purchase a firearm, there's three-- every firearm that's purchased at retail, person has to have a background check, has to have a background check. If you have a handgun permit that you get from your county sheriff, you have to have a background check. If you have a concealed carry permit, you have to have a background check. There are individuals or businesses in the state outside of 4H, high school, private schools that do training on proper handling and use of firearms. There is a multitude of training happening in the state. As I said, I'm-- I was when my son went through high school and that. He shot nationally as well. We went to a national event where it was multiple days--

**ARCH:** One minute.

**BOSTELMAN:** --the trap line was several miles long. There was kids there, youth there from all countries and adults there from all countries. They all shot in trap. Not one incident, not one issue. So

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I think we need to take-- understand and the public needs to understand there's not an epidemic out here that's going on. We do have a lot of youth, a lot of kids that are being trained, that are being brought up. Parents are taking part. Parents are being responsible. The youth are being responsible. And I credit those youth and I want to compliment those youth for what they do. Let's remember that. There's a lot of good things. Teaching responsibility, teaching to be responsible not only for yourself, but those around you and how to conduct yourself. Those are important things that are being taught throughout our state to the youth and I fully support, again, LB77 and I oppose--

**ARCH:** Time, Senator.

**BOSTELMAN:** --the bracket motion. Thank you.

**ARCH:** Senator Linehan, you are welcome to speak. I don't see Senator Linehan. Senator Albrecht, you're welcome to speak.

**ALBRECHT:** Thank you, Mr. President. Again, I rise in support of Senator Brewer's LB77 and his substitute motion, AM640. Second time I've been up on the mike, really feel like I want my constituents and Nebraskans to know that this truly was something that I ran on the last two times for state senator. Certainly something that in District 17: Wayne, Thurston, Dakota, and portions of Dixon County are very much in support of. I did, however, just kind of select one particular email that I'd received. This person is not from my district. I could certainly bring up many of those if I need to, but I selected it because this gentleman is a veteran of the Navy and so was my father at one time. I really appreciate everything Senator Bostelman just had to say about our youth. My brother Rick has been a coach in the Papillion area for trap for many, many years. And, you know, they-- these, these kids take a great interest in doing it the right way and being responsible. And this is exactly what this bill will do, is, again, we have to educate people on doing things the right way. We're talking about people who are responsible gun owners that want to see this bill passed. This particular individual that I, I want to talk about a little bit in his email to my office-- and again, we did get many proponents on LB77 since we've been here. I'm contacting you on the subject of LB77. I'm a veteran of the Navy, Navy since 1988 and a combat veteran of Desert Storm. I've been a strong supporter of the Second Amendment. I took an oath to protect the Constitution since 1986 and will still defend it until the day I see my Creator, God. I've worked very hard with lots of people around my state, with senators, with the NRA, the O--GOA and the NFOA and other Second

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Amendment organizations for the past 20 years. Played a part in having my local police chief and county sheriff, lots of other people in the county making-- and this gentleman from Otoe County, a shoutout to Senator Slama and Senator Clements-- one of the 91 counties in the state proclaiming to be a Second Amendment sanctuary, Lancaster and Douglas being the only two not standing with the rest of the state. Obviously, that is changing with this bill. I have family members, friends and even coworkers that live in our comp-- in our county and are-- that are strong Second Amendment advocates. Hopefully, they're reaching out to you just like I am, voicing their opinion to you and other senators that you should vote for LB77, the constitutional carry that is coming up for a vote this Wednesday. I know that you did take an oath similar to what I did over 35 years ago to defend and to protect not just the Second Amendment, but all of them. I think it's just important for all of us to know and understand that that is what we have taken an oath of office to do and to, to protect all, to protect all Nebraska citizens. When people travel across the country and you are a supporter, whether you're, you know, with the Nebraska Firearms Owners Association, the National Rifle Association, the Gun Owners of America, National Association of Gun Rights, you-- you're going to look ahead to find out what states you can go through, what their, what their different rules are. I mean, the responsible people, we all do do that, right? But to those that we are talking about--

**ARCH:** One minute.

**ALBRECHT:** --on the, on the opposite side that, that probably don't have a gun that they own that they're committing their crime with, you know, either it's stolen or, you know-- I mean, we don't know where they're getting their, their guns, but they're not the responsible ones. We're passing this for those who do want to do the right thing, to protect their families, to protect citizens. You can go to churches today that people are carrying at that front door, at all doors to make sure that people are safe when they're inside, safe when they leave. I mean, I like to know that-- I have many friends that carry and happy to know that they're with me at the time when I'm in situations that might be uncomfortable to me. I'm happy to know that I can walk into a grocery store and there's probably someone, even though that might be an area that they shouldn't be carrying, they possibly could be. It could be, you know, out in public on a-- at a park. It could be at a ballgame. I mean--

**ARCH:** Time, Senator.

**ALBRECHT:** Thank you.

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**ARCH:** Senator Fredrickson, you are recognized to speak.

**FREDRICKSON:** Thank you, Mr. President. I almost missed that. I was-- Senator Linehan is keeping me on my toes. We're having a lot of fun together. I am, I'm actually really appreciating and enjoying this conversation. And I'm loving that we're having, I think, really rigorous debate here and really rigorous conversation about, about the bill ahead of us or in front of us, rather, I should say. I want to bring attention to something that one of our-- one of my fellow freshman senators, Senator George Dungan, said earlier on the floor. He's looking-- his eyebrows-- I hope he's nervous about what I'm going to say. No, Senator Dungan was talking about sort of the difference between being neutral on something and supporting something. And that really caught my ear because, you know, when we're talking about bills and even in the committee hearings, we talk about when someone comes in opposition, that obviously sends a really clear message. When someone comes in support, that sends a clear message. And then you have folks who come in on bills and they come in neutrally. And sometimes it's sort of like a neutral with a lean. And you can kind of tell based on what they're saying, you know, where they're, where they're lying on that. But neutral doesn't necessarily mean that you support a bill. And I'm bringing this up because the Omaha Police Officers Association has shifted from opposition to neutral within the context of the amendment. I think that's really important to say. So, you know, obviously without the amendment, the assumption would be that they would still be an opposition to this. My understanding from the latest information I'm getting is that the mayor of Omaha and the chief of police in Omaha are still opposed to this, even with the opposition. So there's a difference between an association-- it doesn't necessarily give full, widespread approval or sending that message and it is neutral. It's not support. There's a difference between those two, those two things. And I think particularly for my colleagues who are from the Omaha area, we, we need to really think about that and we need to consider that. And the-- I-- look, I, I appreciate that this is difficult because we do have a state that has a lot of diversity when it comes to, you know, density of population, culture, etcetera. And that's, I think, ultimately the challenge of legislating on a state level. You know, we always talk about local control. We talk about the importance of local municipalities being able to sort of, you know, assess what it is and determine what is best for their, their specific region. And so, you know, I think this is, this is, this is challenging. And so I appreciate the nuance in that we're, we're not looking at this so black and white. I think that a lot of-- sometimes, things can get too black and white so this is

