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BREWER: Good morning and welcome to the Government, Military and Veterans Affairs Committee. I'm Senator Tom Brewer from Gordon, representing the 43rd Legislative District, and I'll serve as the Chair of this committee. For the safety of our committee members, staff, pages, and the public, we ask those attending our hearing abide by the following procedures. Due to the social distancing-- distancing requirement, seating in the hearing room is limited. We ask that you only enter the room when necessary for the hearing that you're planning to speak on. I think unless something changes, that we're good. So we'll just kind of monitor that. The Sergeant at Arms will watch if we-- if we fill up all the seating. The bills that will be taken up today are posted outside the hearing room. The list will be updated after each hearing to identify which bill is currently being heard. And there'll be a number up front here that the pages will change out so we know when we transition. Request that everyone utilize the identified entrance to my left, exit to my right. I request that you wear a face covering while in the hearing room. Testifiers may remove their face covering during the testimony to assist committee members and transcribers in clearly understanding their testimony. Committee members, I will leave it up to your discretion on face coverings because of the plexiglass and the separation that we have. Public hearings for which attendance reaches our seating capacity or near capacity, the entrance doors will be monitored by the Sergeant at Arms again. The Legislature doesn't have available any overflow hearing rooms because of our HVAC project. So just be aware you have to wait in the hall if the room availability runs out. And we're going to ask that you limit handouts if possible. The committee will take up the bills again, as-- as posted on the agenda or outside. Our hearing today is your public part of the legislative process. It is your opportunity to express your position on issues of legislation. The committee members might come and go during the hearing, and it's just part of the process. We have bills to introduce in other committees. And I've got a message John McCollister will be presenting. And I think Senator Hunt has also presentation to make. The committee will be using electronic devices, either computers or phones, to monitor either information from the hearing or updating them on any other hearings that they need to present on. We've asked that you silence or turn off any electronic devices or cell phones and that there be no food or drink in the hearing room. Please move to the reserved chairs that are identified

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for the testifier and those are all marked with the tape and the signs. Introducers will make their initial statements, followed by the proponents, opponents, and those in the neutral testimony. Closing remarks will be again, will be reserved for the introducing senator. If you're planning to testify, please pick up a green sheet that is on the table in the back of the room. Please fill out the green sign-in sheet before you testify and please print clearly so it can be properly logged. When it is your turn to testify, we ask that you will move forward and identify both your first and last name and spell those out. We will have letters of testimony and they have to be in prior to 1200 Central Standard Time today prior to the hearing. No mass mailings. We'll be using the light system today. We will have three-minute presentations and we'll try and watch that. If you have more information, we should be able to pick up on that and we can ask questions to-- to get more information if necessary. The light system will be a green light for the full three or for the-- for two minutes; amber or yellow light for the one minute; red light and audible alarm when your time has expired. Once the time expires, we will have a open period for questions. So that will be our opportunity to ask more detailed questions if you weren't able to get it all out in the opening remarks. No displays of support or opposition to a bill, vocal or otherwise, will be allowed in the public hearing. Committee members with us today will introduce themselves starting on my right.

BLOOD: Good morning. Senator Carol Blood, District 3, which is western Bellevue and southeastern Papillion, Nebraska.

SANDERS: Good morning. Rita Sanders representing District 45, the Bellevue/Offutt community.

M. HANSEN: Matt Hansen, District 26 in northeast Lincoln.

LOWE: John Lowe, District 37: Kearney, Gibbon, and Shelton.

HALLORAN: Good morning. Steve Halloran, District 33: Adams and Hall County.

BREWER: Dick Clark to my right, who's the committee clerk or committee clerk, committee counsel; and Julie Condon on the end, who is our committee clerk. And then our pages, have Jonathan. Jonathan is a senior at UNL from Genoa. And we have Ryan Koch and Ryan is a senior from Hebron. Let's see. With that said, we will have our first

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presenter, Senator Wayne, for LB153 [SIC LB158]. Come on up. Welcome back to the Government Committee.

WAYNE: Thank you, Chairman Brewer and the members of the Government, Military and Affairs Committee. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent Legislative District 13, which encompasses north Omaha and northeast Douglas County. For those who have been on this committee my entire tenure, four years, you've heard this opening multiple times. My first year I brought a set of books that were the original books of the transcripts from our constitutional convention and read from them. And so those who are transcribing, I'm going to reference just LB75 for those who want to read it all in 2017. So I'm going to shorten it up a little bit for you all. So that's probably a good thing for most of you since you sit in these all-day committee hearings too. LB185 [SIC LB158] will restore voting rights to ex-felons upon completion of their sentence. As the law currently stands, there's a two-year ban on their voting and that two-year ban doesn't wait or it doesn't start until after their probation is completed. I've introduced this bill again every year for four years, and I will continue to stress this as an important issue. The issue in this bill is nonpartisan. It's noncontroversial. If you look across the country, it has been mostly our conservative states who have been moving away from the idea of felons not being able to vote or having an arbitrary two-year period, particularly in Texas, where this was first moved to a two-year period and then later removed to once upon completion was done by George Bush. And part of the movement down there had to do with many military individuals being convicted of felonies due to posttraumatic stress and other things. And it was a big push down there from a veterans' standpoint, which provided what people would need called cover to do the right thing. But you have states like Texas, Arkansas, Oklahoma, Missouri, Kansas, Montana, Tennessee, Georgia, both Carolinas, the Dakota, many more have proposed, proposed to remove this arbitrary and a history of racist notion. But rather than go through all the history of why it's here, the studies have been done on this and experts on prison recidivism and reentry into society have done more and more research on these topics since our first year. And what they're concluding that as soon as you can get people engaged into the community and into the voting process, engaged in their elected officials and they feel like they have a voice, recidivism drops roughly 30 percent, which is a huge number when we talk about the money that we spend on prisoners,

