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Judiciary Committee
March 20, 2015

[LB225 LB340 LB635 LB638]

The Committee on Judiciary met at 1:30 p.m. on Friday, March 20, 2015, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB225, LB340, LB635 and LB638. Senators present: Les Seiler, Chairperson; Ernie Chambers; Laura Ebke; Bob Krist; Adam Morfeld; Patty Pansing Brooks; and Matt Williams. Senators absent: Colby Coash, Vice Chairperson.

SENATOR SEILER: (Recorder malfunction)...I'm Les Seiler, Chairman of the committee. On my far right will be Matt Williams from Gothenburg. Next to him will be Adam Morfeld from Lincoln. Next to him is Bob Krist from Omaha. Next to him is Ernie Chambers from Omaha. Legal counsel is Diane Amdor. On my far left is Dr. Laura Ebke from Crete. Next to her will be Patty Pansing Brooks from Lincoln. Next to her will be Senator Colby Coash from Lincoln. Our committee clerk is Oliver VanDervoort. Our...are you by yourself, Drew?

DREW SCHENDT: Rachel will be coming in a while.

SENATOR SEILER: Rachel...Drew and Rachel will be our pages. They're very important because, if you're going to testify, we have to have you fill out the testifier's form. When you come to the table, one of them will meet you and take your information from you. And if you have any written materials to submit, submit them to them and they'll get them passed around. Please, when you sit down to testify, slide up to the speaker because, not so much for amplification, but so that we can get the transcribe...we believe every bit of your testimony is going to be recorded and it needs to be recorded, so speak right into the mike and that will take care of it. We'll be on a three-minute clock. You'll start with green. It'll turn yellow. You've got one minute left. When it turns red, stop, and one of the senators that has the "prerogatory" to ask you to go forward with your testimony if you're close to finishing. One of the things I'd like to do is turn off all your cell phones now. I normally say I'll turn mine off, but I left mine in Hastings so I can't turn it off from here. Please speak very clearly and we will get through this testimony today. You might know this is the only committee meeting. We are finishing our 106th bill today. So with that, we've got a quorum. Senator Schnoor, you may introduce LB225. We will follow the agenda that's been printed. [LB225]

SENATOR SCHNOOR: Thank you, Mr. Chairman, members of the committee. My name is David Schnoor. That's spelled D-a-v-i-d. The last name is S-c-h-n-o-o-r. I'm a representative of Legislative District 15 which encompasses all of Dodge County. For the record, I would like to start my testimony by congratulating the University of Nebraska rifle team for their fourth-place finish in the NCAA championship this month, and I would also like to recognize Rachel Martin, who won the national title in the small-bore competition. This was Nebraska's first individual

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

national title since 2006. I'm offering LB225 which changes provisions related to college and university competitive teams that utilize firearms. Presently, the statute that regulates possession of a firearm by a team member of a collegiate team specifies the word "rifle" when referring to firearms which may be lawfully possessed by team members within the scope of their duties as a member of the team. For those not familiar, there are a number of different types of firearms used by collegiate team members. Rifles are used in competitive shooting, but shotgun and muzzle-loading competition may also be found at the college level. University of Nebraska at Lincoln, UNO, University of Nebraska at Kearney, Hastings College, and Concordia University had or currently have competitive shooting teams. A team is a campus organization that is recognized by the university, with a coach or a sponsor, meets at a regular time for practice, and participates in sanctioned competition. LB225 would simply strike the word "rifle" with the balance of the existing firearms legislation remaining untouched. LB225 does not change any statutes regarding high school competitive teams or any other firearms statute. I request your support of LB225 and will take any questions. [LB225]

SENATOR SEILER: Any questions? Did you say Chadron? [LB225]

SENATOR SCHNOOR: I did not. [LB225]

SENATOR SEILER: Chadron has got a skeet-shooting team... [LB225]

SENATOR SCHNOOR: Do they? Okay. [LB225]

SENATOR SEILER: ...or a blue rock shooting team of some kind, I remember. [LB225]

SENATOR SCHNOOR: Okay. [LB225]

SENATOR SEILER: Anybody else? [LB225]

SENATOR SCHNOOR: All right. That was easy. [LB225]

SENATOR SEILER: Okay, thank you. First proponent. You may proceed. [LB225]

ROD MOELLER: Good afternoon. My name is Rod Moeller, R-o-d M-o-e-l-l-e-r. I'm speaking on behalf of the Nebraska Firearm Owners Association today. We're in support of this bill. Many of our members got their first introduction to the shooting sports when they were in high school through the rapidly growing trap team competitions. The...many of our members also have

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

children who are active or had been active when they were in high school with the shooting sports. The shooting sports with the trap teams have grown so rapidly that it just makes sense for some of the colleges to want to start adding teams so that they have continued opportunities after they're done with high school. I think there's half a dozen schools that have introduced trap teams in just the past two or three years. I know Midland, Hastings, and several others have, just in the past couple of years. So we're very much in support of removing the restrictions that would make it more difficult for the participants at the collegiate level to store their shotguns. In high school, it's not too difficult. It's cumbersome and maybe not convenient, but the student can go home and pick up their stuff before going to practice. If you're in college, a lot of times, you may not live at home. You live in the dorms, so you don't really have an opportunity to store them in a secure, safe area because you're not allowed to have them on campus, certainly not in the dorms. So from my understanding, and I believe you're going to be getting some written testimony submitted from some of the college trap teams and their coaches, my understanding is a lot of them have to be stored off site. I know one location, a local gun shop, has offered a gun safe specifically for the trap teams to use. Another team I'm told is using a connex, so they have no protection from the weather. They have to keep...I mean it's somewhat secure, but I can't imagine it would be anywhere near as secure as what UNL offers for their rifle teams. But anyway, so we just think this is a good, commonsense way to loosen some of the restrictions. And so I hope you give this due consideration and I appreciate your time. I'm available for questions. [LB225]

SENATOR SEILER: Any questions? Seeing none, thank you. [LB225]

ROD MOELLER: All right, thank you. [LB225]

SENATOR SEILER: Next proponent. Seeing none, any opponent? Seeing none, anybody in the neutral? Okay, I'll close the record. Senator, would you like to close? Senator waives. [LB225]

SENATOR KRIST: That's the right answer. (Laughter) [LB225]

SENATOR SEILER: Okay, Lydia...okay, the next bill will be LB340. Lydia Brasch will introduce it. I have given her permission to have her LA come over if she's gone, so. Thank you, Lydia. [LB225]

SENATOR BRASCH: Thank you. And I did run to come down here, so I'm a little short breathed. [LB340]

SENATOR SEILER: Take your time. [LB340]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR BRASCH: (Exhibit 1) Okay. Good afternoon. And thank you, Chairman Seiler, and good afternoon, members of the Judiciary committee. I am Lydia Brasch, L-y-d-i-a B-r-a-s-c-h, and I represent the 16th District of the Nebraska Legislature. I am here to introduce LB340 which I have brought to you at the request of the Nebraska Firearms Owners Association. LB340 would provide a definition to the term of "posted conspicuous notice" in the Concealed Handgun Permit Act found in the Nebraska Revised Statutes, Sections 69-2427 through 69-2449. Currently, a concealed carry permitholder may carry a concealed handgun anywhere in Nebraska, with a number of exceptions for certain types of buildings and facilities, such as polling places, detention facilities, schools, colleges and universities, meetings of a governing body, and political rallies. Among those, in the listed exceptions in Section 69-2441(1)(a) is a place or premises where the person, persons, entity, or entities in control of the property or employer in control of the property has prohibited from carrying concealed handguns into or onto the place or premises. If this type of place or premises is open to the public, the permitholder does not violate this section of the statute unless there has been posted conspicuous notice that carrying a concealed handgun is prohibited in or on the place or premises or there has been actual notice given by the individual through an authorized representative. In Section 69-2441(2), the term "posted conspicuous notice" is not explicitly defined. LB340 would provide a definition of posted conspicuous notice to mean a clearly visible sign posted at the entrance to a place or premises open to the public and which complies with Section 3 of the legislative bill. Section 3 of the bill provides that the Nebraska State Patrol shall design a standardized sign for these purposes. Importantly, the Nebraska State Patrol has already designed a standardized sign and currently strongly recommends that places or premises open to the public and who wish to prohibit concealed carry individuals from carrying onto their place or premises use the designed sign. This sign can be found on their Web site. Additionally, LB340 uses the sign already designed by the State Patrol as a sign to be used to provide the posted conspicuous notice. With the exception, LB340 only requires the sign to be 5 inches tall by 3.5 inches wide, as opposed to the 8.5 by 11-inch sign posted on the Web site. I have provided a copy of the current sign and Bryan Van Deun of the Nebraska Firearms Owners Association will provide a copy of the smaller-sized version. Additionally, the Nebraska Administrative Code, Title 272, Chapter 21, regarding the Nebraska State Patrol and concealed handgun permit, provides a definition of the posted conspicuous notice as a clearly visible sign posted at each public entrance to a place or premises open to the public which shall clearly state that concealed handguns are not allowed in the place or on the premises. LB340 would codify this general definition with specificity, if I said that right. Okay. [LB340]

SENATOR SEILER: Any further questions? Senator Chambers. [LB340]

SENATOR BRASCH: Yes. [LB340]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR CHAMBERS: Senator Brasch, if this were passed, then if I hand lettered a sign or had somebody paint the sign that said, no firearms allowed on these premises, that sign wouldn't stand as notice, would it? If you are mandating what is an acceptable notice, in fact, I could have a sign three feet by four feet and that wouldn't work, would it,... [LB340]

SENATOR BRASCH: Okay. [LB340]

SENATOR CHAMBERS: ...if you're specifying the size of the sign and what has to be on it? [LB340]

SENATOR BRASCH: Yes. Senator Chambers, that is a good point that you have made. What this does is...there is already in their regulations where these signs go. The wording, the uniformity is there. It is a mere courtesy and assistance to the owner of the facility and helpful to those who are concealed carry. [LB340]

SENATOR CHAMBERS: But here's what I'm getting at--not to cut you off. That's not mandated by law. That's something that might...maybe the State Patrol chose to do. But if I don't want to do it that way, this says that if I post a sign... [LB340]

SENATOR BRASCH: Yes. [LB340]

SENATOR CHAMBERS: ...on my window, no firearms allowed on these premises, a person could ignore that sign if this is the law, couldn't that person? [LB340]

SENATOR BRASCH: I believe you are correct. [LB340]

SENATOR CHAMBERS: And that doesn't make sense to me, but that's all that I want into the record. That's all I have. [LB340]

SENATOR BRASCH: Very good. Thank you. [LB340]

SENATOR SEILER: I want to take it a little bit further. You start out Section 3 on page 3 of saying on paragraph (2)(a)...excuse me, paragraph 1, "The Nebraska State Patrol shall design," and it sounds like...and then you go on to exactly describe the sign. So I'm wondering if that word "design" is the wrong term; it should be "shall have" or "distribute." I assume you buy these from the State Patrol? [LB340]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR BRASCH: They are downloaded or...I have the page. [LB340]

SENATOR SEILER: Well, then what you... [LB340]

SENATOR BRASCH: Yes, yes. [LB340]

SENATOR SEILER: ...what you mean to say there... [LB340]

SENATOR BRASCH: There... [LB340]

SENATOR SEILER: ...is that they don't design them. You've already described them. [LB340]

SENATOR BRASCH: The signs are available, the word, maybe, "available." [LB340]

SENATOR SEILER: That's what you need there, rather than design, the word... [LB340]

SENATOR BRASCH: That is a good correction. [LB340]

SENATOR SEILER: Okay. [LB340]

SENATOR BRASCH: And what we propose is to make the sign much smaller and less... [LB340]

SENATOR SEILER: No, I understand that part of it. [LB340]

SENATOR BRASCH: Okay, but that is a good point. Thank you. [LB340]

SENATOR SEILER: Okay. Any other questions? Senator Krist. [LB340]

SENATOR KRIST: Yeah, just a point. Most of us are savvy a little bit with computers, and if it's already on their Web site, it's just a matter of printing off a copy from the Web site, I would assume. So what I don't understand, for the record, are these fiscal notes. You know, we've got the university saying it's going to cost them \$150,000 to produce or buy the signs. I don't get that. I mean it's...you could probably print these off with the actual...right off the Web site, so it's...it just...I want to put it on the record, for the record. [LB340]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR BRASCH: Good point, point well taken. [LB340]

SENATOR KRIST: So thank you. [LB340]

SENATOR SEILER: Any further questions? Seeing none, thank you. [LB340]

SENATOR BRASCH: All right, thank you. [LB340]

SENATOR SEILER: Are you going to wait for closing? [LB340]