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really helpful. I also want to go back to the letter I read yesterday from a constituent in District 20, Ann Ashford, who is the widow of the late Congressman Brad Ashford, who was a former state senator as well. And, you know, she again highlighted it should be asked if there's ever been a single law-abiding citizen who has not been able to obtain a concealed carry handgun due to background checks or training requirements. I asked that yesterday and I said yesterday I don't know the answer to that question. But that's another important thing we have to consider. You know, we're talking about this idea of the constitutional right, etcetera, etcetera, balancing that with safety. So we need to ask, is, is there actually an issue with law-abiding citizens obtaining these permits? And I haven't quite heard that yet. So, you know, that's, that's my sort of rub right now with that. I also want to say-- and I don't know if Senator Wayne's on the floor or not, but he was, he was speaking some truth on the mike earlier about ways that this is going to have an impact, you know, from a racial perspective.

**ARCH:** One minute.

**FREDRICKSON:** Thank you, Mr. President. And I was going to yield him some more time, but I guess a minute is enough to probably give a dissertation-level speech on this. So I will-- I'm going to stop there and just say I'm going to continue to listen. And I'm, I'm-- again, I'm, I'm really grateful for this debate and I'm enjoying my colleagues' perspectives on the floor. So thank you, Mr. President.

**ARCH:** Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you, Mr. President. I have, I don't know, a few words to say this, and I will say on the mike that I do support LB77 in its original form and I have questions about AM640. And I support LB77 in its original form for the reasons Senator Wayne supports it in its original form; because there is nuance to this bill. There's always a but, wait, maybe because, oh, maybe they don't have the data, maybe this is wrong when it comes to issues pertaining to black people in this state. And that is my problem. If I introduced a bill to take away those city ordinances or those restrictions that will be eliminated in the bill, I could not get it passed and y'all know it. Let's be honest here. The police would fill the room and I couldn't get it passed. But this is an option to get those restrictions taken off the books so why not try it? Because I don't see a willingness to, one, pass a bill to make sure that we have racial impact statements on bills like this. I don't see a willingness to listen to the nuance and understand the nuance. It's always a but,

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maybe, no, wait, do this. We understand that, you know, black kids are disproportionately arrested by police and disproportionately killed by police, but wait, it's OK. It, it wouldn't be so bad. A lot of y'all don't live in an area where almost every week there's a shooting. There's kids getting killed around the corner from where I live, those type of things. And then you also have police harassing people all the time looking for guns. Oh, you've never had your car stopped. You've never been stopped by the police and they pull you and your friends out of your car and they embarrass you and the only thing they looking for is a gun and they tell you to go. None of y'all had to live through that trauma. So when you ask me why are you thinking about voting for this or why are you supporting this? That's why. We passed a gun-- some gun laws in what, '09 or 2011 and in a Omaha World-Herald article, it said that change increased our prison population and that increase was mostly from my district, literally. But nobody cares. What are you in fear of because-- what? It's not your community being disproportionately harmed. It's mine and Senator Wayne's. And it may be some of y'all's too, but it's definitely mine especially. And I'm going to pass around something about racist gun laws and the Second Amendment and how gun laws were being passed in the past to stop free slaves and black individuals from owning guns or standing up for their rights. In what downward trend in crime is the Omaha police talking about? I hear a shooting, like, every week. I've helped pay for funerals, multiple. What is the downward spiral in crime? What, locking up black men and women, putting more of them in prison? Is that, is that how you solve crime? It's, it's just crazy. Then we talk about caring about black kids, but a lot of black kids that I, that I help out, you know, are teenagers and work to survive and take care of their families. But we have bills that will restrict the amount of money they could do to take care of--

**ARCH:** One minute.

**McKINNEY:** --their families so we could keep them out the streets. Think about that. We got to stop being hypocrites. And we also have to look at bills through a better lens because we're doing a horrible job at it. It's not always black and white. Thank you.

**ARCH:** Senator Slama, you're recognized to speak.

**SLAMA:** Thank you, Mr. President, and good afternoon, colleagues. I know we've talked a lot and I'm still in support of LB77, amended or unamended. As I understand it, the amendment would get everybody on board so we can get this bill across the finish line. So as such, I'm in support of it. There's been a lot of references to law enforcement

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and our value of their opinions with regards to firearms. And I, I appreciate the thoughts of the Omaha Police Union, the Lincoln Police Union, Omaha Sheriff's Department and Lincoln Sheriff's Department in discussing this bill. But where we're losing input from law enforcement is from our rural areas. And there was a-- an op-ed that I found to be really interesting in the Pawnee County newspaper back when all of our counties, except for two in the state of Nebraska, were adopting a Second Amendment sanctuary status. And I wanted to take some time to read that op-ed because it's from our Pawnee County Sheriff, Brendan [SIC] Lang, who is massively understaffed in his office thanks to regulations that we passed that I fought against that adversely impacted our rural police departments. But I want to take some time to share his thoughts because the rural perspective is truly the one that's being lost here, as-- especially as we're seeing opposition from overwhelmingly urban senators. Quote, I think it is time we discuss sanctuary county status. First, let's start with some definitions according to Wikipedia. A Second Amendment sanctuary is a state, county or locality in the United States that has adopted laws or resolutions that prohibit or impede the enforcement of certain gun control measures perceived as a violation of the Second Amendment, such as universal gun background checks, high-capacity magazine bans, assault weapon bans, red flag laws, etcetera. A red flag law is a gun control law that permits police or family members to petition a state court to order the temporary removal of firearms from a person who may present a danger to others or themselves. A judge makes the determination to issue the order based on statements and actions made by the gun owner in question. Refusal to comply with the order is punishable as a criminal offense. After a set time, the guns are returned to the person from whom they were seized unless another court hearing extends the period of confiscation. The red flag legislation sounds reasonable to many people until you look into the details of how it has been applied in jurisdictions where it has been implemented. There have been numerous incidents where gun owners, family members and police have been killed while trying to enforce these unconstitutional laws. We already have laws that separate dangerous people from weapons. I have used them several times and everything was done in a way where everyone's rights were preserved. I attended a meeting of the Nebraska Legislature back in January or February to voice my opinion on pending firearms legislations that would have banned standard capacity magazines, so ten-plus rounds, and institute red flag laws. At that point, certain groups had dumped millions of dollars in states all across the nation in an attempt to get this type of legislation passed. Unfortunately, I was not able to give my testimony, as the matter had been tabled for the coming year