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particularly in Nebraska. It's all about civic engagement. We need our ex-felons who want to play a role in their community and have the tools and the rights to do so. Studies have shown that it doesn't have a huge "electorial" impact like people would think as far as partisan, because those who often go into the system are both Democrat and Republican and come out still feeling Democrat or Republican. Just that the voter turnout sometimes increases, but it hasn't been an outcome, a change in the outcome. For those who are new to the committee, this type of legislation and constitutional amendment started in the Reconstruction era. And what had happened was when the Thirteenth, Fourteenth, and Fifteenth Amendment were passed, rather than trying to figure out how to siphon the Negro vote, people traveled across the country. And this is where I had the books and I was reading the conversation about Chinamen in Nebraska and African-Americans and making sure that we don't allow the Negro to vote. This is also the same reason why we were actually vetoed, pocket vetoed the first time and then vetoed the second time to enter the states, the United States of America by Congress because of the issue of not allowing blacks or minorities and Native Americans to vote. So these disenfranchised laws became popular in the 1870s. And in fact, Carter Glass, who was a young man who later would be-- go on to become a U.S. Senator and the 47th Treasurer, Secretary of Treasurer, drafted laws like this. And he specifically said doesn't-- does not-- disenfranchise laws doesn't necessarily deprive a single white man of the ballot, but inevitably will cut from the existing "electorial" four-fifths of the Negro vote. The reason that was important because states like Alabama, Mississippi, who were part of the Confederate, it was easier then for them to convict an African-American of a felony than anything. So if you look at the jails and historical records of that, you would see African-Americans, their jail and prison population increased to 90 percent. And it was mainly African-Americans right after this and who were recently freed slaves to make sure they weren't able to vote. Again, I don't want to harp on the history of it, although I think it's important that we recognize the tentacles of slavery that this particular notion in our Constitution plays. But the data is what the data is. And the data shows that Florida, Kentucky, other places, Texas, that when they removed their arbitrary number and some of it was they were banned for life. Some of it was they had an arbitrary two years. Some of it was they had an arbitrary 10 years. When they removed those, community engagement increased and recidivism fell. That's just what the data

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shows. And lastly, Senator Lowe-- Lowen Kruse was here two years ago before he passed. And so I want to reference that for the Transcribers on the same bill. And he was actually the architect, the dealmaker of the two years. And Senator Schmit brought the bill to remove it completely. And they were underneath the balcony, the north balcony, during a fierce filibuster. And the issue was this fear of if we allow them to vote next election cycle, many of us won't be here. So they cut a deal for two years. And he testified it was just a random number, but it secured all the members in the Legislature to be able to go home and work the same political system they've always worked to be here. It's time to remove that. We, one, we shouldn't be cutting deals under the balcony like that. Two, it's not good public policy. But three, the data shows that two-year arbitrary period of not being able to really engage in the political process has caused a disservice to those individuals and-- and likely will increase, based off of the data, their recidivism rate. So with that, I will answer any questions.

BREWER: Thank you, Senator Wayne, for that opening. Let me start with the questions. The-- the two years, what year was that changed from what was, I think, indefinite, right?

WAYNE: I think it was 2000. Part of me wants to say 1996. I can get you the exact date.

BREWER: OK. LB75, just kind of the Reader's Digest version on it.

WAYNE: We passed it. We had 36 senators, many on this committee, vote for it at one point in time. It got vetoed by the Governor and they came back and we had 27 votes, which was still more than the property tax relief package that year.

BREWER: Good point. Another thing I kind of throw in with your earlier comments on the PTSD. I spoke with a veterans group yesterday and one of the things they did identify is that the Veterans Administration, not so much now, but at one time was very, very eager to give out OxyContin, other things that added to addiction and added to challenges for those that were getting out. And many of them took a path that left them in a situation that their lives were permanently changed. And-- and unfortunately, the two work together, the PTSD and the drugs. And so I-- I just thought that we ought to get that on the record because some of them, by the time they were in the situation,

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their lives had derailed. And it wasn't necessarily that they picked that. They were trying to treat the symptoms of what they were going through, and it left them in a position where they would never be able to, you know, have the same life that they had before because of decisions that sometimes were beyond theirs. All right. Questions for Senator Wayne. All right. You'll stick around for close?

WAYNE: Yes.

BREWER: OK, thank you. All right. We will start with proponents to LB158 as soon as we let Jonathan clean up here. Sorry, Jonathan. I pulled the trigger a little too quick on that. And I apologize for the noise next door, but I understand it's part of the rehab and we don't get to tell them when to turn on drills and not so we just got to work around it. Anyway, welcome to the Government Committee.