SENATOR BRASCH: I will wait up to the point of...I don't know what time it is now, but I need to leave and my... [LB340]

SENATOR SEILER: It says ten to two. [LB340]

SENATOR BRASCH: Okay. And my staff will be here for questions if I need to leave, but I should be able to stay. [LB340]

SENATOR SEILER: Okay, thank you. [LB340]

SENATOR CHAMBERS: I just want to make a point. [LB340]

SENATOR SEILER: Yes, Senator. [LB340]

SENATOR CHAMBERS: Generally, the staff shouldn't be the one to answer the questions. It should be the senator. They can introduce the bill because all they're doing is presenting it. [LB340]

SENATOR SEILER: Right. [LB340]

SENATOR CHAMBERS: But the questions should go to the senator but not... [LB340]

SENATOR SEILER: I gave Senator Brasch the permission to have her LA introduce it but not closing. [LB340]

SENATOR CHAMBERS: Right, but not to respond to a... [LB340]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR BRASCH: Not close it, okay, I will stay for closing then. [LB340]

SENATOR SEILER: Okay. [LB340]

SENATOR BRASCH: All right. Thank you. [LB340]

SENATOR SEILER: Next proponent. [LB340]

BRYAN VAN DEUN: (Exhibits 2 and 3) Mr. Chairman and committee members, good afternoon. I am Bryan J. Van Deun, B-r-y-a-n J. V-a-n D-e-u-n, an unpaid registered lobbyist for the Nebraska Firearms Owners Association in support of LB340. Members of NFOA are concerned that there is little uniformity to the signage used on businesses and other institutions or organizations throughout the state regarding the clear and easily recognizable notice relative to firearm concealed carry policy on that property. In an answer to Senator Krist's question, a university would not have to provide these signs because they are already a restricted area. Just as road signage has evolved to easily recognizable shapes, colors, and sizes so that motorists can operate motor vehicles within the law, so we applaud Senator Brasch for attempting to bring such ease of recognition to firearm policy in public places. And I do want to say "public places" again, that is, facilities that are privately owned but open to the public. The point of this proposal is to balance the rights of those property owners whose premises are open to the public and those members of the public who want to lawfully enter the business using their state-approved carrying of a firearm. This in no way is intended to address those who have a no-trespassing sign on their property. That is very clear to the public per state law. Nebraska trespassing laws are laid out in the 2008 Nebraska Revised Statutes in 28-520 and 28-522. Criminal trespassing is constituted by entering and/or secretly remaining in buildings or land that is not licensed or privileged to enter. We would not be asking for this bill if public business owners uniformly followed the recommendation of the Nebraska State Patrol regarding suggested signage. In essence, law-abiding members of the Nebraska Firearms Owners Association are asking for this guidance so that they may be good neighbors to those businesses who do not want them to practice concealed carry on their premises. We recognize the proprietor's right to limited access relative to gun possession...or to limit access, as well as the gun possessor's right to know definitively the proprietor's intention. Thank you for your attention. [LB340]

SENATOR SEILER: Any questions? Seeing none, thank you for your testimony. Next proponent. [LB340]

BRYAN VAN DEUN: Thank you. [LB340]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR SEILER: Next person in favor of this bill. Seeing none, any opponent testifying against this bill? [LB340]

AMANDA GAILEY: (Exhibit 4) Hi. My name is Amanda Gailey, G-a-i-l-e-y, and I'm speaking today as a representative of Nebraskans Against Gun Violence. On the surface, requiring signage to clarify rules seems like it isn't such a bad idea. But LB340 places an unfair burden on businesses that do not want would-be vigilantes on their property while requiring nothing of those businesses that welcome guns. Requiring specific signage is a hassle and a financial burden that would be shouldered exclusively by business owners who simply don't want random people carrying loaded guns onto their property. More importantly though, this signage requirement as currently written functions as a social "norming" tool. It suggests that it is so normal for people to be walking into businesses with guns that anyone who doesn't...anyone who wants to prohibit them needs to conspicuously flag themselves. If clarity is the goal, why don't we require all businesses to post their position on firearms? Why don't we require businesses that permit patrons to endanger others to post a standardized sign saying that guns are welcome? This would help all patrons understand the firearms situation, including many who would avoid gun-permissive businesses for safety reasons, and it would only make things even clearer for the gun dependent. It would also not flag the prohibition of concealed carry as the exceptional position. This bill places a burden on businesses under the assumption that concealed carriers are law-abiding people who want to respect the rules. I challenge this assumption. While I am sure there are such people among Nebraska's concealed carriers, many of the gun-dependent people in this state do not follow the rules and brag openly about it. I have provided the committee with some examples of Nebraskan concealed carriers boasting that they ignore signs prohibiting guns. Why are our religious leaders so concerned about the convenience of people who cannot leave home without a weapon instead of curbing the proliferation of guns in our state? Finally, I'd like to call the committee's attention to a practical matter. The sign language specifies concealed carry but seems to not speak to open carry. Carrying a loaded gun openly with no permit or training is currently legal everywhere in Nebraska, except Omaha, and may soon be legal there if the preemption bill heard by this committee yesterday passes. If these standardized signs speak only to concealed carry by permitholders, open carry appears to not be prohibited by them. Thank you. [LB340]

SENATOR SEILER: Any questions? [LB340]

SENATOR EBKE: Senator Seiler. [LB340]

SENATOR SEILER: Seeing none...yes, Doctor. [LB340]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR EBKE: You've...you appear to have posted a number of Facebook comments. Have you been able to confirm that all of these people are actually concealed carry permitholders? [LB340]

AMANDA GAILEY: No, I did not, because I don't have access to that information and, in fact, there was a bill heard by committee yesterday that would ensure that nobody could verify that information, because it would keep the identities of concealed carriers secret. [LB340]

SENATOR EBKE: I understand. My...the implication though was that you suggested that concealed carry permitholders are in some way out there flaunting the law and yet, based on this evidence, I don't think you've provided that. [LB340]

AMANDA GAILEY: Well, either they are out there flouting the law or we have a worse problem, which is a number of people concealed carrying without permit in this state. And I don't recall seeing any legislation meant to remedy either of those problems before the Legislature this session. [LB340]

SENATOR EBKE: Have you confirmed that all of these people actually reside in Nebraska? [LB340]

AMANDA GAILEY: Many of them do. I don't know about all of them. [LB340]

SENATOR EBKE: Okay. Thank you. [LB340]

AMANDA GAILEY: Certainly, the man who started the Facebook thread is a Nebraska resident, and I'd be happy to talk further about that if anybody wants information later. [LB340]

SENATOR SEILER: Any further questions? You may step down. Thank you. Further opponent. [LB340]

JEANNETTE EILEEN JONES-VAZANSKY: Good afternoon. My name is Jeannette Eileen Jones-Vazansky, J-o-n-e-s, hyphen, V-a-z-a-n-s-k-y. I am here today to testify on behalf of the Nebraska chapters of Delta Sigma Theta Sorority, Incorporated. Our chapter has a policy statement on gun violence. And even though this is not necessarily directly about gun ownership, we think that this legislation, LB340, is related to some of our policy. Let me start by saying that as a sorority we support efforts to reduce and prevent gun violence while recognizing the fundamental right of each citizen to self-protection. The Second Amendment, like every other civil right, is not absolute. The right to own a weapon is circumscribed by a legitimate interest in

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

public health and safety. We view gun violence as a mental and physical health issue, and we support several measures to prevent and reduce gun violence. One of the reasons why we are opposed to open carry in many public places is because we see this as opening up opportunities for gun violence to take place, not only in public...excuse me, public businesses, but also private businesses, as well, and...excuse me, private...I'm sorry. I've got something in my throat. Sorry...private locations. But with regard to this particular bill, LB340, we also agree with the previous testifier that this places an undue burden on business owners and we believe that, if there is no sign, then it should be read as you do not bring guns into this establishment. So if there is no sign, you do not carry. If guns are welcome, then we think businesses should state so, that is should not be on those who are not interested in having guns on their premises, they should not be compelled to state so openly. And I think we also agree that the legitimate argument is that responsible gun owners should be responsible for how they carry their handguns in this place and where they do so. I'll just close by saying that we also support other efforts to make sure that our citizens are protected and that they can go into establishments and not fear being exposed to guns and inadvertent gun violence. [LB340]

SENATOR SEILER: Any further questions? Thank you very much for your testimony. [LB340]

JEANNETTE EILEEN JONES-VAZANSKY: And thank you for the water. [LB340]

SENATOR SEILER: No problem. Further opponent testifying against this bill? Seeing...anybody in the neutral? [LB340]

CHRIS ZEEB: Good afternoon, members of the committee. My name is Chris Zeeb, C-h-r-i-s Z-e-e-b. I'm a lifelong resident of Nebraska and currently live in Syracuse. Just going to go on the neutral on this and, in full disclosure, up front, I am a certified concealed handgun instructor and I train a lot of people in the state, as well as for other states. I want to explain to you why some people choose to carry a gun first, and I'm going to give you a neutral solution to address the issue with this bill here. You see, I didn't grow up with guns or hunting. I'm not a hunter or an outdoorsman or wasn't a gun person. I was in an armed robbery 25 years ago where a hostage was taken at gunpoint. And guess where the police were: outside. They weren't come rushing in to save us. So let's just say that was a bit of a wake-up call for me. I didn't run out the next day and say, well, you know, I'm going to buy a gun now. Couple years later, my wife and I lived in the city of Omaha. I come home to find that someone had broke into my house. I called 911 and here is what I was told: I'm sorry, sir, there's no cars in service, it could be two to three hours before we have an officer there. At that point, I finally realized only I am going to take care of me and my family. Obviously, the police aren't going to be there to do it. So I went and bought a gun. I got training. And it's all, you know, from there. That's why people choose to carry. I'm not a vigilante who wants to go out and save the day, you know, as some people will have you, you

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

know, try to paint concealed carry holders. Now let me give you a solution to this issue here that should work for both sides. How about you don't require any signs? And if someone doesn't want guns in their place, ask them to leave. It's real simple. We have the right to free speech and the right to keep and bear arms and it's that simple. I carry a gun every day and nobody knows it when I walk through the grocery store. I don't snap and shoot people. I had a road-rage driver following me a couple days ago while I'm armed. You know what I did? I kept driving and I kept driving and my goal was, I'm going to drive to the police station. I'm not going to get out and confront this person. And I'll tell you, that's what most concealed carry permitholders are like. Of course, there's some bad apples out there that you might see some stuff on Facebook posted. But that's that. And as far as someone said it was a hassle and financial burden for the business owners not to go on the Nebraska State Patrol Web site and print out a page and post it on their door...so that's all I have if you have any questions. [LB340]

SENATOR SEILER: Any questions? Senator Krist. [LB340]

SENATOR KRIST: Because you stated you're a concealed carry instructor and you know the law, my...one of the guys that actually works in our aviation company has tried to get me to carry this kind of bill before and I gave him the same answer why I would not do that. And I appreciate your answer. But talk to us just for a minute. If there's a posted sign that says, guns are not welcome here, and within your instruction you tell people where they should not carry guns or where they cannot carry guns by statute, and what happens to them if they're...if they ignore the sign and walk into the establishment, should they be confronted? [LB340]

CHRIS ZEEB: In Nebraska, they're charged with a Class III misdemeanor punishable by three months in jail and/or a \$500 fine. A second or subsequent offense is a Class I misdemeanor. However, in any case that I've heard of where someone broke the rule, their permit was revoked immediately. There wasn't an option to do it again. [LB340]

SENATOR KRIST: So they are extremely attentive if they want to keep their concealed permit if there is a sign posted or if they're asked to leave the premises. [LB340]

CHRIS ZEEB: Well, you...absolutely. But the thing is, is the people who post these signs, which are very few anymore...more and more, people who post them generally just don't know any better. Somebody came in and said, well, you should post this sign. Look, there's only 36,000 concealed carry permits in Nebraska. There's 1.8 million people here, not even counting all the people traveling through. So, you know, there's not that many places that really have the signs. But the ones that do, they're not very conspicuous about posting them. [LB340]

SENATOR KRIST: One-point-nine (million), but that's okay. (Laugh) I'm kidding. [LB340]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

CHRIS ZEEB: Okay. [LB340]

SENATOR KRIST: Thank you. [LB340]

CHRIS ZEEB: Thank you for that correction. [LB340]

SENATOR KRIST: Thank you for the testimony. [LB340]

SENATOR SEILER: Any further questions? Thank you for your testimony. [LB340]

CHRIS ZEEB: All right. Thank you. [LB340]

SENATOR SEILER: Any further in the neutral? Any further in the neutral? The record will be closed. We will make the written materials handed in part of the record and you may close. [LB340]