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prior to my arrival. When I returned to the county after this meeting, I brought the idea of making Pawnee County a sanctuary county before the county commissioners. To my surprise, this was not the first time that someone had brought it up to at least one of the three commissioners and all seemed to take some interest in the idea at the time. I didn't really push the idea. As I previously stated, the legislation necessitating such a move had been put on the back burner for the year. At that time, Morrill County was the first and only county in the state where the commissioners voted to adopt sanctuary status. Since then--

**ARCH:** One minute.

**SLAMA:** --thank you, Mr. President-- Box Butte, Sherman, Deuel, Scotts Bluff, Cherry, Cheyenne and Frontier Counties have all passed sanctuary resolutions and many more are looking into the issue. Local sheriffs I have questioned wholeheartedly disagree with the red flag laws as they're written and I refuse to enforce them, end quote. This is just part of this op-ed that I'll continue to read on my next turn on the mike. But at the end of the day, as we're discussing LB77 and how it would impact our communities, we've spent a lot of time talking about the urban impact without discussing how this is going to impact the other 91 out of 93 counties as a state. So I think it's critically important that they're brought to table-- the table in this discussion. Thank you, Mr. President.

**ARCH:** Senator Wayne, you are recognized to speak.

**WAYNE:** Thank you, Mr. President. I was outside. I'm glad I can hear out in the Rotunda. It's my last time I'm going to speak on this issue and kind of let people else just talk. But I-- again, I just-- I want people to know that there is just a lot of thought and, and deliberation for many of us on this-- in this body on this, on this bill because we're weighing so many different issues. I'm not in favor of the, of the bracket motion. My committee already, I felt, dealt with this and talked about it and moved it forward, but I do struggle a little bit with the amendment. But the underlining bill, again, I think for me, it's about balancing both the impact of the practical situation of what's going on and trying to reduce some of the disparity that I see happening throughout our community. I do want to reiterate a couple of points. One, this does not change how somebody purchases a weapon. You still have to go through a background check. You still have to do all the things you would do. So the, the argument about proliferation of guns is just-- it doesn't really pertain to this particular bill. It-- you may-- some people may be against guns

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in general or the increase in guns, but that's a different, different thing. And so what I hope people who may be unfortunately watching us understand it, it's easy to, to, to say no. It's easy to get up and have talking points on either side of the aisle. It doesn't really matter because both sides do it and those in the middle also do it. What's hard in this body is to be consistent in the nuances of all of these bills. And that's where the debate kind of-- if you're going to have a real debate, you got to center around those, those nuances. And so I don't take validity in whether certain people are for or against the bill because-- it's a valid concept. You're either for or against it, but it doesn't sway me one way or another because people come from different backgrounds. For my district, my first year we had a preemption bill around this kind of topic and I voted for it and people couldn't believe why I would vote for it. And it was because at that time-- well, still-- I represent a lot of people outside the city of Omaha, believe it or not, outside of city limits. And some people were committing crimes when they were driving to pick people up for the airport just because they didn't have their handgun registered. Now, since that, that's been changed and if you live outside, you don't have to. But there are city ordinances out there that are complicated that unfortunately have to-- I think we have to do something about. So to me, this bill for me is about the impact it'll have in reducing the overall disparity that exists. I don't think-- again, it doesn't change anything from how somebody actually purchases a gun or a weapon in that regard. So I do have some concerns around the expansion of prohibited people, but I'm willing to have those conversations and keep, keep things going forward. That's why we have three rounds of debate. The biggest issue-- I think the misnomer is, is we can't take a gun bill and just talk about guns and say, oh, that's-- this is a no because I'm just anti-gun because again, there's nuances. There's nuances for me, there's nuances for everybody and I just encourage everybody to talk about the nuances. Second thing, which is kind of completely off topic, but I had a couple people talk to me about fiscal notes and I just want to say this for particularly the freshmen because nobody told me this until I, I figured out it happened on one of my bills. But when you have an A bill and an A bill-- so if my bill is one-- number one and there's a fiscal note on it that says it's going to decrease or increase or whatever to the General Fund/ Cash Fund--

**ARCH:** One minute.

**WAYNE:** --wherever those funds come from. After you pass General File, there'll be a one-- LB1A. That LB1A is an A bill that pays for the, the bill that you're introducing. Those A bills actually sit on Select

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File-- or your bill actually sits on Select File until the budget is passed. So people who are in committee are worried about this has too big of a fiscal note or this doesn't have a big enough fiscal note or whatever, don't let that be the determining factor of why you kick out a bill because there's a process on the floor that handles that. So if I have a bill for \$100 million and the A bill comes out and it's \$100 million, it's going to sit there until the budget comes out. And when the budget comes out, we'll know how much on the floor is left over. And at that point, a lot of negotiations happen where they reduce their A bill, reduce the-- their cost of that bill or they could take it all the way out or you may vote it down because it costs that much. But at the committee level, I think it's important that we put out--

**ARCH:** Time. Senator.

**WAYNE:** --thank you-- good bills. Thank you, Mr. President.

**ARCH:** Senator Dungan, you are recognized and this is your third opportunity.

**DUNGAN:** Thank you, Mr. President, and thank you to Senator Wayne for, I think, that discussion. That's a little bit of what I was talking about earlier with regard, with regard to the nuance that goes into these bills. And so I do appreciate that, that clarification. I do still stand opposed to LB77 and specifically AM640. As I've stated before, one of my largest concerns is oftentimes safety. But in addition to that, it's exactly that disproportionate impact that we've heard Senator Wayne and others talk about. Because the bill has that expanded definition of prohibited person, in addition to the fact that, as I've talked about ad nauseam, it also creates that new misdemeanor crime, I still have concerns that there will have-- there will be a disproportionate impact. And so I still maintain that concern. One thing I wanted to talk about, though, briefly, because it's frankly almost a little fun for me or interesting to go into the history of these things is I've received a number of emails from people encouraging me to read the Second Amendment, right? They say, go, go look at the Second Amendment. It's clear, it's simple. We know what it means. We should be able to carry firearms. Some people yesterday talked about you can't read words in a law or in a-- an amendment and assume they don't have meaning. And as we've talked about before as well, it says-- the Second Amendment says, "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." Well, I think it's accepted universally that not all rights are absolute. We have First Amendment restrictions. There's