SHAYNA BARTOW: Thank you. Senator Brewer and members of the committee, My name is Shayna Bartow, S-h-a-y-n-a B-a-r-t-o-w. I'm a law student at the University of Nebraska College of Law and I'm testifying today in support of LB158 as a concerned citizen. In 2021 after a year of unprecedented calls for racial justice and a tyrannical takeover of our federal Capitol by white supremacists, it is crucial that Nebraska leaders explicitly acknowledge that our current law, barring those convicted of felonies from voting for two years perpetuates systemic racism. There are simply no legitimate or social legal policy justifications for this law. Our current law is racist and simply intolerable. It is undeniable that laws like this were enacted to disenfranchise black and brown voters. Through the disproportionate incarceration of minorities for felonies, despite data showing that crimes are committed at near identical rates across races, the original racist intent of this law continues to be realized today, 150 years after the passage of the Fifteenth Amendment allowing African-Americans to vote. In fact, in 2020, an estimated 27 percent of the voters disenfranchised by this law in Nebraska were black, while black individuals make up only 5.2 percent of our state's population. The arbitrary two-year ban on one's sacred voting rights amounts to an unjustified civil punishment. Individuals who have completed their sentence and their probation have paid their debts to society, and the right to vote should be restored immediately. Even under Scripture, which I know many claim to be a guiding light when determining policy positions, Christians are called not to righteously despise or condemn the prisoner. Instead, the Bible is replete with

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calls to deny vengeance and seek forgiveness and atonement. In this way, furnish it-- punishing those who have already served their debt to society not only perpetuates those racial notions, but it's un-Christian. It's past time that we start righting the racially motivated wrongs that continue to persist in our statutes. You can do that by supporting this legislation. Regardless of the roadblocks that this may face, especially resistance from the executive branch, members of this body who truly care about racial justice must be relentless in their efforts to repeal this legislation that continues our country's horrendous and racist history of disenfranchising minority voters. Thank you.

BREWER: Thank you. All right. Questions? Senator Blood.

BLOOD: Thank you, Chair Brewer, and thank you for coming today. So first, I want to say that I don't disagree with anything that you said, but I'm curious to hear and what I haven't heard is what about young felons? How do you think that something like this would, in your personal opinion--

SHAYNA BARTOW: Sure.

BLOOD: --would affect young felons?

SHAYNA BARTOW: It's hard for me to speak personally because I've never been in that situation. But as a young person, I know that it already is intimidating to become a part of the political system. How do I register? How do I get involved and how do I know who to vote for? The political process can be very intimidating as it is. And so I think as a young person being released from prison and having so many barriers in terms of finding housing, finding a job, there is already so many things that they're trying to overcome, trying to get further involved after feeling like the system doesn't want you involved because of this ban, I can see that as being very detrimental, especially if the longer one goes on without being engaged. I think that makes it more likely that they will not become engaged in the future.

BLOOD: So as a law student, would you say that laws are crafted in a way that identify that young people tend to act more spontaneously without thought than perhaps an older felon might?

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SHAYNA BARTOW: Absolutely. And I'm not a psychologist or a doctor or anything like that, but I know there's a lot of studies showing that it takes time for the brain to fully develop. And that's why a lot of times we see that younger individuals are more prone to making mistakes that could result in incarceration. And I actually work on the Clean Slate program at the law college and we help individuals who have, you know, a criminal record because of decisions that they made when they were young and they've turned their lives around and become prosperous members of the community. And so I think that definitely it's more-- it might impact young people who have made a bad decision and now they're not able to participate in the political process because of that one decision.

BLOOD: And want to become integrated into the community but aren't allowed to when it comes to something that really is their right to do.

SHAYNA BARTOW: Absolutely.

BLOOD: All right. Thank you.

BREWER: All right. Any additional questions? All right. Seeing none, thank you for your testimony.

SHAYNA BARTOW: Thank you very much.

BREWER: OK. We are still on proponents to LB153 [SIC] LB158. Welcome to the Government Committee.

JASMINE HARRIS: Good morning, Senator Brewer and members of the Government, Military and Veteran Affairs Committee. My name is Jasmine Harris, J-a-s-m-i-n-e H-a-r-r-i-s. Today I am here representing RISE. We are a nonprofit here in Nebraska. We work with people who are incarcerated and coming out of incarceration. We offer a six-month program in 7 of the 10 correctional facilities where we focus on character development, employment readiness, and entrepreneurship. Today we are in support of LB158. I sat here on March 1, 2017, in this same room, in this same chair, testifying on LB75 that Senator Wayne talked about. And we saw it progress all the way up to the Governor's desk to being vetoed and we could not get the same votes to override that veto. The bill to eliminate the two-year waiting period to regain the right to vote for people who have completed felony sentences and

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probation is a move in the right direction. Eliminating the two-year waiting period gets individuals who have turned their lives around closer to the normalcy needed to be productive in their communities. If we truly expect for people to return home from serving sentences to get housing, a job, provide for their families, and be productive but neglect to return to them one of the most basic rights, the ability to vote, then how do we expect them to be fully engaged in the community? How do we expect for them to say that they feel like they are a part of that community? They are part of the community, and they pay taxes like the next person so they should have the right to have their voice heard on issues that affect them. These issues that affect them are not going to take a two-year hiatus to wait for them to gain their right to vote. Giving people the immediate right to vote after they complete their sentence or probation can help them feel like a part of the community, therefore reinforcing the positive changes that they have made in their lives, especially ones that they have learned while they were incarcerated. The year that I believe Senator Schimek and Senator Kruse introduced for the two-year was 2005, when that was turned into the two-year waiting period. There's no science behind this number and there's no research to back it up. Being highly involved in civic engagement in the Omaha community is one of the skill sets that I bring to the role as director of policy and advocacy at RISE. On a volunteer basis in previous years, I've registered people to vote until-- and still to this current day, we hear people say, I don't have my right to vote because I'm a felon and we have to educate them on their rights. What we hear is that they get a piece of paper that tells them you have your right to vote when they are released. But if you're releasing in crisis mode, which reentry is, you're not going to remember that to your piece of paper that they gave you, especially if you're on parole for five years. So that's a seven-year wait that you're not going to remember. I see my light is wrapping up. Some of the stats I want to give you, on average, there are about 2,000 people who are released from the Nebraska Department of Corrections with around a 30 percent recidivism rate. This means that since we last saw this bill introduced in 2006, I'm sorry, 2017, 5,600 Nebraskans could have immediately received their right to vote and exercise it at any of the state and local elections here. And these are just based on averages. According to the Sentencing Project, the most recent report on felony disenfranchisement, which is called Locked Out 2020, Nebraska is one of the 11 states that still has postincarceration restrictions on voting. An estimate of 22,396

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individuals in Nebraska are impacted by this. And when looking at the disparities, almost 11 percent of the African-American voting age population in Nebraska are disenfranchised. So we believe that LB158 should be passed out of this committee and to General File and put into law.