SENATOR BRASCH: (Exhibits 5 and 6) Thank you, Chairman Seiler, and thank you, members of the committee. And I do want to thank those who came to testify on this bill. I do understand the concerns of those that followed regarding guns and gun violence. And I did want to clarify a few things before I leave you today. First of all, in record you did get a letter from the ACLU that is testifying neutral on this bill. They don't feel that it's a violation of any constitutional rights or problems with this that...but they do want to be on record for being neutral. And then for the individual who is concerned about undue burdens to businesses, the Nebraska Retail Federation also sent a letter to the committee testifying in neutral. It says that they take the position that it does not place a significant burden on retailers. And so, you know, that should be also noted. And this is required at this point. Businesses that do not wish to have concealed carry handguns are to post notice. What we're trying to do is make it consistent and uniform, that it is to be in a reasonable time and place and with restrictions and uniformity that...we already require signage on many other things. Last year, I believe, we required signage on warnings with tanning beds. That's been done. We require signage at food establishments on health regulations, alcohol's required labeling in retail sales, and warnings of minors and sales of personal property for alcohol in certain circumstances. We're just trying to provide a uniform sign that is consistent and visible. It is in a regulation but it is not in statute as to the usage of the sign. And, Senator Krist, as far as the fiscal note that you saw, the fine print there does say that it probably will not come into play, that they just wanted to make a note that should this be required...and this bill isn't whether there should be conspicuous notice. You do need that. But it helps define the terms. It makes it clear for the business owner. It makes it clear or public place. And it makes it clear for the individual that is concealed carry that they need to return to wherever they came and put

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Judiciary Committee
March 20, 2015

their guns away, come there without concealed carry. I would like you to respectfully look through this...what we believe is a reasonable request, not placing any burdens on anyone, but making it more uniform. Thank you for your...yes, Senator Chambers. [LB340]

SENATOR SEILER: Senator Chambers. [LB340]

SENATOR CHAMBERS: Senator Brasch, for the record, that sign was not put there to benefit the owners. It's to give these people who want to tote these pistols a status above everybody else. The original assumption was there...if you have a sign that says they can bring guns in, they can bring them. Well, they've been able to prevail on weak-kneed senators burdens on everybody, so these people who carry guns are a step above everybody else. It would be like me saying that if you have a product that contains poison, it must be marked. So you want to say the mark must be an inch tall. So if I've got a poison sign that's three inches tall, I'm out of compliance because it wasn't exactly the size you say. So if I've got a sign as big as my front window that says, no guns, if this is in place that sign does not work. They can bring their guns in and that's one of the most inane...not referring to you, because you didn't write this bill, did you? [LB340]

SENATOR BRASCH: No, I did not. [LB340]

SENATOR CHAMBERS: Okay, so it has no reference to you. That's one of the most inane, asinine things I've ever seen. [LB340]

SENATOR BRASCH: Okay. And the sign could be bigger to justify your needs, if that's the case. We will leave this open. [LB340]

SENATOR CHAMBERS: Then why do you put...why do you specify? Why can't they just say, no guns? Why isn't that enough? Are these gun toters so stupid they don't know what "no guns allowed" means? [LB340]

SENATOR BRASCH: We were following the lead of the Nebraska State Patrol. [LB340]

SENATOR CHAMBERS: You're following what? [LB340]

SENATOR BRASCH: The lead of the Nebraska State Patrol on their sign. [LB340]

SENATOR CHAMBERS: That's not mandated by law. Law doesn't say you have...does the law say you have to have something like this on your establishment? [LB340]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR BRASCH: The... [LB340]

SENATOR CHAMBERS: No, it doesn't. [LB340]

SENATOR BRASCH: No, no. It just...it...in their rules and regs, they talk about the visible, conspicuous signage. And you have made a good point. Thank you. [LB340]

SENATOR CHAMBERS: Somebody gave you a very bad bill and I'm sorry you let them put you in that position because I hate having to say this to you. But it's not you personally. It's for those behind this bill. [LB340]

SENATOR BRASCH: I appreciate that. [LB340]

SENATOR CHAMBERS: They've been trying to pull this stuff ever since they persuaded the Legislature to let them tote these guns, hidden. And there was an article where they wanted to have conventions where they'd all carry the guns into restaurants, so then the restaurateurs had to make sure that they let them know, we don't want you bringing those guns in here. And it's not enough to just say it, but it ought to be enough. Should you have to post on your yard, nobody has the right to come into my house without knocking on my door? [LB340]

SENATOR BRASCH: Okay. [LB340]

SENATOR CHAMBERS: I mean some things are so obvious. [LB340]

SENATOR BRASCH: Very good. [LB340]

SENATOR CHAMBERS: If I were your adviser I'd say, don't bring that bill. [LB340]

SENATOR BRASCH: Thank you. I appreciate your consideration here and your thoughtfulness. [LB340]

SENATOR CHAMBERS: And you know I love you in a way that wouldn't get me in trouble... [LB340]

SENATOR BRASCH: Trouble. [LB340]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR CHAMBERS: ...if I was married and won't get you in trouble now that you are... [LB340]

SENATOR BRASCH: Okay, right. [LB340]

SENATOR CHAMBERS: ...but to make it clear that I'm not your enemy. [LB340]

SENATOR BRASCH: We are friends, for the record, here. [LB340]

SENATOR CHAMBERS: Right, right, right. Okay, okay. [LB340]

SENATOR BRASCH: Thank you. Are there any... [LB340]

SENATOR SEILER: I have one other thing. [LB340]

SENATOR BRASCH: Yes. [LB340]

SENATOR SEILER: We did not receive your ACLU letter. [LB340]

SENATOR BRASCH: Oh, okay. I... [LB340]

SENATOR SEILER: We have the retailer, but don't have the other one. [LB340]

SENATOR BRASCH: All right. Yeah, because it's addressed to members of the Judiciary Committee and copied to our office. [LB340]

SENATOR PANSING BROOKS: They got a...they gave us that giant list of letters yesterday and it was in among those. [LB340]

SENATOR BRASCH: Would you like a copy of this? [LB340]

SENATOR SEILER: Well, if you want it as part of the record, then we'd better have a copy here. [LB340]

SENATOR BRASCH: Yes, um-hum. And you did get the Retail Federation? [LB340]

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Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR SEILER: I got the retail one. [LB340]

SENATOR PANSING BROOKS: Oliver, did...they gave us that huge list of letters yesterday, so...and that was related to all sorts of bills. Sorry to upset your (inaudible)... [LB340]

_____ : Yeah, (inaudible)... [LB340]

SENATOR SEILER: Okay. It'll be made part of the record. [LB340]

SENATOR BRASCH: Very good. All right. Thank you so much. Thank you. [LB340]

SENATOR SEILER: Okay, Senator Garrett, LB635. [LB635]

SENATOR GARRETT: Feel like maybe I should have my battle rattle on, my Kevlar. Chairman Seiler, members of the committee, I am Senator Tommy Garrett, T-o-m-m-y G-a-r-r-e-t-t. I represent the people of the 3rd District which includes parts of Bellevue, Papillion, and Sarpy County. Thank you for allowing me the opportunity to come here today to introduce LB635. LB635 allows concealed carry permitholders the right to carry a concealed handgun in an establishment having a license issued under the Nebraska Liquor Control Act and that derives over one-half of its total income from the sale of alcoholic liquor. I think those of you familiar with the restaurant industry know that the preponderance of their profits normally are...come from alcohol, so a lot of establishments fall under that definition. Concealed handgun owners currently are not allowed to carry in these establishments. Current statute strictly forbids concealed carry permitholders from drinking alcohol while they are carrying a concealed weapon. However, I believe that individuals should be allowed to carry in these establishments. There are many reasons for people to go into these establishments other than to consume alcohol. I don't drink, so I...but I do occasionally like going into these establishments for wings, burgers, those kinds of things. Many attend these establishments for business meetings and watch sporting events or to play the occasional game of keno. In most of the towns in our state, the local tavern is the only place for farmers or ranchers or those living in the rural communities to go out and enjoy a meal not prepared at home. I believe these individuals have the right to carry their concealed weapon as long as they comply with all legal requirements, i.e., they don't drink alcohol. And I also added an amendment to this bill. I was sitting with one of the Governor's bodyguards, a State Trooper, at an event and I was asking his opinion about concealed carry. And he was opining that State Troopers have to automatically assume anyone in a vehicle is carrying a concealed weapon. But I asked him some additional questions and he told me that when he's off duty, he is not allowed to carry his weapon. Most law enforcement officers carry their weapon when they're off duty, but on school grounds when he attends a sporting event...his son plays football, basketball, and he said, for a law enforcement officer carrying on

school grounds off duty, that if a teacher saw his weapon, they were authorized to detain the weapon, detain him, call the police, and he would be arrested and charged with a felony for having a weapon on school grounds. So I thought that was pretty outrageous, so I added an amendment that would also allow off-duty, sworn law enforcement officers to be able to carry their concealed weapon on school grounds and other locations. At this point, I'll open it up to any questions. [LB635]

SENATOR SEILER: Senator Chambers. [LB635]

SENATOR CHAMBERS: This...I...since I can talk to "Brother" Garrett other times, I'm just saying some things just for the record, and I don't mind you responding. When I see the way the cops in Omaha kill people and get away with it, I don't want them carrying guns on the school grounds where there are children. If a woman has a knife and she has thrown the knife, then they shoot her. That with which she could have hurt them she no longer has, so it's like shooting somebody, fish in a barrel, and they're cleared. Another man has this...he's standing on the hood of a car with his hands on a fence and they shoot him in the back. They're cleared. I don't want these cops or anybody else carrying these guns. Now you were probably in the military more recently than I was, Sonny, so I have to yield to you. I don't believe we could have carried weapons in the PX because we couldn't even carry them on post. There were certain times when we were allowed and required to carry those weapons, and you couldn't carry them anywhere. We couldn't take them out of the barracks and walk down the company street with them. Was it different from that when you were in? [LB635]

SENATOR GARRETT: Yes, indeed. In the first Gulf War, for an example, we were issued our sidearms when we got on...climbed on an airplane in California, and that sidearm was with me for nine months. I slept with it. I went to PX, the mess hall. [LB635]

SENATOR CHAMBERS: Yeah, but you were in intelligence. [LB635]

SENATOR GARRETT: Right, and, yeah, I take...I don't have a concealed carry permit. I've wanted to get one for years. I just, because of time constraints, have not been able to do it. And having a concealed...carrying a concealed weapon is an awesome responsibility and one that I would be absolutely mortified to ever have to pull a weapon. I realize the seriousness of those kinds of events. I saw what happened in Von Maur. I was...I'm part of a group that the Omaha Police Department showed us the videotapes and their investigation of the Von Maur shooting and the atrocity of that and the theater shooting in Aurora, Colorado. And I just often thought, if one trained citizen or an off-duty law enforcement officer had been there, that could have prevented such a tragedy. And I know terrible things happening with law enforcement guys all the time, but... [LB635]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR CHAMBERS: But, Senator, they don't know that to be a fact because they had armed cops at Wendy's and it was in their crossfire that the innocent person was killed by the police. So the mere fact that somebody has a gun doesn't mean that the bullet is going to have a name on it and it will not penetrate a wall or hit some innocent person. But they often, the ones who are in favor of carrying these guns, who talk about law-abiding gun owners, well, most of those shooters were law-abiding people until they shot with the gun. That's when they became lawless people. But the question I want to ask you, do you believe that alcohol and firearms mix? [LB635]

SENATOR GARRETT: I definitely do not and... [LB635]

SENATOR CHAMBERS: So why should they be allowed to carry into these liquor establishments? [LB635]

SENATOR GARRETT: This change would allow them to be in an establishment that...they still could not consumer alcohol. But like I say, so many eating establishments derive so much of their profit from the sale of alcohol that it prohibits a concealed permitholder from going in many establishments, let's say, a Buffalo Wild Wings, where there... [LB635]

SENATOR CHAMBERS: Well, what would the person be carrying a gun in there for? [LB635]

SENATOR GARRETT: For the same reason that they would feel that they needed it to begin with. [LB635]

SENATOR CHAMBERS: So it's a part of their cloak, their outfit? The put on their coat and then they put the gun in? [LB635]

SENATOR GARRETT: There are many individuals that are like that. Again, as you mentioned, I'm still...my company does...I still have a security clearance, and I personally feel that it is coming. There are a lot of atrocities that are happening and it's a high-threat world out there. And again, I'd be absolutely mortified carrying a concealed weapon, but at the same time, I'd rather have it and not need it than need it and not have it and... [LB635]