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Fourth Amendment restrictions. There's restrictions across the board with regard to these amendments and so that's just accepted. But what I think is even more interesting is some of the history, which I don't have the time to get into today, about sort of where those words of the Second Amendment came from. We can get into what militias meant when this was written. We can get into what arms were when this was written, but from sort of a bigger perspective and taking a step back, to look at the Second Amendment and say, well, clearly we know what they were thinking, I think it belies a very simplistic view of how that worked. I mean, think about if somebody looked at a law we passed and said, oh, we know what all 49 of those senators were thinking and we know what their intent was. Obviously, it's not representative of what everybody feels, nor is it necessarily representative of the overarching feelings of what the intent behind that law or that amendment is. A good example of this is, historically speaking, militias, especially in the southern states or the southern colonies prior to the Constitution and the Bill of Rights being written, were used for a number of purposes. But one of the main purposes of a "militia" was to put down slave rebellions. And there was a concern when they were drafting the Second Amendment that there would be language that would essentially prohibit militias from utilizing arms to put down slave rebellion because there were people that were concerned-- slave owners who were concerned this was going to lead to a rise in slave rebellions. One of the initial proposed languages or the writings of the Second Amendment said a well-regulated militia being necessary to the security of a free country, the right of the people to keep and bear arms shall not be infringed. There was expressed complaints or concerns that were given by members who were helping write this who said, If we say country and not state, we may not be able to use arms to put down slave rebellions. And it-- I don't have the exact quote in front of me. I think it was Patrick Henry who said, one, Jeffery Robinson does a lot of talks about this, but it's, it's in writing. You can go find it. There's documented evidence that people said, if you say country and not state, we are not going to be able to potentially protect ourselves from slave rebellions. And so I bring that up, not necessarily to say that that's exactly what the Second Amendment does now. Militia has evolved over time, arms has evolved over time, but the very history and the very writing of the Second Amendment is complicated. And it has in it these tinges of a lot of the original sin of our country that we talk about on a--

**ARCH:** One minute.

**DUNGAN:** --regular basis. Thank you, Mr. President. But to look at the Second Amendment and say it's clear what it means, it's obvious what

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it means, how dare you infringe on these rights? I understand the sentiment, but I would just urge folks to do a little digging into that history, do a little digging into where the Second Amendment comes from and understand that when these words were putting down on a page-- or put down on a page, there was not one cohesive thought. And it's evolved over time and we must, we must-- we have to view what was written back then in the context of how it's evolved over time. And as I said yesterday, the individual right versus the collective right to bear arms didn't really come about until the 1800s. And so I just want to make sure we're being accurate with our history here. We're looking at sort of where this all comes from. Again, it's very complicated, but I'd encourage you to do a little more research into that and understand where those Second Amendment rights come from. Thank you, Mr. President.

**ARCH:** Senator Day, you are recognized to speak.

**DAY:** Thank you, Mr. President. Good afternoon, colleagues. I just wanted to mention I, I appreciate Senator Wayne's comments about the nuance in debate on these issues because I agree there is a lot of nuance in any of the issues we discuss. People are raised and brought up in different--they have different life experiences. Yes, there is always nuance to these types of conversations and-- but I don't necessarily agree with the idea that we cannot talk about the proliferation of guns as, as a reason to oppose LB77 even with the amendment, AM640, particularly because we have data that shows us that the issues with firearms that we have in the United States are a distinctly and uniquely American problem. There is a reason for that. There is a reason that other countries from around the world, globally look at us and are completely baffled when we have conversations about firearms here in the United States of why we continue to have conversations about lessening someone's access to guns. That is a fundamental part of the proliferation of firearms in the United States. And no, this bill does not change how someone purchases a gun. That doesn't change with LB77 at all, but it does change in what situations someone is carrying it on their person. It does change whether or not someone has any training and they know in what situations it would be appropriate to use the gun that they have on their person. And I also think it's-- I had-- I heard a couple of colleagues earlier mentioning, well, we can already open carry in Nebraska with no permit and with no training. I think it's intellectually dishonest to say that we don't understand the difference between open carry and concealed carry. Those are two fundamentally different things. We are not talking about changing someone's ability to purchase a gun, background checks and all of

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that, but we are talking about allowing more people to carry a gun that is hidden on their person in any situations, in any, in any public place where it's not limited by the establishment with zero training. That's what we're talking about. That is a fundamental piece to the proliferation of firearms in the United States that makes mass shootings and the fact that the leading cause of death for children in this country is firearms. We know that we have the data. I just wanted to talk about there's an article here from the BBC that specifically-- that just came out a couple of weeks ago in February that specifically talks about how the United States has a very unique problem with gun violence. Gun violence is a fixture in American life, but the issue is highly political one, pitting gun control advocates against sectors of the population fiercely protective of their right to bear arms. We've looked into some of the numbers behind firearms, firearms in the U.S. There have already been more than 70 mass shootings across the U.S. so far this year, with California experiencing two of the most high profile in January this year. Figures from the Gun Violence Archive, a nonprofit research database, shows that the number of mass shootings has gone up significantly in recent years. In each of the last three years, there have been more than 600 mass shootings, almost two a day on average. While the U.S. does not have a single definition for mass shootings, the Gun Violence Archive defines a mass shooting as an incident in which four or more people are injured or killed. Their figure includes shootings that happen both in homes and in public places. The deadliest such attack in Las Vegas of 2017 killed more than 50 people and left 500 wounded. The vast majority of mass shootings, however, leave fewer than ten people dead. According to the U.S. Centers--

**ARCH:** One minute.

**DAY:** Thank you, Mr. President. According to the U.S. Centers for Disease Control and Prevention, a total of 45,222 people died from gun-related injuries of all causes during 2020, the last year for which complete data is available. In 2020, more than 19,000 of the deaths were homicides, according to the CDC. This is the point that I wanted to make here. The data also shows nearly 53 people are killed each day by a firearm in the U.S.. That's a significantly larger proportion of homicides than is the case in Canada, Australia, England and Wales and many other countries. So there is a graph here that, that talks about the international comparison of gun-related killings as a percentage of all homicides. In the U.K., it's 4 percent; Australia, 13 percent; Canada, 37 percent. In the US, it's 79 percent, 79 percent.

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**ARCH:** Time, Senator.