BREWER: All right. And I apologize because you wrote this against five and I only gave you three here. But is there-- is there anything that you want to throw in now because of--

JASMINE HARRIS: No, it was just those last things on the stats that I wanted to make sure got in.

BREWER: No. Well, you did good. You got all that in a very quick order. All right. Questions? Senator Hunt.

HUNT: Thank you, Chairman Brewer. Thanks for being here today, Ms. Harris.

JASMINE HARRIS: Yes.

HUNT: One thing you talked about that kind of set off my radar was when they're leaving incarceration, it's kind of a crisis. It's-- it's like a transitional period that can be very traumatic and very, you know, upsetting a routine in their life and they give you all these papers to keep track of and it's like hard to-- to do everything perfectly right, I guess. And this-- this raised my little antenna because I'm working on a bill right now that's like a youth and care bill of rights. It's basically saying, like young people who are in foster care or who are in the juvenile justice system, that they need to be made aware of their rights on like a periodic basis by their social workers--

JASMINE HARRIS: Um-hum.

HUNT: --for the same reason that because when they're removed from a home and they have that intake visit, they have that initial meeting with their social worker, they don't process a lot of the stuff that they hear or they lose papers or, you know, we're really asking these kids to be responsible for like a lot of information during a very traumatic period in their life, you know. And it sounds like you're kind of describing the same type of problem that adults face coming out of the carceral system--

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JASMINE HARRIS: Yes.

HUNT: --that-- that it's a traumatic time. And they receive this information about, you know, in two years after you complete your sentence, you're allowed to vote, but it doesn't really sink in for a lot of them. Is that consistent with what you see in your work?

JASMINE HARRIS: Yes. Again, if you have the best laid out plans, there could be a point in time where housing falls through or a job lead doesn't come through, which tailspins someone in-- into a crisis mode when they're still reentering. So it really isn't at that point in time they're focused on, oh, yeah, they said I can get my right to vote in two years. I'm more focused on where am I going to lay my head, where am I going to get a job, where am I going to get my next meal? So that's what we see when we're trying to work with people. So one of the things that we're implementing with our organization is voting rights education. But it shouldn't have to be that we have to tell them and the two-year time frame. It should be automatically restored.

HUNT: And the two years, you say, is arbitrary?

JASMINE HARRIS: Yes. As Senator Wayne mentioned, Senator Schimek and Senator Kruse came to testify at the original in 2017 when Senator Wayne brought this that it was put out under the balcony. So there's no reason to have a waiting period.

HUNT: Sometimes that happens where, like, we just have to make a deal to get the bill to move. And it stays that way for-- for years or for decades.

JASMINE HARRIS: Yes.

HUNT: And nobody really checks like why was this? Why is it two years? Why is it this amount? Why was this deal done? And that's like extremely common. But I can just say from experience when I was knocking doors, you know, to get elected, I met people all the time in my district who would say almost sheepishly, like, oh, it's nice to meet you, but I can't vote. And I say, you know, may I ask why you don't have to tell me? Oh, because I was incarcerated. And I say, you might be able to vote. When were you incarcerated?

JASMINE HARRIS: Yeah.

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HUNT: What's gone on since then? And there's at least, you know, a couple of dozen people in my district who we were able to get registered to vote, who had no idea--

JASMINE HARRIS: Yes.

HUNT: --that they were enfranchised, that they were able to cast a ballot. And I think that this is a failure of our state to inform these people of their rights, that they do fall through the cracks and we never come back to help them. And so I appreciate the work that you do.

JASMINE HARRIS: Thank you.

BREWER: All right. Additional questions? Senator Blood.

BLOOD: Thank you, Chairman Brewer. And thank you for testifying again. It's nice to see you. So I have a question for you, not knowing what the future is going to hold. So we know that 19 states that these people, these felons, will lose the right to vote while incarcerated and then this expectation that they pay their fines or any fees or restitution in those states before they're allowed to vote. How do you view that? Do you view that as a type of poll tax? Do you think that that's an appropriate thing, responsibility to place on them in order to have the right to vote again?

JASMINE HARRIS: I don't think it's appropriate. We have people who have been incarcerated who have fines and fees that they have not paid. They still have the right to vote.

BLOOD: And it can be hard to find a job when you're an ex-felon.

JASMINE HARRIS: Yes, very much so.

BLOOD: And people aren't very kind about hiring felons.

JASMINE HARRIS: That and-- or if they are hired, they're making wages that are under what normal wages are.

BLOOD: And so has it been your experience, I don't know if-- I actually worked for the state prison system, maximum security for six years. So I probably see it from a-- from different angle, and what I have definitely seen is that that's why I brought up the young people,

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is that, you see, I always think back to the phrase, there's no
justice; there's just us.

JASMINE HARRIS: Um-hum.