SENATOR CHAMBERS: There's some scary people in this...I probably get more threats than everybody, at least in this room, put together. I don't carry any weapon anywhere. I don't want a weapon. I think Americans have become the most frightened people on the face of this earth. Rural people are the ones who often come out here and tell us, we've got to be able to have guns in the schools because the police are not close by. Well, the only ones in their area are their

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

neighbors and each other. On the one hand, they want to talk about how they help each other, they get along so well, but all of them want to carry guns. I don't mean every individual, but they...it's not persuasive to me. And before they had the right to carry all these concealed weapons, they were not getting shot down in their streets, they were not getting shot between their house and their pickup truck, they were not getting shot off their tractors or their combines, yet they want to carry guns everywhere they go. And to me, it indicates a lack of a feeling of manhood. And the gun is not an extension of a person. The person becomes an extension of the gun. And without the gun, he feels insecure, he's frightened, he thinks people are going to hurt him. And I would hate to live like that. But by the same token, a scared person is the last one who ought to have a weapon, and I just can't see, Senator, why people need to carry these guns into these liquor establishments. And what you've indicated is that you'd like to see it happen, but I don't think you've made a compelling justification for it. And that's as much as I'll say, and that's for the record so that when the record, if there is one that somebody looks at, the absence of opposition might be an indication that the whole committee agreed with what was presented and, therefore, that's the position of the committee. And it may be everybody else's position, but I want it to be clear that it's not mine. And you can respond if you want to, but I'm not going to ask a series of questions. [LB635]

SENATOR GARRETT: No, no. I have the greatest respect for you, Senator, and your positions. And I know there are atrocities that happen all the time. And you know, the Second Amendment gives us a right to keep and bear arms. And there are individuals for whatever reasons, for insecurity reasons...like I say, myself, I'm not an insecure person. I'm pretty physically fit. I feel like I could take care of myself. But if...you know, I'm mortified by those things that happened in the theater in Aurora and what happened in the Von Maur department store and think just if one trained law-abiding citizen had a weapon, we could have stopped that. [LB635]

SENATOR CHAMBERS: But the cops are supposedly trained. They have killed people, the cops have, so... [LB635]

SENATOR GARRETT: Understood. [LB635]

SENATOR CHAMBERS: And these people took the training in Nebraska of eight hours. Is that all the training that they gave...what were...you were in the Air Force. [LB635]

SENATOR GARRETT: Yes. [LB635]

SENATOR CHAMBERS: Did they give training on firearms? Did... [LB635]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR GARRETT: We get training, refresher training every year. [LB635]

SENATOR CHAMBERS: Do they give more than eight hours' training? [LB635]

SENATOR GARRETT: The initial training was probably about a day, and then we get subsequent...every year we get refresher training. We have to go to the range and qualify. [LB635]

SENATOR CHAMBERS: Well, when I was in the Army, we had a lot more than eight hours, a lot more. But the point I'm getting to: There's not that much you're going to learn about handling weapons in eight hours. But that's all that's called for and it's token because these people who tote these guns want to be able to tote them. The NRA wants everybody to tote them, so they have more members, more political clout. The gun manufacturers, the gun dealers, the gun sellers want that. That's why they don't want anything that would make it less easy to sell guns. They don't want people to be licensed. They don't want you to have to...they don't want the kind of precautions that ought to be taken and, as a result, I think there are people doing mass killings who would not ordinarily because if you don't get the gun, the mass killings don't occur. Some people say, well, you can kill somebody with a baseball bat, but nobody has committed mass murder with a baseball bat. They might sneak up on somebody. Even serial killers, usually, they want to be close up and personal, so it'll be very close proximity between the victim and the killer. So it might be even a knife. It might be a close-range discharge of a firearm. But the mass killer wants to cut loose and cover as much territory as possible, as has happened...as happened in Sweden the other day, in some of the other countries where they weren't having these kind of problems, in Tunisia. So when America encouraged these uprising in other countries, they also brought the cult of the gun. And now the same things that have been happening in America are happening in other countries with the template or the paradigm being provided by America. When Saddam Hussein was killed, one man became more important than an entire region. And when he was killed, he was the glue that held Iraq together whether they liked him or not. When he was killed, the country fell into chaos and now they have ISIS. They wanted for decades to kill Muammar Gaddafi. Carter didn't like him. Clinton didn't like him. Reagan didn't like him. He outlasted all of them. So then they managed to get him killed. And now not only has Libya been dismembered as a country, but the ones that America supported are now the ones that America feels are the biggest problems. And ISIS has taken hold there. And I'm sure you saw the depiction of that long line of people called Christians in Libya, which never happened under Muammar Gaddafi. But America has destabilized every place in the world they have ever gone, and I defy anybody to show me the contrary. So when that attitude creates problems there and they're creating an attitude now of so much fear that everybody has to have a gun all the time, everywhere, and they are so arrogant, these gun toters, that they want to say, if you don't have a sign this size with exactly on it what the government mandates then any other notice that you don't want guns on your property have no effect and we can bring our guns on your property, and

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

this from the people who say they don't like government mandates, I think that is preposterous. You didn't say that. But if you were here, that's what I was objecting to that they brought. And I'm just going to stop here because you and I can talk more later and mine was for the record. But I had to get that out. [LB635]

SENATOR GARRETT: I appreciate it. [LB635]

SENATOR SEILER: Senator Ebke. [LB635]

SENATOR EBKE: Let's...well, let's...let me drag us back to the bill at hand here for a second. First of all, going back to Senator Brasch's bill, there is nothing currently that would stop any of these businesses from still posting a notice and saying, no guns, right? [LB635]

SENATOR GARRETT: Right. [LB635]

SENATOR EBKE: There's nothing in this. [LB635]

SENATOR GARRETT: Right. [LB635]

SENATOR EBKE: And indeed, probably, a number of them will do that. [LB635]

SENATOR GARRETT: Indeed, they will. [LB635]

SENATOR EBKE: Okay. So is there a...is the problem then, you know, that...the current statute says that you have the right to concealed carry if you have the permit, yada, yada, but then you have to...as...if a person is a concealed carry permitholder, I think it would be difficult for them to figure out, okay, here is a business that doesn't have a sign up, do they do 50 percent of their business in alcohol or not? Is that what you're trying to get to here or what is it, exactly? [LB635]

SENATOR GARRETT: No. The way the statute currently is written is that if an establishment...and, you know, how does a concealed carry permitholder going into, you know, a Buffalo Wild Wings or some other sports bar, how does he or she determine whether that establishment derives 50 percent of their income or more from the sale of liquor? That's a good question. He's not going to go up to the owner or the manager and ask, you know, what percentage of your sales are from liquor? [LB635]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR EBKE: Could I see your balance sheet, please? Yeah, yeah. [LB635]

SENATOR GARRETT: Yeah, exactly. But, you know, these are law-abiding citizens. They don't want to violate the law. It is beat into them about, you know, you need to comply with the law and if establishments have, you know, no firearm...a no-firearm policy, they need to respect that. But again, if they want to go into a keno parlor or a sports bar or whatever, they want to be able to do that. And so that's what was the genesis of this bill and then the subsequent amendment was...I as a parent with, you know, my three children...our three children are grown now and...but I know law enforcement officers make mistakes. We all make mistakes sometimes. But if there was a parent who is an off-duty law enforcement officer, I would want him or her to be carrying their weapon at all times, even on school grounds. [LB635]

SENATOR EBKE: Do we have... [LB635]

SENATOR GARRETT: I have that confidence in... [LB635]

SENATOR EBKE: Do we have the amendment? [LB635]

SENATOR SEILER: Yes. [LB635]

SENATOR PANSING BROOKS: I don't have... [LB635]

SENATOR SEILER: No, it's on...I pulled it up on the computer. [LB635]

SENATOR EBKE: Oh, okay. Thank you, Senator Garrett. [LB635]

SENATOR GARRETT: Thank you. [LB635]

SENATOR SEILER: Any further questions? Thank you, Senator. [LB635]

SENATOR GARRETT: Thank you. [LB635]

SENATOR SEILER: Testimony in favor, proponents of this bill. [LB635]

ROD MOELLER: Chairman, members of the Judiciary Committee, my name is Rod Moeller, R-o-d M-o-e-l-l-e-r, representing the Nebraska Firearms Owners Association. We are taking the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

position we support this bill. This limitation, this restriction of entering a premises with more than 50 percent sales of alcohol is a remnant of the initial 2006 bill, LB454, that enacted the Concealed Handgun Permit Act originally. At that time, people were concerned--oh, my god, everybody's going to carry a gun, there is going to be blood in the streets, and this is just going to be chaos. And so this was one of those fear-based compromises that was incorporated into the bill to say, well, yeah, probably can't allow anybody to be around somebody else that's drinking. We also have a piece in here that says you may not be in consumption of alcohol and carry. And it's not like many states that have that restriction, similar to the alcohol limit for driving. It...this is zero and no remnants. And this bill doesn't change that. We're putting the responsibility, as it should, on the permit carrier themselves--be responsible, don't drink and carry. However, why should we put limitations on where they can carry based upon what other people may be doing? And really, if you have 30 percent of the sales of...30 percent of the sales from the revenue of alcohol, does that suddenly make a place safe but 51 percent is unsafe? This is very similar to the restaurant restrictions that many other states have had and over the past five years have been lifting. Again, blood in the streets was the concern and it hasn't happened anywhere. So that's really just a fear-based concern. I'm...yeah, I know you'll continue to hear those fear-based concerns. But we need to put the responsibility on the permitholder, and this doesn't remove that responsibility. Senator Ebke did a very good job with her question of really hitting the crux of this. How is a person to know with certain types of locations how much revenue comes from what and over what period of time? You may have seen a thing where they say, what's the best hamburger in Nebraska? I don't know if any of you've seen that recently. It came out to be Dinker's Bar and Grill, tiny little hole in the wall off of Martha and 480 in Omaha. A lot of people go there for lunch. Nobody is drinking, pretty much, over lunch but, yet, in the evening, it's a bar. Other people would stay it's Stella's in Bellevue that actually has the best burgers, but I'm not weighing in on that one today. But that's how...we don't know how much...there are so many locations where we don't know. As an instructor, various instructors have debated what do we tell our students. I've had...I tell my students, if it says "bar and grill," stay out. If it's a restaurant and bar, then that's probably okay. [LB635]

SENATOR SEILER: Any questions? Senator Krist. [LB635]

SENATOR KRIST: It's Dinker's, okay, it's just Dinker's. Let's leave it... [LB635]

ROD MOELLER: Okay, okay. [LB635]

SENATOR KRIST: Okay. Thank you. [LB635]

SENATOR SEILER: Any other questions? [LB635]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR CHAMBERS: Just one. [LB635]

SENATOR SEILER: Senator Chambers. [LB635]

SENATOR CHAMBERS: Did you see where that instructor, I don't remember if he was in Utah, but he allowed, I think the girl was nine or ten years old to handle this automatic weapon and she killed him, the instructor? Did you...are you aware of that situation? [LB635]

ROD MOELLER: I have...had heard of that situation shortly after it happened. [LB635]

SENATOR CHAMBERS: It was all over the news. I'm not making it up. It just indicates that the term "instructor" does not necessarily indicate that the person is going to be careful and cautious. And so society's policymakers establish policies, and all you have to do is get enough votes and that can be changed. But if in the meantime a person is in doubt, as you told them, just don't go there and carry the gun. And before you were allowed to carry a gun hidden, you went there and you didn't have any problems, so leave the gun, if that's where you want to go, and everybody is happy. [LB635]

ROD MOELLER: I can't argue that point. But my comment was that we have a lot of questions from permitholders as to how do we interpret this. And instructors have gotten together to discuss how do we best phrase it, how do we best try to instill in our students how to safely interpret this particular section. [LB635]