**DAY:** Thank you, Mr. President.

**ARCH:** Senator Raybould, you are recognized to speak and this is your third opportunity.

**RAYBOULD:** Thank you, Mr. President. I just want to say thank you to all my colleagues here today for the dialogue that we're having that our fellow Nebraskans are hearing. And, and I just want to say thank you very much for the respectful way we are discussing a really critical issue that impacts public safety. And as you know, public safety is our number one responsibility as legislators. I know very well as a county commissioner and a city council member, we work hand in hand with law enforcement to protect our community. We have a tight bond. We listen to their concerns. We respect their concerns. And, and I want to say, Senator Wayne, I respect you highly and I'm, I'm grateful for the perspective and the input and feedback you bring. You know, if only all responsible gun owners would get a background check. But the reality is-- I'm quoting from Annals of Internal Medicine, firearm-related injury and death in the United States. They're saying a call to action from the nation's leading physicians and public health professional organizations. They talk about background checks. Approximately 40 percent-- and I said this statistic yesterday and I wanted to get it right-- approximately 40 percent of firearm transfers take place through means other than licensed dealers. As a result, an estimated 6.6 million firearms are sold or transferred annually-- this report came out in 2019-- 6.6 million firearms are done with no background check, no background check. And it's those loopholes that we need to address and close. But again, going back to the statistics, when you loosen up some requirements, reasonable, common-sense gun safety requirements, things like this happen. The other thing-- I think, Senator Slama, you had mentioned sanctuary cities and it's very interesting. On February 15 of this year, the Oregon appeals court strikes down the dangerous Second Amendment sanctuary ordinance that undermines public safety laws. It was a first-of-a-kind decision. It sets an important precedent for similar laws all throughout the country. And I think in the ruling, they really talk about the sheriffs, the constitutional sheriffs movement that wants to be able to say, you know, we're not going to enforce the laws. Well, you know, public safety, we don't get to pick and choose the laws we want to enforce that, that were sworn to uphold and practice. And so this is, this is a good sign that they're not permitting that type of practice to go on. And I'm pretty sure this will be taking place in other communities. The last thing-- and I know I'll continue this as we go

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forward, I know that we will be talking about extreme risk protective orders. We know they're effective. Nineteen states in the United States have adopted them. How do we know they're effective? Again, statistics. Data. Real data. One out of ten reach-- researchers estimate that a suicide is averted in approximately one in ten gun removal cases brought under Connecticut's extreme risk protection law. In Indiana, 7.5 percent. Indiana saw a 7.5 percent reduction in its firearm suicide rate in the ten years following the enactment of their extreme risk protective order. In 56 percent of mass shootings, the shooter exhibited dangerous warning signs before the shooting. These extreme risk protection orders-- people are concerned about due process. I'm concerned about due process. I've worked enough with the ACLU to know that this is a critical amendment, right that is-- that we all hold and uphold dearly, but--

**ARCH:** One minute.

**RAYBOULD:** --thank you, Mr. President. With an extreme risk protective order, it is a process. When I introduce the bill, we have-- there are three stages. We have extreme risk protect-- EPCs. Police/health officials can do this automatically. If someone is experiencing distress, they can work with them, get involuntarily committed. They could also talk to them at that point in time and say, do you have any firearms? Do you have any intention of harming yourself? So an EPC is already in place that is practiced by law enforcement. In the bill that I had proposed, there are two proposals for-- with, with notification and without notification. Without notification is a second step where a family member working with law enforcement and going before a judge conveys their concerns. The judge makes the determination without cause-- without notice.

**ARCH:** Time, Senator.

**RAYBOULD:** Thank you, Mr. President.

**ARCH:** Senator Vargas, you are recognized to speak. I don't see Senator Vargas. Senator von Gillern, you are recognized to speak.

**von GILLERN:** Thank you, Mr. President. I want to continue some thoughts that I began on my earlier testimony. I was, I was talking at that point about-- particularly about having a weapon in a vehicle and some of the laws are very unusual around that. They're very restrictive. Again, I want to remind people we're, we're not necessarily talking-- this is not the Old West. We're not talking about cowboys walking around with guns on their hips, which actually

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would be an open carry situation, which is completely legal in the state of Nebraska. But I also don't think we're talking about thousands and thousands of, of individuals walking around with, with concealed weapons should LB77 pass. Again, I think the interesting thing about many laws is that the law-abiding individuals sometimes suffer from the laws more than those that are trying to break the law. So again, if you had a weapon in the console of your car and you were pulled over and you failed to notify a law enforcement officer, that is a violation. That is a concealed weapon. And so, again, Senator Wayne spoke to that earlier. If it was in the glove compartment, if it was under the seat of your car, all of those are violations. There was a change in the law a number of years ago that said if you have a gun in a case and it's in the vehicle, if you're transporting it from one place to another, that's an exception. But there are literally hundreds and hundreds of laws written around guns and the means by which we can carry them legally and, and, and things that make the use of them illegal. Guns are-- you know, gun laws are made for law-abiding citizens. Criminals don't care what the law says. And if you use the-- if you use a gun in the, in the means of committing a crime, obviously that is a crime in itself. There was a comment made earlier about the fact that states and areas with the least restrictive gun laws have the most crime. Well, my challenge-- pushback to that is the fact that the state of Illinois and in particular the city of Chicago have some of the most stringent gun laws in the United States, but yet the murder rate in Chicago has been between 600 and 800 people for the past three years. Every one of those murders was committed-- by definition, committed by a criminal in possession of a gun, of a weapon. So I stand opposed to the concept that more laws makes for less crime. It just doesn't work that way, unfortunately. I wish it did. We would, we would, we would make a law and people would abide by it and that would be the end of the discussion. And that would be a great place to be, but unfortunately, that's not where our society is. One thing I didn't have a chance to share earlier is that one of my own motivations for, for having a concealed carry permit is that my daughter at one point was being stalked by a young man. He was sending photos to her, texting photos to her, actually, of a bullet with her name written on it. And again, that was a young, young person that was unbalanced. Thankfully, he never moved forward on any, any of his threats, but it led me to do anything that I needed to do to be able to protect my daughter and protect my family. And that was one of the motivations for me pursuing a concealed carry permit was to protect my family. I've been in situations where my wife and I have traveled in different places and being-- knowing that I have a means of defending myself and more

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importantly, defending her and other innocent people is, is very comforting. And one thing I want to convey is I think most people that I know that have a concealed carry permit-- and obviously would be able to carry without a permit should LB77 pass-- just about everybody that I know in that situation would defend anybody in this room. Politics goes aside, beliefs goes aside. All of that goes aside. If there, if there is an attack, if there's something going on that would harm others--

**ARCH:** One minute.

**von GILLERN:** --thank you, Mr. President. Just about everybody I know that carries a weapon would stand in defense of others just for the sake of righteousness. I did want to clarify the Omaha Police Officers Association, as was stated earlier, is neutral on this bill. These are the men and the women that are on the front lines. I, I refuse to believe that-- and I know Chief Schmaderer. He's actually a neighbor of mine. I trust his judgment and I trust the mayor's judgment. But if LB77 put the men and women in blue in harm's way, I refuse to believe that they would support LB77 and the, and the amendment that we're debating at this time. Their families would push back. They would push back. I just refuse to believe that they would embrace that. So, frankly, I take their endorsement or their lack of opposition at a greater value than I do the administration of the city. Thank you and with that, I yield back my time.