BLOOD: Working in the prison was the first time I'd ever heard that
expression because I grew up in rural Nebraska, and that wouldn't have
been something that I would have been exposed to, to be very frank.
But I moved to eastern Nebraska in '79 and-- and it was an eye-opener
for me and then working in the prison system. And I'm not going to
pontificate. I'm leading to a question. Working in the prison system,
it was very clear that there were people that were incarcerated as
felons that had they been white, have they had access to real justice,
they would not be incarcerated. And so the question I would have for
you is how do we-- we take this most obvious racism, this fear of
felons, and how do we educate the public to understand that these are
going to be our neighbors, right?

JASMINE HARRIS: Yeah.

BLOOD: They're going to be our neighbors. When-- when do we say,
you've served your time? You've been released because either you've
jammed out or you were a great inmate who did what you possibly could
do to make yourself a better person before you hit the streets. I
mean, how do-- that's where the disconnect is. I'm looking at the
letters of opposition--

JASMINE HARRIS: Um-hum.

BLOOD: --is that in people's heads, once a felon, always a felon. Once
a bad guy, always a bad guy. How do we fix that disconnect in your
personal opinion?

JASMINE HARRIS: So one of the things with our program that we were
able to do before COVID, we build a bridge between community and
people who are incarcerated. We were allowed to take people into the
correctional facilities under our program so we would take over 40
people in as volunteers. And we worked on empathy. It's able for
people to see people for who they are, and that's just people. And
until I think we begin to look at our policies that are in place
empathetically, how we view community empathetically, then there will
be a disconnect. So it's always about the intentionality and how we

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are speaking about people. So instead of saying ex-felons, we're saying people who have been impacted by the system. It starts in language. It starts in what you can say, each one teach one. So it starts with you and how you are portraying it. I believe that's how we start coming over that.

BLOOD: Fair enough. Thank you.

JASMINE HARRIS: Thank you.

BREWER: OK. Additional questions? Seeing none, thank you for your testimony.

JASMINE HARRIS: You're welcome.

BREWER: We'll hope that the man with the drill next door continues his break. It makes it a little bit hard to hear when he's going at it over there. Come on up. Welcome to the Government Committee.

SHAKUR ABDULLAH: Good morning, Senator Brewer--

BREWER: Good morning.

SHAKUR ABDULLAH: --and members of the Government, Military, and Veterans Affairs Committee. I would first like to begin by saying my name is Shakur Abdullah, S-h-a-k-u-r A-b-d-u-l-l-a-h. I am a restorative justice trainer/facilitator with the Community Justice Center, headquartered here in Lincoln. I'm out of the Omaha office. We service all 10 correctional facilities operated by the state of Nebraska, the 2 largest county jails, and 11 of the 12 probation districts offering restorative justice education. I am here today representing JustUs15Vote organization out of Omaha that I started. Want to begin by thanking Senator Wayne for bringing this important bill, the entirety of his tenure here at the Legislature, and continues to do so. I won't cite history or statistics or all that. I want to kind of bring a personal face to this issue. I went to prison as a youth a very, very long time ago for a homicide; was released in 2016. I could not vote until that two-year, I say exile period, was over and was able to fully engage as a citizen. I want to talk about the humanity aspect of this, because oftentimes you don't put a face with this, a voice with this. I understand the hopelessness that oftentimes goes along with this, with individuals that feel that they are, because of a felony, less than anyone else. Want to start to talk

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about where this issue begins, citizenship. A felony conviction does not abrogate your citizenship. And as such, I think anything that stands in the way of preventing you from fully engaging as a citizen, which obviously includes voting, is something arbitrary, arbitrary, pernicious and should be removed. I would urge the committee to vote this LB out of committee to the full floor.

BREWER: All right. Thank you for that testimony. Since you've got more of a direct conduit to-- to those that are incarcerated, before COVID, I was asked to come and speak on a pretty regular basis at prison: lifers, the-- the-- the veterans group, Native American groups, ironically, worked on the sweat lodge here at the Lincoln facility to get it up and operational. Since COVID, has there been much ability to all-- to have any interaction at all with those who are incarcerated?

SHAKUR ABDULLAH: Programming has been diminished overall throughout the department, county jails, the probation districts, just due to COVID. It goes on at a limited basis. I just completed a probation class last week here in Lincoln. I will be doing another one next week in Fremont. There are other trainers with the CJC that will be doing programming in the Department of Corrections, but not on the level that we used to. County jails are out of the question at this point.

BREWER: Wow, that's kind of what I feared, but I mean, unfortunately, the times we're living in. But it didn't seem like they welcomed the opportunity for one to have someone outside of that-- that world hear their issues, but also just to have some type of interface with folks that, you know, come and have different issues that they would address to them. And so I-- I figured that that was probably putting them in a position that they, you know, probably had a lot more difficult life, not just because of COVID, just because of a lack of contact with the outside world.

SHAKUR ABDULLAH: Absolutely. Senator, your name, a few other senators' names frequently comes up as I am in correctional facilities, as individuals that come in attempting to try to help interact, create a sense of prosocial consciousness within individuals, their responsibilities when-- when they get out. That contact is very, very much needed. Voting is just another cog along the continuum of somebody committing a harm, serving their sentence, getting out and still yet being marginalized after the completion of that sentence.

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BREWER: All right. Questions? All right. Thank you for your testimony. Thank you for what you do. All right. We are still on proponents to LB153 [SIC LB158]. Welcome to the Government Committee.