SENATOR CHAMBERS: Four words: If in doubt, don't. And I'm not being facetious. See, I live in a community there...where there is a tremendous amount of gun violence, so I'm familiar with it. And some people are too flippant when they talk about these kind of issues and say, well, I don't know whether this amount of alcohol is served or that amount of alcohol is served. But when a climate, when a culture of the gun is inculcated, right now or up to now it seemed like it was restricted to the community where I live. Now it's bleeding into other areas of the city and they're becoming concerned. And they'll always say, we never had that happen out here, we didn't know. And now there is a different attitude toward gun violence in Omaha. And all the years that I've tried to get the police to do something about that, and even now, nothing to try to stop the flow of the guns. And I think you and I would both agree that people who are in illegal possession of guns ought to be dealt with. But if the community is aware of who these people are, the police have to know, yet they'll come down here and say, we want something done about these facsimile guns. And I say, well, I want something done in my community about the real guns. And they don't want to hear it. So I have a very jaundiced eye when it comes to a lot of guns proliferating. And if there is a situation, as it was suggested by Senator Garrett, for whom I have profound respect...and I've come to see you differently than I did at first because I've had a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

chance to kind of hear what you say and interact with you. So you're not one of those people that somebody might think I see as a wild-eyed lunatic and all he needs is to know that nobody's looking and he'll run out of here and get his gun and kill everybody. That's not the way I view you, even when I'm disagreeing with you on an issue. But when I hear some of the arguments that if trained people were there with guns, your experience in a city is not mine, at all. So if I were in an area where people have malaria, and malaria is caused by mosquitoes that carry the virus, and somebody told me the way to eradicate or address malaria is to introduce more malaria-carrying mosquitoes...so whenever I hear people say the way to deal with gun violence is to introduce more guns, I say they don't have any idea what they're talking about because I see what happens. Theirs is academic, it's theoretical, it does not impact their community, so they can be that way. But my view is entirely different. So when I ask questions, they'll be addressed to the person in the chair, sitting in the seat, but it is not necessarily a reflection on that person who is sitting there. You probably thought I would be against you on everything and in every way, didn't you? [LB635]

ROD MOELLER: I expected we might have a few more back-and-forth discussion than we have this week. [LB635]

SENATOR CHAMBERS: But we've never had a problem going back and forth with each other. [LB635]

ROD MOELLER: No, we have not. [LB635]

SENATOR CHAMBERS: But now, if you were allowed to come in here armed, I would...I'd still have the back-and-forth, but I'd say, could you keep your hands on the table, please. [LB635]

ROD MOELLER: (Laughter) And out of respect, I would certainly accommodate that request. [LB635]

SENATOR CHAMBERS: That's all that I have. That's all that I have though. [LB635]

SENATOR SEILER: Any further questions? Senator Pansing Brooks. [LB635]

SENATOR PANSING BROOKS: Thank you. Mr. Van Deun (sic), I'm just interested in your comment about the difficulty of explaining to people whom you teach what to do so...because they don't know whether or not they can carry it into a place. So would it be better to just say no guns at a place that has liquor? Would that be a more easy way to deal with this? [LB635]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

ROD MOELLER: Well, I think that would be going the wrong direction. I think certainly we're not having an issue when people go to Chili's restaurant and there happens to be a bar there and some people are drinking and others are sitting at a table that may be carrying. There's no issue there. But the problem is while perhaps on...during March Madness, Chili's restaurant is doing exceptionally high and more than 50 percent revenue that week. Are we in violation because it says over 50 percent? Over what period of time, is really the question. [LB635]

SENATOR PANSING BROOKS: Thank you. [LB635]

SENATOR SEILER: Any further questions? Thank you for your testimony. [LB635]

ROD MOELLER: Thank you. [LB635]

SENATOR SEILER: Next proponent. [LB635]

CHRIS ZEEB: Good afternoon, members of the committee. My name is Chris Zeeb, C-h-r-i-s Z-e-e-b. I'm in favor of this bill. I...you heard me spoke earlier. I'm a concealed handgun permit instructor. During my day job, I actually work in the restaurant business and I have for 27 years. It's my job to study restaurants and revenues and profits and everything else, and I can honestly sit here and tell you I have no clue what Applebee's, Chili's, or Buffalo Wild Wings's breakdown of revenue is for alcohol versus food. So, you know, this bill is not asking to allow permitholders to drink. When I teach a class, I inform the students, you do not drink alcohol, if you got lit like a Christmas tree Friday night, you don't carry Saturday morning, you still have alcohol in your system, it's against the law. That's very clear. We do not want...we're not asking for folks to be able to carry and drink, just can we go into a restaurant. Senator Pansing Brooks, you said no guns in any restaurant where liquor is sold. I love to go to Chipotle. [LB635]

SENATOR PANSING BROOKS: I just asked that question. [LB635]

CHRIS ZEEB: I love to go to Chipotle and I've never once drank a beer there, but they sell beer and margaritas. That would clue me out of going to Chipotle then. So I would say that's probably not the right solution to that. And it is tough to distinguish, you know, with that 51 percent rule. And that's all I have. [LB635]

SENATOR SEILER: Any further questions? Senator Williams. [LB635]

SENATOR WILLIAMS: Thank you, Senator Seiler. I've just got a follow-up question then. With your training that you do, and I assume the training that you follow is much like anybody else

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

that's doing that training, what do you advise the person on Applebee's or those kind of establishments where you've clearly shown that, from your experience, you don't know whether that's 50 percent or not? [LB635]

CHRIS ZEEB: I tell them, if it's a chain restaurant such as Applebee's Grill and Bar, they are probably okay but I can't assure that because generally...and it was said earlier, a lot of restaurants' profits come from alcohol. That's true but we're not talking profits. We're talking sales revenue, is what the statute says, and so it's hard to tell where it's at. So I tell the students, I say, if it's a chain restaurant and bar, you're probably okay, but I can't assure you. [LB635]

SENATOR WILLIAMS: Do you get a sense from the students that you have that graduate from your program and then go ahead and get the concealed carry and carry that they...is it that big a burden of them to leave their gun at home if they're going to a place where alcohol is served and they think it's more than 50 percent? [LB635]

CHRIS ZEEB: I don't want to go somewhere unarmed. I don't like having to disarm and come in here, but it's a choice that I make, because of what I've been through before. So, yeah, it's a burden to disarm and come in. It is. It was mentioned earlier, is it like clothing? Yeah, I strap it on just like a belt. [LB635]

SENATOR WILLIAMS: And just for my clarification from you then, you would choose, other than here, you would choose to carry and that would be your choice rather than to go into an establishment that had a sign posted that you're not welcome here with a gun or whatever. You would choose to go somewhere else. [LB635]

CHRIS ZEEB: Absolutely, absolutely. [LB635]

SENATOR WILLIAMS: Thank you. [LB635]

SENATOR SEILER: Just to clarify your testimony, the statute that says that it's total income, so that would be gross income, from the sale of alcohol. It's not profits. [LB635]

CHRIS ZEEB: Right, right, it's revenue, sales revenue. [LB635]

SENATOR SEILER: Total gross sale. [LB635]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

CHRIS ZEEB: Yeah, um-hum, yeah, it's not profits. And someone had said profits earlier and that was incorrect. [LB635]

SENATOR SEILER: I know. That's why I wanted to correct the record. [LB635]

CHRIS ZEEB: Yes. [LB635]

SENATOR SEILER: Thank you. Any further... [LB635]

CHRIS ZEEB: All right. [LB635]

SENATOR SEILER: Seeing none, thank you for your testimony. [LB635]

CHRIS ZEEB: Thank you. [LB635]

SENATOR SEILER: Further proponents. Seeing nobody getting up out of their chair, opponent. [LB635]

AMANDA GAILEY: (Exhibit 1) Hi. My name is Amanda Gailey, G-a-i-l-e-y, and I'm here for Nebraskans Against Gun Violence. According to the Gun Violence Archive, at least 248 gun violence incidents have occurred in bars so far just this year, 2015. Just on Saturday, for example, in "guns everywhere" Atlanta, where guns are allowed in bars, two men were shot and killed outside of a bar. Five more people were injured in a bar shooting in Columbus, Georgia, the week before that, and another was killed in a bar shootout in Moultrie, Georgia, the week before that. It should surprise no one that bar shootings have not come close to disappearing since Georgia allowed guns in bars. Alcohol abuse and firearms are two strong predictors for violence and they often go together. A study published in Injury Prevention, and I have attached an abstract of that study, found that firearm owners are more likely to binge drink and to drink and drive than the general population and, specifically, that heavy alcohol use was most common among those people who carry firearms with them for the purpose of self-defense, as opposed to firearm owners who just keep their weapons locked up at home. Of the roughly 400,000 firearm-related deaths between 1997 and 2009, which is just shy of the number of American casualties in World War II, by the way, one-third of them also involved alcohol. I believe it is foolish to invite a class of people who are statistically more likely to abuse alcohol to carry guns into bars and then to not anticipate that some of them will drink while doing so. Even if a CCL is sober, he is surrounded by people who are not. Fights in bars happen. When someone has carried a gun along to be the, quote, good guy with the gun, unquote, it becomes more likely that these fights will turn deadly. I find this particularly worrisome considering a CCL holder in Nebraska needed

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

to only hit a stationary target with 70 percent accuracy to get a CCL. A 70 percent stationary accuracy rate will look very different when that, quote, good guy, unquote, is intervening in a bar brawl. It is reasonable to expect an increase in gun violence incidence in bars if this legislation passes. Taking a gun into a bar has long seen to be such a bad idea that most states would have never considered passing legislation like this. But as American gun culture has grown increasingly radicalized, we are seeing outlandish gun legislation popping up all over the country. Thanks. [LB635]

SENATOR SEILER: Any further questions? [LB635]

SENATOR PANSING BROOKS: I have a question. [LB635]

SENATOR SEILER: Senator Pansing Brooks. [LB635]

SENATOR PANSING BROOKS: Thank you. Ms. Gailey, could you tell me where you have...where that statistic came from on the 395,366 firearm-related deaths between '97 and 2009? [LB635]

AMANDA GAILEY: Yes. In fact, I think my colleague Jeannette might have that study also. Is that right, Jeannette? [LB635]

JEANNETTE EILEEN JONES-VAZANSKY: Injury Prevention. [LB635]

AMANDA GAILEY: It might also have...I think I got it also from the Injury Prevention article. [LB635]

JEANNETTE EILEEN JONES-VAZANSKY: And it's also on (inaudible)... [LB635]

SENATOR SEILER: Ma'am, you can testify later. [LB635]

JEANNETTE EILEEN JONES-VAZANSKY: Oh, I didn't know (inaudible)... [LB635]

AMANDA GAILEY: I'm sorry. I think I thought it was in the injury... [LB635]

SENATOR PANSING BROOKS: Is she going to testify? [LB635]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

AMANDA GAILEY: She is, yes. [LB635]

SENATOR PANSING BROOKS: Thank you. [LB635]

AMANDA GAILEY: And if it's not in the Injury Prevention article, I would be happy to forward the specific citation to the committee. [LB635]

SENATOR PANSING BROOKS: Thank you. [LB635]

SENATOR SEILER: Any further questions? Thank you very much. [LB635]

AMANDA GAILEY: Thanks. [LB635]

SENATOR SEILER: Next proponent. You may go ahead. [LB635]

DANIELLE SAVINGTON: Honorable Chairman, Senators, we meet again. I'm still Danielle Savington. That's D-a-n-i-e-l-l-e S-a-v-i-n-g-t-o-n. Today though I'm not here from my perspective in my day gig as an attorney or as the mother of kid jocks but as a part-time cocktail waitress at a gig that I have in Omaha. I sling beer and pizza a couple times a month when my balance is good enough because, primarily, as I'm sure you've guessed, being an attorney is kind of an uptight gig. As a cocktail server, which is what you'd call a waiter or waitress who works on a restaurant's bar side, I have seen some pretty crazy stuff: bus loads of bachelorettes tumbling in at 12:15, hunting up Vegas bomb shots before last call; the infamous power hour that a newly minted 21-year-old's friends will browbeat him into; fights between couples; first dates; blind dates; breakups; and makeups. What I've never seen and what I hope to never see is a drunken gun fight. See, I watch folks as they drink their beers and become progressively more "wibbly-wobbly." I see their designated drivers clutching them by the shoulders to keep them upright as they wander outside for a smoke. And regrettably, I've seen the bathroom floor after a misfire of the yellow variety. I know with absolutely certainty that this is not the moment when even a well-trained and well-intentioned permitholder is going to win any marksmanship awards. I also see poor decisionmaking, the times when that beer tells the drinker that another plate of volcano wings is a really great idea--it's never a great idea, when gin and tonic gives its drinker the abandon that they need to step out on a spouse and go home with a stranger. And I know with absolutely certainty that this is not the moment when even a well-trained, well-intentioned permitholder is going to make a rational decision about pulling a trigger. Proponents will be quick to point out that this bill does not entitle anyone to be drinking while armed. Well, Senators, I'm here to tell you it already happens. I've seen it. I've been offered an armed-guard escort to my car at the end of the night--you know, for safety's sake, turned that one down--had

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

my hand placed over a holster with a gun in it after setting down a round of beers at the table and asked, don't you feel safe knowing that we're here to protect you? Nope, sorry, I don't. Bottom line is guns are already being carried by alcohol drinkers in bars. Can we believe that allowing alcohols (sic) in bars will suddenly make them stop drinking, that the more people who are carrying guns in bars will also decide not to be drinking? Guns in bars makes about as much sense as pillow fights in lion cages. It might be a cutting-edge thrill for a minute, but it's going to get messy. Thank you, Senators. [LB635]