**ARCH:** Senator Hansen, you are recognized to speak.

**HANSEN:** Thank you, Mr. Speaker. I'm going to kind of touch on a little bit of what Senator von Gillern said when it comes to the idea that people who are now able to carry a concealed weapon without a permit-- or not with a permit, without training-- are the dangerous members of society we have to worry about. And when you look at the statistics and when you're talking about mass shootings, (a) mass shootings are really hard to define and I don't think they're really defined right now. It could be where four or more people have been shot, not even-- no fatalities, but within a certain location. Some define it as two or more people-- fatalities. So it's really hard to define a mass shooting right now. But he touched on this also, it's where most of mass shootings happen are in the most restrictive parts of our country. When you look to statistics, whether it's four people getting shot or two or more fatalities, typically California, Illinois and New York are the top three. And actually per capita, Delaware, I think, is on the top when it comes to gun violence. So I think it's-- I don't know. It's, it's, it's a pretty shaky argument to say now, since

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this-- if this bill gets passed, that we're going to see more mass shootings and gun violence, a big gun violence problem. Actually, in reality, it's more of a gun user problem. And so-- and I want to reiterate the fact-- I know some people have touched on this already, but you do still need a handgun permit to purchase a handgun. And along with that handgun permit comes a background check. So it's not like you can just pick up a gun and carry it around and without anybody knowing who has what kind of gun. So you still do need a permit and you do need to do a background check, which I think is a reasonable solution. I think that's a good way of kind of, you know, making sure the-- we're doing our due diligence without being too restrictive. And I kind of want to touch a little bit on what I mentioned yesterday about the Second Amendment in general and our ability to exercise that right. I touched on this yesterday. I touched on this last time we, we talked about this. And from my understanding, the Second Amendment is the only amendment in the Constitution you actually have to pay to exercise, you have to get trained to exercise. No other constitutional freedom we have incorporates those two things. And some people say, well, it's because it's, it's dangerous. You know, this-- the, the second round is more dangerous than other freedoms. And I got to disagree with that because you look at the right to vote. I know some colleagues on the other side of the aisle, when President Trump got elected, said it was very dangerous and a lot of people died because President Trump got elected. So the right to vote can be very dangerous. The right-- the freedom of speech can be very dangerous. You know, ask anybody, you know, in the '30s in, in Germany what speech can do. It can be very dangerous. The freedom of press, especially with social media. Anyone can get online now in a way and almost say what they want and that can be very dangerous. And so to say we have to have these certain rules and restrictions on a constitutional freedom because it's more dangerous than other ones, I think is flawed. It's all in how you use it. So voting isn't a problem. It's the people who are voting. Speech isn't a problem. It's the people who are giving the speech.

**ARCH:** One minute.

**HANSEN:** Guns aren't the problem, it's the people using it. Did you say one minute, Mr. Speaker?

**ARCH:** Yes.

**HANSEN:** OK. So I just, I just wanted to touch on those again. And I could-- I'm going to agree with my colleague, Senator Raybould, and I think there seems to be some decent discussion going on now. It's kind

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of nice to hear other people's viewpoints from both sides. Senator Dungan even does a good job. I questioned him from the very beginning. He does a pretty good job, so. All right and so with that, I will yield the rest of my time to Senator Wayne. Thank you.

**ARCH:** Senator Wayne, 20 seconds.

**WAYNE:** Thank you, Mr. President. This would be a good 15 seconds just to reflect on what we've done today. Thank you, Mr. President.

**ARCH:** Senator John Cavanaugh, you are recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. That's a tough act to follow. Well, so we are getting close to the end of at least today. I would just-- I appreciate Senator Ben Hansen's comments about, you know, we shouldn't be putting unduly burdensome restrictions on people's exercise of their liberties. And the-- so the Constitution-- the Bill of Rights, in particular, is what we're talking about here-- has-- sets out rights as they pertain against how the government can restrict conduct. And so we have-- people sometimes conflate those sorts of things and say, you know, freedom of speech is under attack in this country because if I say something offensive, then somebody else is going to criticize me for it. And, you know, I might lose customers of my business or something like that. That's not a violation of the First Amendment. That is, you exercise your First Amendment right to express whatever opinion you expressed and, and then you pay the price for it. As long as the government is not involved in that retaliation against you, that is not a violation of the First Amendment. That is just the natural result of saying something offensive. And so that's an important distinction. The Constitution pertains to how the government interacts with people. And we can put reasonable restrictions. We do put reasonable restrictions on conduct. The classic, of course, and I don't know if anybody's brought this up, is yelling "fire" in a crowded theater. The, the Supreme Court has held that restrictions of speech in that sort of way is appropriate. And so the Supreme Court has previously held that reasonable restrictions on the use and possession of firearms is appropriate. And the conversation we're having here is not about whether or not we can impose this type of restriction. It's pretty clear that we can keep this restriction that is on the books if we don't pass LB77. The question is whether we should, whether the, the hurdle to walking around with a gun concealed upon your person should require you to take a class to have some understanding of (1) your obligations under this law because there are still some obligations under it, things like duty to inform law enforcement and other public

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officials. That is something you will have to do and you'll need to know about and if you don't know about it, you could be charged. And so you learn those sorts of things when you take a class. You learn about how in that good-guy-with-a-gun, bad-guy-with-a-gun fantasy scenario that everybody likes to talk about, you learn when it is appropriate and maybe how to react in a measured matter as opposed to just pulling a gun immediately whenever you feel like it. So there is, there is reasonable things that are in the statute currently that are-- that people have to do. And that's the conversation is about whether we should take away that requirement that people have some form of, of education and discipline and some sort of understanding about their obligations when they're walking around with a gun. And so that's, that's the nature of the conversation is whether-- this is a policy decision about whether we should be doing this, not whether we can and whether, whether or not it's overly burdensome. And so-- and again, to the fee I pointed out the last time this came up, we do require people to, to exercise their freedom of assembly sometimes. They have to get a permit for a parade or for a rally if it's in a public place. And so that is something certainly we do is use a cost-- or put associated cost with an exercise of that privilege under the Constitution. And I have said previously that if this bill were only about the cost, we'd have no problem.

**ARCH:** One minute.

**J. CAVANAUGH:** Thank you, Mr. President. We could eliminate the cost for CCW permits applications and make a fund to make the class available or whatever, something along those lines. That is something we could do if that was the only concern that everybody had, which it's not. So that is not, that's not what this conversation is about. The conversation is about whether or not we think people should be walking around with concealed weapons without any kind of education or background information so that other people understand what their obligations are, whether people understand what's appropriate behavior. And so that's the conversation. We can certainly solve the, the money part of it if we wanted to do that. But nobody seems to want to do that. So I think it's-- we're probably getting close to the end here. I would-- I guess if Senator Wayne wants another 15 seconds, I would yield him 15 seconds. How much time do I have, Mr. President? Mr. President, do I have 15 seconds?

**ARCH:** Two seconds.

**J. CAVANAUGH:** Two seconds, thank you.

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**ARCH:** Senator DeKay, you are recognized to speak.