WESTIN MILLER: Thank you, Chairman Brewer, members of the committee. My name is Westin Miller, W-e-s-t-i-n M-i-l-l-e-r. I'm the director of public policy with Civic Nebraska. I want to thank Senator Wayne for continuing to champion this issue. Senator Wayne's approach to this issue should just be such a no brainer at this point. It is so moderate. It is so reasonable. If you've served your time, you should get to vote. And I feel like that really ought to be the only thing worth discussing in this conversation. He's right that Nebraska does have one of the strictest laws in the nation on this issue. We are one of only three states now that disenfranchise all felonies without exception for a period of time beyond your sentence. Every other state, even in a strict category, at least does it for certain, but not all felonies. The nasty racist history and intent of some of these laws is undeniable. I'd be happy to elaborate on that. Well, not happy. I would elaborate on that if you want. But I want to focus quickly on the modern-day opposition that is being said or oftentimes not said about this issue. So since 2005, when Nebraska first started changing our felony disenfranchisement laws, I think there's been a really fundamental flaw in how our policymakers approach this issue. This is really kind of-- this is put very bluntly in Governor Ricketts' 2017 veto letter that we've mentioned now to LB75. And I'm quoting here, he said that proponents of LB75 contend there will be an increased civic engagement by felons voting and that will help reduce recidivism. However, studies have failed to demonstrate a link between the restoration of voting privileges and reduced recidivism rates. Other than that argument actually being incorrect, as Senator Wayne said, there's a lot of data to suggest the opposite of that. But the actual issue I have here is that vetoing a bill like this because it's not guaranteed to make things better ignores, I think, the fundamental truth in this whole conversation, which is that as a default in Nebraska, 18-year-old citizens have the right to vote. It's not a privilege. You don't have to prove your value to get it. It's a right to vote that's supposed to be furiously protected. We believe that when the state attempts to restrict any constitutional right, it has the burden to prove both the necessity and the effectiveness of restricting that constitutional right. Nebraska as a state has failed completely to prove that our current two-year waiting period is

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necessary. They failed to prove that it does anything positive. It simply leaves us with thousands of Nebraskans who can't vote. My time's almost up. Just as a reminder that, again, the default position is that 18-year-old citizens in Nebraska can vote. And I also just want to point out kind of a frustrating fact, which is that voting is not mandatory. So when someone gets out of prison, the only people who are affected by our law are folks who are just trying to participate. If you want to conjure up your most negative stereotype of someone convicted of a felon and if that includes concepts like being irresponsible or not engaged, that person's not going to vote. So they're unaffected by this bill or by this law. Only the folks who are trying to engage, trying to do exactly what we've asked them to do are the only folks that are being rejected by our current policy. Thanks for your time.

BREWER: All right. Thank you, Westin. Questions? Senator McCollister.

McCOLLISTER: Thank you, Mr. Chairman. Do you have any idea how many people will be affected by this opportunity to vote if this bill were to pass?

WESTIN MILLER: Great question. So that number is absurdly hard to find, which sort of highlights the problem with our current system. Civic Nebraska, right before I started, this would have been in I think late 2016, said that it was about 7,000 people at the time who would be affected by this change. Over the summer, I'm going to try to update that number. But I think Senator Wayne and a couple of the testifiers illustrated that our system is so bizarre with the two-year waiting period and also the fact that we don't treat all felonies the same. So in order to find this number, you've got to talk to like eight different agencies and deal with a whole number of scenarios. Because we've got a lot of arbitrary-- we've got an arbitrary timeline attached to an arbitrary category of crime, which is just really, really hard to track. So as of 2016, there was about 7,000 people. And I'm trying to get that updated over the summer.

McCOLLISTER: Follow up.

BREWER: Yeah, sure.

McCOLLISTER: What's the process, the process of restoring your voting rights? Do you have to go to the election commissioner or?

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WESTIN MILLER: Good question. So you are automatically eligible once the time period is up. But again, as a reminder, like Senator Wayne said, it's not just you're released, then you start a clock. If once you're released and you're completely off paper, served any sort of parole, done any sort of probation. So it's not really easy to track. You're supposed to be, let's see, you're supposed to be notified. The ACLU did a really useful study of this a year or two ago, which showed that most of our county agencies are not at all on the same page about what the rules actually are. And the notification processes are not the same, which makes this all incredibly confusing. It is extremely important, too, when you consider that accidentally trying to vote, if you're not eligible, is actually a crime and can just toss you right back in the system. There's a very high-profile case in Texas where a woman who had served a felony sentence and was stuck in a waiting period tried to vote and got put back in jail for it. So, I mean, this is-- this is a really dangerous, messy situation. And I think this bill is one of many ways we can just at least make it a little more simple.

BREWER: All right. Any additional questions? Now on the, I guess, number that would be affected, you figure, well, there's X number of-- of individuals who are released from incarceration each year, times two years, but it's not that simple.

WESTIN MILLER: Right.

BREWER: Add a little bit more to that so it's easier to understand.

WESTIN MILLER: Sure. So when I first started on this issue, I figured, oh, this number is easy to find because like if you commit a felony, you go to prison. I learned quickly that's not how this works, right? You can be convicted of a felony and go to prison. You could be convicted of a felony and wind up in a county jail. You could be convicted of a felony and pay a fine and never be incarcerated or a number of different spots in between. All of those are tracked by different administrators, different agencies. Is that kind of what you're asking? Is that helpful?

BREWER: Yeah, no, no. You're-- you're tracking. That's-- that's kind of what I feared. You're just going to put it into a little easier way to understand than just simply slice X number of people released each year times two years.

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WESTIN MILLER: Right.

BREWER: And now you see all the different spots that it could feed
into that number, that there wouldn't be a single source to do that.