SENATOR SEILER: Any further questions? Seeing none, thank you for your testimony. [LB635]

DANIELLE SAVINGTON: Thank you, sir. [LB635]

SENATOR SEILER: Next witness. [LB635]

JEANNETTE EILEEN JONES-VAZANSKY: Jeannette Eileen Jones-Vazansky, J-o-n-e-s, hyphen, V-a-z-a-n-s-k-y. First, let me apologize. I thought that question was directed to me. So let me start by saying that the Injury Prevention article was published in 2011. It was part of the UC-Davis, University of California-Davis' violence prevention research program. We oppose LB635, mainly focusing on one provision, and that is the provision that would allow individuals to carry firearms into bars and establishments that derive 50 percent or more of their revenue or income from the sale of alcohol. We believe that such a law would open the floodgates for concealed carriers who become inebriated or interact with inebriated persons to engage in gun violence. Reading this bill, Section 5 appears to fly in the face of the stricken-out portions, lines 16-18. To cite this study that was also published or an article that was published on June 14, 2011, that talks about this study conducted by UC-Davis, one-third of firearm-related deaths involved alcohol from the years of 2008-2011. And I quote, gun owners who carry concealed weapons or have confronted another person with a gun are more than twice as likely to drink heavily as people who do not own guns, unquote. This system...survey was conducted over the phone and 15,000 individuals were surveyed in eight states. Other studies conducted in the 1990s by the CDC, Centers for Disease Control and Prevention, also noted that people who abuse alcohol or drugs are at a far higher rate of risking...of committing acts of violence and self-harm, including acts involving firearms. The Harvard Injury Control Research Center published a study stating that, alcohol abuse/dependence also appears to have a causal association with the perpetuation of violence and impulse crime, including assault, use of a weapon, theft, property damage, and fraud, so there is a link between substance abuse and making threats against others with a firearm, unquote. It is not reasonable to assume that gun carriers entering bars or establishments that derive 50 percent or more of their income from alcohol sales are immune

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

from alcohol abuse or interacting with individuals who are abusing alcohol or other substances. So we ask, why take the risk? Thank you. [LB635]

SENATOR SEILER: Questions? Seeing none, thank you for your testimony. [LB635]

JEANNETTE EILEEN JONES-VAZANSKY: Thank you, sir. [LB635]

SENATOR SEILER: Next opponent. [LB635]

JAN HOBBS: Members of the Judiciary Committee, I would like to thank you for allowing me to testify here today. My name is Jan Hobbs, J-a-n H-o-b-b-s. I am a mom of two. I served honorably in the United States Air Force, and I am a volunteer with the Nebraska chapter of Moms Demand Action for Gun Sense in America. We are a grass-roots movement of American mothers fighting for public safety measures that respect the Second Amendment while protecting Americans from gun violence. Moms Demand Action is part of Every Town for Gun Safety, the largest gun violence prevention organization in the country with more than 2.5 million members. I am here today representing thousands of Nebraska moms who oppose LB635, or the guns-in-bars bill. It will come as no surprise to most here today why Moms wants to keep guns out of bars and other venues that serve alcohol. Guns and alcohol simply don't mix. It's a commonly held view espoused by the vast majority of Americans. The public recognizes the danger and overwhelmingly opposes allowing people to bring guns into establishments where alcohol is served. In fact, a resounding 93 percent of Americans believe guns should not be allowed in bars, and it's hard to imagine any other issue on which Americans are more closely aligned. Unsurprisingly, there is strong evidence that those under the influence of alcohol are at an increased risk of exhibiting violent behavior, including gun violence. Research clearly shows that alcohol consumption is associated with heightened levels of aggression. In fact, nearly half of homicide offenders were found to have been under the influence of alcohol at the time of their crimes. In addition, heavy alcohol use is also associated with a higher likelihood of being shot. According to the CDC, 36 percent of homicide victims reported to them in 2008 tested positive for alcohol. We support the Second Amendment, but the Second Amendment allows for some common sense too. Keeping guns out of bars and venues that serve alcohol should be an easy no vote. Moms trust that you will put public safety first and reject this dangerous legislation. On behalf of the Nebraska chapter of Moms Demand Action, I urge you to vote no on LB635 and thank you again for your time. [LB635]

SENATOR SEILER: Questions? Seeing none, thank you. [LB635]

JAN HOBBS: Thank you very much. [LB635]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR SEILER: Any further opposition? [LB635]

GWENDOLEN HINES: Good afternoon. My name is Gwendolen Hines and I'm here representing the social justice committee of the Unitarian Church of Lincoln. And we oppose LB635. You go into a bar and you have a gun and there's alcohol there and there is the temptation to drink. And I don't believe the...I don't trust people well enough to go into a bar and not drink. I think it's a temptation and they might drink. And guns and bars just don't mix. There was the party at UNL about ten years ago or so where one guy got drunk and he shot his gun up into the air in a celebratory manner and the bullet came down and killed another student. Even if you don't drink, fights may break out and you may decide to use your weapon to restore peace or may become involved in the fight yourself and decide to use the weapon to defend yourself. We're also opposed to the amendment that off-duty police officers be allowed to carry their guns into schools or wherever. Guns don't belong in schools. [LB635]

SENATOR SEILER: Okay. Any questions of this witness? Senator Krist. [LB635]

SENATOR KRIST: If I'm not mistaken, could you just say and spell your first and last name for us, please? [LB635]

GWENDOLEN HINES: Oh, I think I forgot to do that. My first name is Gwendolen, G-w-e-n-d-o-l-e-n, and my last name is Hines, H-i-n-e-s. [LB635]

SENATOR KRIST: Thank you. [LB635]

GWENDOLEN HINES: Sorry about that. [LB635]

SENATOR SEILER: Thank you. Any questions? Thank you very much for your testimony. [LB635]

GWENDOLEN HINES: And my father was a police officer and he carried a gun all the time. [LB635]

SENATOR SEILER: Okay, thank you. Any further opposition? Anybody in the neutral? The documents will be made part of the record, and the signage outside will be made part of the record. And the record is closed and you may close. [LB635]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR GARRETT: Thank you, Chairman Seiler and members of the committee. I greatly appreciate both the proponents' and opponents' testimony. The Second Amendment allows us to keep and bear arms, and we are very much a gun culture. When I went to high school, I know it's been some time ago, but I graduated in 1972. We had a lot of farm and ranch kids that drove their pickups to our school. Nobody ever locked their car. And I can remember the vast majority of these pickups had gun racks. And they had shotguns and rifles on these gun racks and no one ever thought twice about it on school grounds. And these vehicles were unlocked. We are just...like it or not, we are a gun culture. This Legislature a number of years ago saw fit to pass a concealed carry permit law. And these are law-abiding citizens and they want to do the right thing that's...you know, when they came to me and wanted me to champion this bill. Statute prohibits you from drinking alcohol and even having remnants of alcohol in your system when you're carrying your weapon. I mean, that law exists there. Just to let the record show I was...between college and the time I went on active duty, I worked as head bouncer at a night club at night, so I've seen more than my fair share of bar fights. The numbers that were quoted earlier about the number of shootings outside of bars I would hazard to guess...I would like to see the numbers of how many of those weapons involved in shootings outside of bars were with people who were...had a concealed carry permit. Unfortunately, violence is a part of this society and shooting somebody and going outside...going on outside of bars forever in as many bars as this great nation has. I'm surprised the numbers aren't even higher. But I'll almost guarantee you that none of those gun-related incidents outside of a bar or in a bar were from people who had concealed carry permits. We're not talking about Nebraska citizens with a concealed carry permit wanting to go out and party hardy and set their hair on fire. We're talking about guys who want to take their families out to a Chili's or to an Applebee's or Buffalo Wild Wings. That's not...it's not what we're talking about. And as far as the law enforcement officer situation goes, unfortunately...you say you want to keep guns off of school grounds. I would like to keep guns off of school grounds too. However, with the proliferation of firearms in this nation and so many of them illegally that we can't control, firearms are going to find their way onto school grounds. And I would prefer if there's an off-duty cop, a law enforcement officer on school grounds, a mom or a dad, I would like to see them carrying their weapon. I feel much safer knowing that we've got additional law enforcement officers out there. I've got to tell you, the first time I came into this Capitol Building, I couldn't believe I walked right in like I owned the place through the South Entrance, no metal detector, nobody checking bags and purses and that kind of thing. And I have the greatest respect for our State Troopers who guard this facility. But I am mortified that, just like the Murrah office building down in Oklahoma City that was bombed, that some nut is going to come through that door one of these days and... [LB635]

SENATOR CHAMBERS: But, Senator, I'm in this building, so that's like a protective influence. [LB635]

SENATOR GARRETT: (Laugh) That's true. [LB635]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR EBKE: Senator Chambers has a protective shield over the Capitol, right? [LB635]

SENATOR GARRETT: That's right. [LB635]

SENATOR WILLIAMS: Or a magnet. (Laughter) [LB635]

SENATOR KRIST: Okay, really? Then you come sit over here. (Laughter) [LB635]

SENATOR CHAMBERS: I shouldn't have said anything. (Laughter) [LB635]

SENATOR GARRETT: (Laughter) Get out of the frying pan. You know, we are a gun society. I...you know, like it or not, it's there. You know, we have a war on drugs. We haven't been able to win the war on drugs. There are firearms out there. A lot of the criminals, the criminal element has firearms. We're asking that law-abiding citizens who have taken the course and are acting responsibly be able to carry their weapons into restaurants that serve alcohol. [LB635]

SENATOR SEILER: Senator Chambers. [LB635]

SENATOR CHAMBERS: Senator, I have to ask you this question. What are they afraid of? Before they could carry these concealed weapons, obviously, nobody killed them, nobody shot them. And now that they can carry these guns, they're afraid of every...you tell me, since you're one of the advocates, what are they afraid of? [LB635]

SENATOR GARRETT: Well, I think you were making a very good point earlier about ISIS and ISIL and the Taliban and the way the world situation is now and so many Americans becoming radicalized. And as much violence as is going on, everybody has a personal feeling of insecurity or security and... [LB635]

SENATOR CHAMBERS: My ISIS is the police. And you know what the county attorney said, Don Kleine: If the officer makes a mistake, if he's wrong but he had reason to think that he was right, then he's clear. I cannot get away with that and shoot you and say, well, I thought he was going to do something. They say, uh-uh, buddy, that doesn't work. Well, now we presume that these officers are trained. To show how little their training means and how they hide behind it, some guy out east was fired because he was dealing with a guy who had a mental problem and wound up...he was on duty, shot the guy 14 times, and he was fired. Now he's trying to get his job back. And you know what the lawyer is arguing? And he's justified in view of the not finding any fault in what these cops are doing. He said, yes, he shot the man 14 times, but it was within his training. So now, if the police are trained to shoot somebody in the back, then the cop who

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

shoots in the back says, it was pursuant to my training, and he's home free. That's what's happening. I would tell young people...if you tell somebody to go across the world to fight for ISIS, they can put you in jail if you just talk about it. If you want to fight injustice, don't...you don't have to go around the world to find the ISIS mentality. Your ISIS is in America. And you're likely to die over there, one way or the other; so if you're going to die, die making your home safe. My home is not threatened by ISIS. Mine is threatened by the police. The police are licensed to kill us, children, old people. They showed a guy on a highway. The highway trooper, he had this elderly black woman down on the ground, just beating the stew out of her, and nothing was done to him. That's what I see. Now suppose somebody told me somebody from ISIS did that. Then everybody is up in arms: See what cowards they are? They beat women in broad daylight. But when a cop does it, it's all right. I don't feel that way. And if I were going to do something--but I'm not a man of violence--I wouldn't go to Syria, I wouldn't go to Iraq, I wouldn't go to Afghanistan, I wouldn't go to Yemen, I wouldn't go to Tunisia, I wouldn't go to Lebanon, I wouldn't go to Jordan. I would do it right here. Nobody from ISIS ever terrorized us as a people, as the police do daily. And they get away with it and they've been given the license now. And people don't like me to say this. Then you rein in your cops. And you know what they say, the racism of the cops is merely reflective of the racism in this society, and they accept the existence of racism to excuse the cop. But then when I say there is racism in the society, they say, you're playing the race card, your talking about it makes it happen. But when they want to justify the cop, they say, he's merely reflective of the community where there is white racism. And that's what I look...you don't have to deal with that. You're privileged. You're free of that. You don't have to think about it every day. If I was going to carry a weapon, it wouldn't be against you, it wouldn't be against these people who come here that I might have a dispute with. Mine would be for the police. And if I carried a gun, I'd want to shoot him first and then ask questions later, like they say the cop ought to do. [LB635]

SENATOR GARRETT: Senator,... [LB635]