**DeKAY:** Thank you, Mr. President. I concur with the comments that Senator Wayne had a little bit ago, but I do also agree with what Senator Hansen talked about before that. But-- and I apologize if I missed this. I was out of the room for 15, 20 minutes. But one of the things we've been talking about, we've been talking about concealed carry. We've been talking about constitutional carry. And when we talk about concealed carry, I don't know if it's been mentioned before or not, but about 1 out of every 40 murders that take place-- according to the data that I've received from 2019, about 1 out of every 40 murders involves a concealed carry permit. The point is people with concealed carries aren't actually worried about having a card in their pocket or having a piece of paper to verify that they have a concealed carry. So those arguments against constitutional carry being concealed being safer, doesn't carry a lot of water with me. It proves that constitutional carry, it gives innocent people the chance to protect themselves. And a concealed carry isn't going to be the total answer for where we're at. So with that, I do support LB77 and I would yield the rest of my time to Senator Slama.

**ARCH:** Senator Slama, 3:20.

**SLAMA:** Thank you, Mr. President. I wanted to-- and thank you, Senator DeKay. I appreciate the time. I wanted to briefly respond to Senator Raybould's report on the Oregon State Court of Appeals ruling. It was a ruling that came down last month, midway through February, that overturned a Second Amendment sanctuary county status. And I just want to be clear about what the ramifications are for that because I think there were a lot of kind of ghosts pulled out of closets there in terms of what that ruling meant. This is an Oregon State Court of Appeals ruling. It is not binding on anybody outside of Oregon. And if anybody remembers, Oregon is one of the most liberal states in the country. So, of course, their court of appeals, which is likely just as liberal, is going to work to overturn Second Amendment sanctuary status. So again, an Oregon State Court of Appeals ruling has no bearing on what we do in Nebraska, no bearing on what we do in any other state in the country outside of Oregon. And it's not even a ruling from their highest court so we'll stay tuned on that. And to follow up on Senator von Gillern's comments, I thought he made some really wonderful comments there. And I can personally attest, as a concealed carry holder, I know we spar a lot on the floor. And someone asked on Twitter with Senator Cavanaugh standing up for me why I don't stand up for women more on the mike. I wouldn't hesitate to defend anybody on this floor right now if, if the time arose. At the end of

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the day, we, we spar back and forth, but in matters of concealed carry and self-defense, I would be there for each and every one of you. And we've talked a bit about good guys with guns and some have claimed they're a myth. We've provided a lot of examples as to, yes, they actually exist. One example that hasn't been raised yet was perhaps the most notable one from last year. On July 19 in Indiana, 22-year-old Elisjscha Dicken in Greenwood Park Mall in Greenwood, Indiana, stops a gunman armed with a rifle who had opened fire in a food court.

**ARCH:** One minute.

**SLAMA:** In 15 seconds, he landed eight shots on target from 30 to 40 yards away. That is outstanding marksmanship by somebody who is legally concealed carrying a firearm in a constitutional carry state. So on that occasion, yes, absolutely; a good guy with a gun saved countless lives. In 15 seconds, the perpetrator was able to kill three people and the good guy with a gun stopped far more fatalities from happening that day. Thank you, Mr. President.

**ARCH:** Senator Sanders, you are recognized to speak.

**SANDERS:** Thank you, Mr.-- thank you, Mr.-- ope. Thank you, Mr. President. I give my support to Senator Brewer's LB77 and AM640 and I yield the rest of my time to Senator von Gillern.

**ARCH:** Senator von Gillern, 4:40.

**von GILLERN:** Thank you, Senator Sanders. I just wanted to continue on a few thoughts that I was sharing prior. I think, again, the, the-- and I want to thank Senator Slama for affirming a statement I made earlier about legal gun owners and our willingness to defend others should that situation ever rise. And I think there is certainly a mindset around that that's pretty universal. One of the things that really has not been talked about a lot is the-- obviously, crimes are committed by criminals by definition and the fact that gun laws are made for the law abiding. I've mentioned that several times. One of the bills that I have proposed is actually-- it's not related to LB77, but it's actually related to getting to the core of the issue and that is growing character and integrity, particularly within our young people, and that's LB805. LB805 would provide school access for federally chartered patriotic organizations, many of whom actually teach gun safety. But more than that, more importantly than that, they teach character building and integrity in our young people and I think that's important. I think that's an important factor that, that our

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youth-- that they understand the value of life, that they understand the responsibility of a weapon, that they understand the responsibility of carrying a device that could actually cause harm to another individual, that they understand the responsibility of defending one another and, and just the weight of all of those. So the different organizations that are noted are Big Brothers Big Sisters of America, Boy Scouts of America, Boys and Girls Clubs of America, the Future Farmers of America, Girl Scouts of the United States of America, and even Little League Baseball. And if you or your kids have ever been involved in any of those organizations, you know that they leave better than they came. That they leave learning how to care for one another, how to become more responsible citizens. The graduates of those organizations are desirable for employees with-- within companies and organizations, not only in Nebraska but across the nation, and they're known to be some of our finest citizens. So I think this, this, this conversation obviously is about guns. It's obviously-- the topic is, is permitless concealed carry. I understand that. I don't want to waiver too far off, but I do want to bring to everyone's attention that these two issues are so integral to one another. If we build the character of young people, if we teach responsibility to a greater degree and if we encourage our schools to allow these organizations in to help the schools and the education of our children in these areas, I think we'll see more responsible adults in our communities and gun crime will deter or will reduce accordingly. So with that, I yield back the remainder of my time. Thank you.

**ARCH:** Senator Machaela Cavanaugh, you're recognized to speak and this is your third opportunity.

**M. CAVANAUGH:** Sorry, I didn't realize that I was in the queue. Well, I actually, Senator Raybould, would you like some time? OK. All right. Well, then I probably will just end my time today by saying that great debate, everyone, and look forward to talking about it some more tomorrow. I hope that maybe some people heard my offer on creating a scholarship cash fund for how we can solve for this issue of the training piece, which seems to be kind of a sticking point of the training costs money and it's a barrier. And let's eliminate that barrier, but keep the training. That's where I'm at. So thank you. Oh, and the city of Omaha and Omaha Police oppose this. So even though I'm not 100 percent happy with how the city of Omaha has been conducting business of late, I do feel like when it comes to public safety, that this is something that I should take into consideration so I will. And I'll yield the remainder of my time to the Chair. Thank you.

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**ARCH:** Senator Slama, you're recognized to speak.