WESTIN MILLER: Right. And I'm going to emphasize this again on the
next bill, Senator Cavanaugh. But I think it does just illustrate kind
of the absurdity of taking this broad, arbitrary category and just
being like we've decided all of these crimes then you can't vote. Like
if we've decided that some felonies mean you can pay a fine and some
mean you go to prison, but also we all know it's not just about the
crime. It's about who commits the crime in the first place and how
good their lawyer was. To ignore-- ignore all that and then all of a
sudden pretend like it's consistent when it comes to restricting
voting rights just-- it just frustrates me to put it gently.

BREWER: All right. One more time, any other questions? Thank you for
your testimony.

WESTIN MILLER: Thank you.

BREWER: And we may get a chance to see you again.

WESTIN MILLER: Absolutely.

BREWER: All right. Still on proponents for LB153 [SIC LB158]. Welcome
to the Government Committee.

ROSE GODINEZ: Thank you. Good morning. My name is Rose Godinez,
spelled R-o-s-e G-o-d-i-n-e-z, and I am legal and policy counsel at
the ACLU of Nebraska, here in support of LB158. First, we want to
thank Senator Wayne for introducing this legislation, which ensures
that our most fundamental right in a democracy, which is our right to
vote, remains protected. The current state of our voting system denies
the right to vote to an entire class of citizens for a prolonged
period of time. And, as you've heard, causes confusion among voters,
undermines our democracy, and makes our society less inclusive. We
know people of color are disproportionately impacted, as you've heard
from testifiers before. And many of these laws, as Senator Wayne said,
were passed during the Jim Crow era with the intent to bar people from
voting. Fast forward to today and the impact and the intent remains
the same, disproportionately impacting voters of people of color who
continue to be prosecuted, incarcerated, and disenfranchised at rates

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much higher than white Nebraskans. Now, to add to Ms. Harris' testimony, according to that same report, Nebraska African-American eligible voters can be the rate of disenfranchisement due to this law can be anywhere from 10 to 20 percent. For Latinx voters, it can be from anywhere from 5 to 10 percent. Latinx, the Latinx rate is a little undercounted because of our race, ethnicity, definition. It's a little confusing. This is why the ACLU recently launched a voting rights educational campaign to ensure every eligible Nebraskan that wants to vote is able to vote. We targeted Nebraska County jails and sent them packets of information with know your rights information, voter registration form, the early ballot request form. And it was all well received to distribute to detainees. And then to exemplify to the questions that Senator Brewer was talking about with Westin. I'd like to just tell you a quick story of an intake that we received as a result of that campaign about Wally, who lives in Douglas County. And his story really exemplifies why existing law is so confusing, not only for people with a felony conviction, but also for election officials. Wally received a letter from the Douglas County Election Commission letting him know that he was not eligible to vote because two years had-- had not passed since he finished or successfully completed his sentence. But so then the election commissioner was wrongly interpreting when someone completes their sentence successfully. So Wally contacted us and this led us to a full investigation of about 3,500 state voting records where we uncovered that about 400 other Nebraskans had wrongfully received the same letter. In some counties, we found that the error rate is over 6 percent. We still don't know how many people were impacted since we have only reviewed a sample of 3,500. But the Secretary of State has acknowledged that there is widespread error in the voter file data. And I see my time is up.

BREWER: Drive on. You're doing good there.

ROSE GODINEZ: Thank you.

BREWER: Finish up your thoughts.

ROSE GODINEZ: So I guess my-- my ending thought is restoring the vote is-- is a measure not only supported by the ACLU, but the American Probation and Parole Association, the Cato Institute and faith leaders. And for those reasons, we urge you to pass this bill to General File.

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BREWER: All right. Thank you for that. All right. Questions? Senator
McCollister.

McCOLLISTER: Thank you, Mr. Chairman. The fiscal note would indicate
that in the process of restoring your voting rights, you go to the
Secretary of State, not the local county election commissioner. Is
that correct?

ROSE GODINEZ: That is a confusing process in itself. So technically,
if you're restoring your right to vote, you really don't have to do
much besides know the exact date, which is the confusing part that
Westin was talking about. And even I mean, just to take a step back,
even that is so difficult that you need sometimes attorney's help for
that. So Wally, who contacted us, we had to go back in the JUSTICE
system where our criminal records are kept and track back when his
sentence ended, the exact date, because it was so close to the voter
registration due date and then count two years. And then as soon as
you're up to two years, all you have to do is reregister normally and
you should be fine. So there is no, I guess, clear restoration
process.

McCOLLISTER: Yeah. Is this bill sufficiently deal with-- with the
process of restoring your voting rights or is that something we should
explore with an amendment in this bill to make it more explicit how to
exactly restore your rights?

ROSE GODINEZ: That's a great question. I think this bill already does
so much, but clarity on when and how to restore your voting rights, as
long as it's just you need to reregister to vote, I think would help
all of us just because we did an open records request to that same
point. What is the guidance on election commissioners and their
training as far as how do you restore voting rights or how do you deal
with people with a previous felony conviction? And even that training
with the Secretary of State records was so confusing. Some defined
completing a sentence differently than other-- the other trainings
that other election commissioners received. So I think any clarity
that could be provided to our officials that are already working
really hard could receive is helpful.

BREWER: All right. Any additional questions? Seeing none, Rose, thank
you for your testimony.

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ROSE GODINEZ: Thank you.

BREWER: Must be some good coffee you have, John. You're asking some
really good questions today.

McCOLLISTER: Oh, thank you. Want a cup?

BREWER: No.