SENATOR CHAMBERS: But could I get away with it? You know I couldn't get away with it. They better hope I never lose my mind and find out that I'm on my way out of here. (Laughter) [LB635]

SENATOR GARRETT: Senator, I think that the situations that you've described, I think each and every one of us is outraged by that kind of thing. [LB635]

SENATOR CHAMBERS: I don't think so. [LB635]

SENATOR GARRETT: But the...I honestly, in my heart, believe that. The vast majority of law enforcement, law enforcement is such a difficult job and the vast majority of those officers do a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

great job, I feel. And I've known so many. I've had family members that have tried to get in law enforcement in various states and it...the psychological screening that they have to go through is pretty intense. That doesn't mean that some people don't slip through and... [LB635]

SENATOR CHAMBERS: I respect the State Patrol, the State Patrol that these men that I respect, because I get a chance to know them. I used to say the State Patrol is the flagship of law enforcement. They recruited a cop who was found guilty by the Internal Affairs department of Lincoln Police Department. They found him guilty of excessive force. He had a man handcuffed and knocked him against the wall, left blood, and they found him guilty. And the State Patrol recruited him and he's going to graduate in May and be on the State Patrol. That's showing how low their standards are. He was found to have done wrong by a police agency and the police were notified by jail employees and they were...they used the video. They felt it was excessive, and they see cops doing the wrong thing all the time. So when you tell me about psychological screening, they must screen them to make sure that they can commit violence against unarmed people and not be troubled by it. The State Patrol recruited him, Lancaster County Sheriff Wagner hired the other one, both of them off LPD, both found guilty of use of excessive force. And they were hired by other law enforcement agencies knowing that. And then you're going to tell me about the psychological screening and the training? Those are the words that are said, but they mean nothing. If I have to designate an enemy of mine in this society, it's the police. [LB635]

SENATOR GARRETT: Honestly, Senator Chambers, I believe in my heart that, you know, we have law enforcement in every community in the nation and the vast, vast majority...my wife and I, our best friend in the world is a retired New York City cop and I know what he's gone through. The first time he was involved in a shooting and he killed someone in a shooting, you talk about PTSD, I mean, these are...the vast majority, I know in my heart that the vast majority of law enforcement officers are there to uphold the laws and to treat people with respect and dignity. There is always going to be a bad apple that slips through, and I'm convinced that they're a minority. [LB635]

SENATOR CHAMBERS: Oh, I'll let it go now. Okay. [LB635]

SENATOR GARRETT: I'm... [LB635]

SENATOR CHAMBERS: I'm through, Mr. Chairman. [LB635]

SENATOR SEILER: Senator Pansing Brooks. [LB635]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR PANSING BROOKS: Thank you. Thank you, Senator Garrett. I just am again interested in the impetus in bringing this bill because I...if people are really having a hard time deciding which place they can take it into, then why don't we just say no places that have alcohol? I mean we've heard mothers that have said they're against...that they're not against the Second Amendment but they are against it in the case of when alcohol is involved. And so I just wonder if that wouldn't make it more clear. [LB635]

SENATOR GARRETT: I think you'd be hard pressed, short of a McDonald's or a Burger King or a Taco Bell, to find an eating establishment that doesn't serve alcohol, again, because that's their largest ticket item is...a little mom-and-pop Mexican restaurant that we go to in our neighborhood, the vast majority of their profits come from selling margaritas and alcohol. So that's the thing. So if we're going to limit families so an individual who wants to...who feels that he or she needs to have that weapon, for whatever security purposes, we're going to bar them from taking that into any restaurant other than a fast-food restaurant, I don't think that's right. Again, these are law-abiding citizens that just, for whatever their personal reasons are, to feel secure they want to have a concealed weapon. [LB635]

SENATOR PANSING BROOKS: Well, I'm totally in favor of the Second Amendment. It's part of our constitution. And yet, meanwhile, I don't know if you read that Justice Scalia stated, basically, not every gun in every place at every time. And so there's the rub, is which gun in which place at which time. And so that's what we all have to come to some sort of decision about and determine that, if we feel it's more dangerous because of alcohol, if it's more difficult for teachers...firearms...teachers to explain you can't go into, you know, a bar, you can't go into a place that...where it's questionable, where...whether they're serving enough alcohol to make it clear that they are more like a bar, then we've got to weigh those issues and determine as policymakers whether or not we should even be having this discussion, so. [LB635]

SENATOR GARRETT: Well, clearly, you know, it's our job to provide for the public safety, the public welfare, and pass good policy. And clearly, any establishment, any privately owned establishment can prohibit the carrying of firearms into their establishment. We go to Texas Roadhouse and they've got a sign there that says, no open carry of firearms, because I guess we are allowed to openly carry a firearm but concealed carry is a different...and they just have a point that...no open carrying of firearms. So if establishments feel that that's an issue, then they certainly have a right to prohibit that. But, you know, I guess it's just a sign of the times that so many more Americans feel that they need to have a concealed carry permit and for whatever reason. And again, the Second Amendment allows for us to do this, so. [LB635]

SENATOR PANSING BROOKS: Well, I'll tell you, Senator Garrett, if I'm going to walk around with anybody that has a concealed weapon, I prefer that it would be you, so thank you. [LB635]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR GARRETT: Thank you. [LB635]

SENATOR CHAMBERS: Mr. Chairman, I'm not quite through. [LB635]

SENATOR SEILER: Okay. [LB635]

SENATOR CHAMBERS: And I'm going to say this because my colleagues had a chance to witness it on two occasions. When a bill was being discussed about young people being shackled when they go into court, the Douglas County Sheriff's Department wanted to object to the bill. Now when there are ordinary things going on and I might not be involved, somebody white comes down here. They sent a black guy down here to speak against a bill that I had, and that's supposed to, I guess, pull my fangs. When they had a bogus bill talking about--it was just yesterday or the day before--talking about how concerned they are about these fake or facsimile guns--and I'd had a discussion with the chief about it, he didn't come--you know who they sent? They sent a black guy who was the vice president of the police union. And the black officers have more problems with the police union than they had with any other. And when a black guy was the chief, former Senator Council's brother, the police union used to write very scurrilous things in the police newspaper against him, very insulting things. So the union is a problem for black officers. But my colleagues saw the guy they sent down here, and he was supposed to pull my fangs. But when he couldn't do it, then he wouldn't answer the questions that were put. Then when he went back there, he sat with a white woman. And when he left, he walked out, and that white woman had him in tow when he left here yesterday. Those are the things that they do that underline the nature of the race problem. But that's what I wanted to get into the record. And by the way, I didn't lighten up on either one of them. [LB635]

SENATOR GARRETT: And I would never think that you would ever lighten up on anybody and I appreciate that. And, you know, I, doggone it... [LB635]

SENATOR CHAMBERS: You don't have to even respond to it. I just wanted to put that in the record to show things that I encounter sitting at this table as an elected official when the sheriff and the chief of police and police organizations have anything to do with what goes on here. [LB635]

SENATOR GARRETT: Thank you. [LB635]

SENATOR SEILER: Any further questions? Seeing none, thank you. [LB635]

SENATOR GARRETT: Okay. [LB635]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR SEILER: First proponent. [LB635]

SENATOR GARRETT: I...well, that was the closing for my last one, so. [LB635]

SENATOR SEILER: Oh, yeah, now you've got to open. I'm sorry. [LB638]

SENATOR GARRETT: (Laugh) You get me back to back. [LB638]

SENATOR SEILER: You guys have been going for so long I thought you opened. [LB638]

SENATOR WILLIAMS: We move fast in here. We move. [LB638]

SENATOR GARRETT: Maybe this one will be a little... [LB638]

SENATOR MORFELD: It's Friday. [LB638]

SENATOR GARRETT: ...a little less... [LB638]

SENATOR SEILER: I'm sorry. Go ahead. [LB638]

SENATOR KRIST: (Inaudible)...Friday. [LB638]

SENATOR GARRETT: Good afternoon, Chairman Seiler, members of the committee. I'm Senator Tommy Garrett, T-o-m-m-y G-a-r-r-e-t-t. I represent the people of District 3, which includes parts of Bellevue, Papillion, and Sarpy County. Thank you for allowing me the opportunity to come here today to introduce LB638. LB638 seeks to provide an extension of concealed handgun permits for military members serving outside of Nebraska. This allows military members the ability to have their permits valid until they return to Nebraska and have the opportunity to renew in person. In no case shall the permit be valid for more than ten years. Five years is just too short a time for some of our military men and women stationed outside of Nebraska to renew their concealed carry permit. We're also allowing those whom my wife Julie refers to as camp followers, otherwise known as military spouses, to be allowed the same extension for renewal of their concealed handgun permit. My office consulted with the Nebraska State Patrol before I proposed this bill, and I think it's a commonsense...it's common sense that we allow for this extension. And with that, I'll take any questions. [LB638]

SENATOR SEILER: Question? [LB638]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR WILLIAMS: Thank you, Senator Seiler. Would you explain to me the need for it with the spouse, as opposed to the serviceperson themselves? [LB638]

SENATOR GARRETT: My wife regularly has driven home to me...and that term "camp follower," her and her fellow spouses when... [LB638]

SENATOR WILLIAMS: What's that term? [LB638]

SENATOR GARRETT: "Camp followers." [LB638]

SENATOR WILLIAMS: Okay. [LB638]

SENATOR GARRETT: They... [LB638]

SENATOR WILLIAMS: I wanted to be sure I understand. [LB638]

SENATOR GARRETT: We were in Korea before he moved here, and my wife and some of the fellow spouses, they jokingly refer to themselves as camp followers because most of the time they had to give up their careers to follow their military spouses and...but one thing that she's driven home with me is the fact that all too often the spouses and dependents are forgotten. And we come up with all this legislation for veterans and everybody else and we always forget the spouses, not always, but the spouses and dependents. So I felt it very important here. The way the statute is written currently is, if a military member is here in Nebraska, has a concealed carry permit, and he gets assigned to Japan, wherever, Europe, and is out of the state, when that permit expires, you have to physically be present to renew that permit and be fingerprinted and everything else, so this would allow for active-duty military member and their spouse who are outside of the state of Nebraska to have that concealed carry permit continue until such time as they're back in the state and can renew it. [LB638]

SENATOR WILLIAMS: Can you tell me what the difference is...not having ever been through this, if a person has a concealed carry permit and it expires, you know, let's say they are in Japan and it expires and they come back here, what's the process to get a concealed carry permit again? [LB638]

SENATOR GARRETT: From my understanding, they have to go to the State Patrol. Again, they have to be fingerprinted, which they were fingerprinted initially, and still have that background check done for the renewal to make sure that in the intervening period of time since they last had

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

that permit, that they haven't become a...committed a felony or, you know, committed some of the kind of crime... [LB638]

SENATOR WILLIAMS: And is that different if they were just renewing the permit, as compared to... [LB638]

SENATOR GARRETT: That whole renewal process includes that, just like when they were getting it originally. They have to be refingerprinted, which I didn't quite understand why that...they needed to do that, but I guess that's the way it's written. And... [LB638]

SENATOR WILLIAMS: Can I ask, do you know if any of the instructors are going to testify on this? Thank you. [LB638]

SENATOR GARRETT: Great. [LB638]

SENATOR SEILER: Yes, Senator Chambers. [LB638]

SENATOR CHAMBERS: Senator, you remember there was a similar type bill that dealt with spouses. Well, now the military recognizes spouses of the same sex. For some reason, that senator withdrew that bill when that issue was brought up and an amendment was adopted to allow the same-sex spouse the same privilege of a heterosexual spouse. So you are offering this with the knowledge that the military grants benefits to the spouses who are same sex. So would this bill be designed to follow the policy of the military? [LB638]

SENATOR GARRETT: I was very intrigued when that situation was first brought up. I have...I've adopted this saying about the Legislature: I think we make the simple complex. But I understood that situation and I still felt it was important that we include spouses and... [LB638]

SENATOR CHAMBERS: But here is what I want in the record: That issue was brought and you still want...you still see the value of what you're offering. Correct? [LB638]

SENATOR GARRETT: Yes, Senator Chambers, I do, yep. [LB638]

SENATOR CHAMBERS: Okay, I'm not objecting. But I don't want anybody, if the bill happens to come up on the floor somehow, to say, well, the committee didn't know what was entailed. So I think a spouse is a spouse is a spouse, as a rose is a rose is a rose,... [LB638]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR KRIST: Can I quote you? [LB638]

SENATOR CHAMBERS: ...and a rock is a rock is a rock. [LB638]

SENATOR GARRETT: I agree, Senator Chambers. [LB638]

SENATOR CHAMBERS: Okay. [LB638]