**SLAMA:** Thank you, Mr. President. In-- as we come to an end on debate today, just a really quick-- I know we've got a lot of freshmen on the floor and sometimes this happens. If you have extra time when you're done speaking, you don't have to yield back to the Chair. Like, our rules-- it's not like the federal level where that's required. State level, you don't have to do that so please don't worry about it. I would like to close my time on the mike today by finishing up the op-ed written by a sheriff in my district, Pawnee County Sheriff Brendan Lang [SIC], who does a fantastic job in the southwestern part of my district with a very, very understaffed office, thanks in part to the regulations and laws that we've imposed that more or less took into account solely urban interests and not necessarily rural ones. And with our debate on LB77, we've been focusing almost all-- always on urban interests without really reflecting upon how this could impact our rural communities, which I think the impact would be overwhelmingly positive. Sheriff Lang continues to write in his op-ed, the sheriff's office owns two AR-15s between all our deputies and myself. We also allow deputies to carry personally owned rifles as long as the deputy qualifies yearly with them. If legislation or executive orders are passed, as discussed by the candidates prior to the election, there will only-- there will be only those two department-owned guns. Sorry, got lost in my lines there. That means you have 50 percent odds that when the quote feces hits the fan, the person you call will be equipped to handle the situation. The rest of us will be bringing a pistol to a rifle fight should the worst happen. I don't like those odds. I would also wholeheartedly welcome any competent citizen to stand with us and assist in such a situation, just like we saw in Sutherland Springs, Texas. That was another good-guy-with-a-gun situation that was previously referenced on the mike for this debate. Law enforcement has always used rifles. The Texas Rangers use them. Frank Hamer used one against Bonnie and Clyde. The L.A. shootout caused nearly every agency nationwide to adopt patrol rifles. Many small agencies use personally owned rifles because budgets don't allow for the agency to purchase and keep them up. I can tell you that the cheap, quote, bargain basement department rifles that we have would be considered junk by most gun owners and pale in comparison to the reliability and accuracy of the privately owned rifles our deputy-- our deputies have or had. When bad things happen and you call 911, what you're doing, whether you are pro or anti-gun, is calling for a man or a woman with a firearm to come and solve your problem or save your bacon. I believe that everyone on the planet has a God-given right to own whatever defensive weapon they want or can

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afford. I can assure you that sanctuary resolution or not, no one will forfeit these rights in my jurisdiction while I hold this office. You have my word on that. So this is an op ed-written by Sheriff Lang. And when we're talking about the difference between open carrying and concealed carrying in rural Nebraska, oftentimes we're talking about whether or not the farmer's wearing a jacket or not. And again, this is a very typical thing of you carry a gun with you when you're out in the country just in case there's coyotes on your land, other predatory animals that could compromise your safety or the safety of your well-being. Entirely legal to do so. However, as soon as you put on a coat or a jacket over such a, such a firearm, you are, in the state of Nebraska, committing a crime. So when we're talking about rural Nebraska, this bill would do worlds of good. Probably wouldn't make much of a difference as to how our day-to-day operations are going. I haven't-- I can't recall a case in rural Nebraska of a sheriffs or a sheriff deputy busting someone for--

**ARCH:** One minute.

**SLAMA:** --thank you, Mr. President-- for improperly carrying a concealed weapon. Guns are very common in rural Nebraska and as Senator Bostelman referenced earlier on the mike today, with, with training, with comfort around these weapons, really, we don't see that kind of misconduct happen. So I'm very comfortable in supporting LB77 along with AM640 and in supporting my law enforcement officers in doing so. Thank you, Mr. President.

**ARCH:** Senator Moser, you are recognized to speak.

**MOSER:** Thank you, Mr. President. Well, I think we've gotten off on some tangents in the discussion of this bill. Criminals are going to do what criminals do. They're going to get a gun in the street. They'll get one that's had the serial number ground off. They'll buy one hot somewhere. They're not going to worry about a concealed carry permit. They're not going to worry about getting a background check. They're just going to buy a gun and they're going to go hold up the bank or whatever they're going to do. LB77 is really a slight change in law in that with a concealed carry permit, you can have a gun on a shoulder holster or on a hip holster and have your coat over it. But if you don't have a concealed carry permit, then you're guilty of infractions or you could be run in. Somewhat, LB77 is a symbolic bill in that it's not going to change gun usage in Nebraska all that much. If you get run in, it might give you one more defense against whatever charges you might find. I think some of the law enforcement objections to this bill are because when they pull somebody over and they find a

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gun in the car, they want to find a reason to run them in. You know, they-- or they want to search the car and see what they can find and it gives them probable cause. And so if they could-- if the person in the car had a permit to carry concealed, they could have it under the seat, they could have it in the glove box, have it in their pocket. But real criminals aren't going to mess around with little details about whether or not they've got a permit. They're going to get their gun on the black market and they're going to go out and hold up a bank or whatever they're going to do. This isn't about that. Senator Bostelman had some good points. If you've got a weapon in the home, secure the thing. Don't leave it lay around. Don't, you know, put it on top of the nightstand or, you know, under the mattress. Put it somewhere your kids can't get hold of it and take it to show their friends. Because their friends are going to be all excited to see a weapon and up until they shoot one or the other, it's all in fun. But, you know, don't leave weapons laying around, whether they're-- whether you've got a concealed carry permit or whether you don't, you know, don't leave weapons lay around. They're just not to be messed with, just not to be messed with. So I really am encouraged by Senator Brewer for bringing this bill forward. And, you know, I'm hoping as we get-- we're probably two-thirds of the way or so through our debate on this, that we can get it to the end and, and vote it up or down and move on to some other important issues we've got to work on. Thank you.

**ARCH:** Mr. Clerk.

**ASSISTANT CLERK:** Thank you, Mr. President. Amendments to be printed: Senator Slama to LB25. I have notice of committee hearings from the Judiciary Committee. Name adds: Senator Machaela Cavanaugh to LB316; Senator Hughes to LB563; Machaela Cavanaugh to LB615; Senator Hughes to LB647; Senator Lippincott LR50. Finally, Mr. President, a priority motion. Senator Ballard would move to adjourn until Friday, March 3, 2023, at 9:00 a.m.

**ARCH:** You've heard the motion to adjourn. All those in favor say aye. Opposed. We are adjourned. A roll call vote has been called for. All those in favor of adjournment vote aye; opposed nay.

**ASSISTANT CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting yes. Senator Blood. Senator Bostar. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting no, Senator Clements. Senator Conrad. Senator Day

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voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn, Senator Dover voting yes. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Geist. Senator Halloran. Senator Hansen. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt. Senator Ibach. Senator Jacobson. Senator Kauth. Senator Jacobson voting yes. Senator Kauth. Senator Linehan voting yes. Senator Lippincott voting yes. Senator Lowe. Senator McDonnell voting yes. Senator MacKinney. Senator Moser voting yes. Senator Murman. Senator Raybould voting yes. Senator Riepe. Senator Sanders. Senator Slama voting yes. Senator Vargas. Senator von Gillern voting yes. Senator Walz. Senator Wayne. Senator Wishart. Vote is 27 ayes, 1 nay, Mr. President.

**ARCH:** Motion passes. We are adjourned.