SENATOR GARRETT: And that's why I don't intend on pulling the spouse from this issue. I think it's that important to me and... [LB638]

SENATOR CHAMBERS: But in reality, that doesn't even have to become an issue in this bill, wouldn't you agree,... [LB638]

SENATOR GARRETT: Yes. [LB638]

SENATOR CHAMBERS: ...with what we're intending? [LB638]

SENATOR GARRETT: Yes, indeed. [LB638]

SENATOR CHAMBERS: Okay. [LB638]

SENATOR SEILER: Any further questions? Senator Pansing Brooks. [LB638]

SENATOR PANSING BROOKS: Senator Garrett, I just want to thank you for that statement. I think it's valid and I think that if people have the right to be permitholders, they have the right to be permitholders. So I am grateful for that position and have no further questions. Thank you, Senator Garrett. [LB638]

SENATOR GARRETT: Thank you. [LB638]

SENATOR SEILER: Any further questions? Senator Krist. [LB638]

SENATOR KRIST: I know it's 3:25 on Friday afternoon and the last bill we're going to hear, so I'm going to be really brief. There are some exceptions in our laws that will allow a person who is, for example, a licensed driver in the state of Nebraska while they're on active duty never to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

have to renew that license. Having been there also, if I were gone for a period of time and I could prove that I was out of the country that period of time because there would have to be a set of orders that put me there, even in the black world, then I would present that, in my mind, present that order to the authorities and say, I was unable to get my permit renewed during that period of time. I'd much rather see, rather than putting a number of years on it, an exception that allowed us to say, permitholder was out of the state for this amount of time, upon your return, present proof that you were unable to be here in person, and you'd be allowed to just renew. And I bring that to you because if we...when we discuss this in Exec, I'll bring it up in that format, as well. We can talk about it offline, but... [LB638]

SENATOR GARRETT: Senator Krist, I think that's a great idea. I...the first time we were assigned to Nellis Air Force Base in Nevada, I ended up, my wife and I, taking out Nevada residency and...because of state income tax purposes. But there were...I had a Nevada driver's license and it was probably 20 years before we ever set foot in Nevada again. [LB638]

SENATOR KRIST: As my Nebraska license was, yep, exactly. [LB638]

SENATOR GARRETT: So...and that...and again, if you're serving on active-duty military, you're not going to be convicted of a felony or any other serious crime like that or you won't be on active duty, as you well know. [LB638]

SENATOR KRIST: One would hope. (Laughter) Thank you. [LB638]

SENATOR GARRETT: Thank you. [LB638]

SENATOR SEILER: Any further questions? Thank you. [LB638]

SENATOR GARRETT: Thank you. [LB638]

SENATOR SEILER: First proponent. [LB638]

ROD MOELLER: Good afternoon again. Rod Moeller, R-o-d M-o-e-l-l-e-r, representing the Nebraska Firearms Owners Association. We support this bill and we thank Senator Garrett for bringing it forward. We've had some situations where, as Senator Garrett described it, we've had military members both stationed well far away from Nebraska and unable to renew during that four-month renewal window, and that results in the necessity to go through the courts again, which presents additional expense and time. And then, of course, the renewal fee is only \$50, compared to \$100, for the initial application, so they're paying more to renew it by being treated

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

as an initial application again. We've also had members who are actually stationed at Offutt here in Nebraska who were deployed during that entire four-month window. In fact, last year I had probably a good half-dozen airmen come through my course. It was simply for the fact that they needed to...they missed that renewal period because they were nowhere...they were unavailable to apply in person. When we talked to Senator Garrett about these issues and discussed this, we explored a number of other options, as well. One would be what Senator Krist mentioned--I'll get to that in a second--and then the other was we had taken a look at maybe, you know, looking at the option of being able to renew through the mail instead of having to do it in person, maybe for everyone, maybe just for military members. It just seemed like this was probably the cleaner way to do it. The reason why we didn't end up going with what you had suggested, Senator, is through the research I was unaware of this until it was brought to my attention that, apparently, in 2011 that was nullified. That's no longer the case, where your driver's license is valid as long as you have an active military ID. Although I was curious, I did not have the time to investigate why that changed in 2011. But we felt that, you know, having that mirror, that process, would be a good thing. But we didn't continue to pursue it since that was no longer current state law. Anyway, I'll entertain any questions. [LB638]

SENATOR SEILER: Senator Krist. [LB638]

SENATOR KRIST: Well, you know how you change law? You're here. [LB638]

ROD MOELLER: Yes, sir. [LB638]

SENATOR KRIST: So if that's the case with the Nebraska driver's license, I'll take that up with Ms. Lahm who's director of DMV. [LB638]

ROD MOELLER: Okay. [LB638]

SENATOR KRIST: But whether you're going to say a permit no longer than ten or whether you're going to say a permit no longer than five, you're still going to have a window of opportunity to renew your permit, correct? [LB638]

ROD MOELLER: Yes, but we feel that a five-year-and-four-month window is a lot more easy for somebody to find a way during that window to get back to the state of Nebraska than that four-month window. Where a four-month window, if you're deployed, is totally impractical, if you're...I mean you're generally not stationed at any given duty station for more than two or three years. You know, you're generally going to be able to find sometime to take some...some time to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

come back and visit family and be able to renew it sometime during that five-year window. [LB638]

SENATOR KRIST: Yeah, that's a really large window of opportunity. I agree with you. I just think it's...well, we'll talk about it later. Thank you. [LB638]

ROD MOELLER: Certainly. And we're not tied to this particular method but, you know, we need to find, I feel, a way to accommodate our military members because they're not exactly in control of where they reside. [LB638]

SENATOR KRIST: Yeah, well, you couldn't find anybody more sympathetic than that in me because I was there, as well, so...but thank you for that testimony. [LB638]

SENATOR SEILER: The only part that bothers me is the people we're bringing back have some real mental problems. And if we've got a ten-year window, we're going to have some real screwed-up people walking around with concealed permits. [LB638]

SENATOR KRIST: Potentially. [LB638]

ROD MOELLER: Certainly, there's the potential for that if we're talking about being deployed, you know, in a combat zone. [LB638]

SENATOR SEILER: Absolutely. [LB638]

ROD MOELLER: But we have a lot of people who are... [LB638]

SENATOR SEILER: But there's nothing in here that prohibits or terminates that. [LB638]

ROD MOELLER: That's true. [LB638]

SENATOR SEILER: Nothing triggers that, and that bothers me to a certain degree. [LB638]

ROD MOELLER: Certainly. And the criminal investigations and the access to, you know, mental health records and substance abuse and those things happen during the background investigation for both an initial and a renewal. So your point is understood. [LB638]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR SEILER: Yeah. I had some friends come back from Nam that were all screwed up and nobody cared. Now people care, so I think we need some kind of a triggering device in there, just a suggestion. Yeah. [LB638]

SENATOR WILLIAMS: Senator Seiler, thank you. I think if we have one more gun bill, you might get to be an honorary member of the Judiciary Committee. [LB638]

ROD MOELLER: Oh, that would be awesome. [LB638]

SENATOR WILLIAMS: Would...yeah. We'll give you a pin. [LB638]

ROD MOELLER: Okay, does that mean I can sit on the other side of the desk? [LB638]

SENATOR WILLIAMS: Could you just give me, so...because I'm new to this, a very quick comparison of a person that would be automatically renewing or renewing a carry license versus if it had expired and they started over? What's the difference? [LB638]

ROD MOELLER: Repeat that. I'm sorry, I didn't quite... [LB638]

SENATOR WILLIAMS: Okay. If a person...if the five-year...if I understand it right now, concealed carry permit is for five years. [LB638]

ROD MOELLER: Yes. [LB638]

SENATOR WILLIAMS: At the end of five years, what do they do to get a...to renew their license as compared to if it had for some reason expired and they were trying to get it again? [LB638]

ROD MOELLER: Okay, okay. You can go to the State Patrol. You have to go through the exact, same process to renew as you do for the initial application. You have to fill out the form, have it notarized, go to the...one of the troop headquarters of the State Patrol, possibly set an appointment if it's any of the offices other than Omaha, and get fingerprinted, pay your money, have a photo taken, get your...give them the check for \$100, and all of that. And you can do that up to four months prior to the expiration date on the permit. If you go there the day after it expires or anytime after, then they will not accept that application and you will then need to go through the process as if you're an initial applicant again. So you would need to find a CHP-certified course, schedule that training, pay for that training, and then fill out the application and

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

have it notarized and take all of the same information again back to the State Patrol and go through that application process. So it... [LB638]

SENATOR WILLIAMS: So you'd have to go through the training and all of that again. [LB638]

ROD MOELLER: It's the training and the time and the expense for those items that would be different and then, of course, the application fee is \$100, the renewal fee is \$50. So I mean it's really more of a convenience. [LB638]

SENATOR WILLIAMS: Thank you. I'm just trying to weigh the two, what the difference of the two would be. [LB638]

ROD MOELLER: It comes down to taking that class again, yeah, and the expenses. [LB638]

SENATOR WILLIAMS: The big part...and the fees associated. Okay, thank you. [LB638]

ROD MOELLER: Yeah. You're welcome. [LB638]

SENATOR SEILER: Any further questions? Thank you. Next proponent. [LB638]

CHRIS ZEEB: Good afternoon, Senators. Probably the last guy, so Chris Zeeb, C-h-r-i-s Z-e-e-b, Syracuse, Nebraska, concealed handgun permit instructor for...in Nebraska. I'm also a state of Illinois concealed firearms instructor and state of Utah concealed firearms instructor. I'm going to present a solution to this issue because this bill is...there's a valid issue here. But I have a better solution that should work for everyone and not be so coddled up, and that is to do very similar to what the state of Utah does. First, I'll go back and, in no offense to the Nebraska State Patrol, they do a very good job with the program. The problem is, is it's antiquated. Here we are in year eight of having concealed carry, and we still don't even accept credit cards in Nebraska for payment of it. You have to bring cash or a check. This can all be alleviated. And as Rod explained, in order to get a renewal, you have to schedule an appointment at any State Patrol office except Omaha. You have to schedule an appointment, go in, get fingerprinted, get photographed. Your fingerprints don't change. There's no reason to fingerprint you again. This can all be done on-line, which is what the state of Utah does. So I'll explain their process, and it could make things a lot more efficient for the state of Nebraska and actually save some money and would also address this issue, as well. In order to renew a Utah concealed firearm permit, you do it completely on-line. You go through. You take a picture of your home state's permit, you know, if you're a Nebraska resident. You take your photo for your permit on your smart phone, which everyone today has a smart phone and, if they don't, their grandchild or child does

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

or friend. I see you looking at me like that. And you literally go on-line, you upload your photo, upload a photo of your permit, put everything in. Utah Bureau of Criminal Investigation runs a background check on you and you pay the fee with a credit card on-line and your renewed permit comes in the mail. There's no reason Nebraska shouldn't be doing that. It would make things much more efficient and easier for the State Patrol. And it would take care of this issue, as well, for military folks and their spouses who are possibly deployed. Questions? [LB638]

SENATOR SEILER: Questions? None. Thank you for your testimony. [LB638]

CHRIS ZEEB: Thank you. [LB638]

SENATOR SEILER: Further proponent, in favor of this bill. Seeing nobody coming forward, anybody opposed to this bill? Seeing nobody move, anybody in the neutral? Seeing nobody, you may close. The documents will be made... [LB638]

SENATOR KRIST: Wrong answer. [LB638]

SENATOR PANSING BROOKS: Oh, my gosh. [LB638]

SENATOR SEILER: What? (Laughter) [LB638]

SENATOR GARRETT: Oh. [LB638]

SENATOR SEILER: Yeah, he did. [LB638]

SENATOR GARRETT: I was just saying...(laugh) I... [LB638]

SENATOR SEILER: He did it. He went like this. I saw it. [LB638]

SENATOR GARRETT: I...I will make it short and... [LB638]

SENATOR SEILER: There, he did it again. He waved... [LB638]

SENATOR GARRETT: I was just... [LB638]

SENATOR SEILER: ...twice. [LB638]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Judiciary Committee
March 20, 2015

SENATOR MORFELD: This bill is dead. (Laughter) [LB638]

SENATOR WILLIAMS: And he did it with both hands. [LB638]

SENATOR SEILER: Yeah, both hands. (Laughter) [LB638]

SENATOR GARRETT: (Laugh) I surrender. I know...keep me from going on. I just...that last idea was a great one, and it would be, you know...it could obviate the need for making it...extending it to ten years or indefinitely if we could do it with a credit card over the Internet. I'll entertain any questions. [LB638]

SENATOR SEILER: Any questions? Seeing none, thank you very much, Tommy. [LB638]

SENATOR GARRETT: Thank you very much. [LB638]