McCOLLISTER: Anybody else

***SPIKE EICKHOLT:** My name is Spike Eickholt and I am appearing on
behalf of the Nebraska Criminal Defense Attorneys Association (NCDAA)
in support of LB158, which would eliminate the two year waiting period
following completion of sentence for restoration of felons' voting
rights. Voting is both a fundamental right and a civic duty. Voting is
the cornerstone of our democracy and the fundamental right upon which
all our civil liberties rest. The right to vote is constitutionally
protected under the state and federal constitutions. Specifically,
Article 1, Section 22 of the Nebraska State Constitution provides
that: "[a]ll elections shall be free; and there shall be no hindrance
or impediment to the right of a qualified voter to exercise the
elective franchise." This provision is substantial, broad and goes
farther to protect the right to vote than the federal Constitution.
Yet due to our state's felon disenfranchisement laws, there are
thousands of Nebraskans who are denied this fundamental right each
year. Most people who are convicted of felonies will not spend their
lives in prison. Instead, most felons in the state serve relatively
short prison terms of four years or less. Their punishment continues
throughout their life by virtue of their status as ex-felons. These
individuals will be released, perhaps to serve a term of probation,
and return to their communities often with a goal of reintegrating
themselves and becoming productive members of society. As can be seen
in the number of states that have allowed ex-felons to vote, denying
these individuals the right to vote past the point of completing their
comi-ordered punishment serves no compelling state interest. The
ability to vote is one of the most fundamental rights individuals
possess. It is a vital right that demonstrates a citizen's connection
to and participation in her community. The elimination of the current
disenfranchisement law not only restores to thousands of Nebraskans
the fundamental right and civic duty to vote, but provides an
opportunity to positively impact recidivism rates and civic engagement

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in our state. Many people who are convicted felons do not realize their right to vote is automatically restored after two years of completion of their sentences. For instance, they may think they have to complete a term of probation before they can vote. By eliminating the two year waiting period currently faced by felons before their voting rights are restored, the confusion and misapplication under the current legal framework will be significantly eased. This is a realization that many other states have already made. According to Demos, a non-profit public policy research institute, Nebraska is currently one of 14 states to have felon disenfranchisement laws that strip people of their right to vote even past the point of serving their sentences, these proposed amendments however, would allow us to join with 15 other states that automatically restore voting rights upon the completion of sentences of probation, prison and parole. We urge this Committee to advance this bill.

***KATIE PITTS:** Dear Chairperson Brewer and committee members, my name is Katie Pitts (K-A-T-I-E P-I-T-T-S) and I am the State Policy Director with Nebraska Appleseed. We strongly support the elimination of the two-year waiting period for people who have completed their sentences to reintegrate into democratic society and vote in elections like any other citizen. By removing the unnecessary two-year waiting period for people who have already completed their prison sentence to register to vote, LB158 takes an important step in allowing people who have paid their debt to society to participate in civic life upon release. Voting is the cornerstone of our democracy and is fundamental to a fair and functional government. Nebraska is committed to a policy goal in which people who have served their sentence are able to reintegrate back into the community and make a meaningful contribution to society. However, Nebraskans with prior justice system involvement are met with significant continuing consequences to their conviction, even well after they have completed their prison sentences, such as limitations on housing, employment, education, and the issue at hand in this bill -- a lengthy and unnecessary delay of the right to vote with deeply negative societal consequences. Ideally, voting rights should never be abridged or denied even while serving a sentence. As people return to and rebuild their lives they should have the liberty to vote and the opportunity to find a job, pay taxes, and provide for their families. Voting is one of the many actions that reinforces values of civic duty to reduce recidivism and encourages a sense of community, normalcy, and political efficacy for people reentering

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society. The number of Americans currently disenfranchised from voting is staggering. Approximately 8% of all adults have felony convictions. In 2016, an estimated 6 million voters were barred from voting due to felony disenfranchisement laws. More than 7,000 Nebraskans with felony convictions do not have the right to vote or 17,000 when people currently in prison, on probation or parole are included. A lot of misinformation about voting still exists. According to an ACLU of Nebraska research project, in a phone survey of all 93 county election officials, only half of Nebraska counties were able to provide "correct and accurate information" about voting rights of those who had completed their felony sentences. LB158 would reduce administrative and public confusion about exercising the right to vote. By advancing LB158 and restoring voting rights, this committee is making a long-term commitment to a population of Nebraskans who have important perspectives and are ready, willing, and able to make a meaningful contribution to their community by voting alongside their peers. We strongly urge you to advance LB158.

***ABBI SWATSWORTH:** Thank you Senator Brewer and Senators of the Government and Military Affairs Committee for the opportunity to provide written testimony as a part of the transcribed committee record. My name is Abbi Swatsworth. I am the Executive Director of OutNebraska - a statewide nonprofit working to celebrate and empower Lesbian, Gay, Bisexual, Transgender and Queer/Questioning (LGBTQ) Nebraskans. OutNebraska supports LB158 - Senator Wayne's bill to restore voting rights. LGBTQ people are overrepresented in the criminal justice system. Research by The Williams Institute indicates that the rate of incarceration for LGBTQ people is more than three times the rate of incarceration for non-LGBTQ people. Furthermore, data on Nebraska's prison population clearly demonstrates that Black people are overrepresented. For example, while black people represent only 5% of Nebraska's general population, they represent 25% of Nebraska's prison population. For these reasons, LB158 is important to the LGBTQ community. Studies show that re-engagement in civic life can be an important aspect of successful reintegration for people who are formerly incarcerated. Having a voice in electing our leaders and advancing issues we care about through voting is a fundamental part of civic life. Once someone completes their felony sentence they should be given the opportunity to fully engage in the civic life of their community. The current system of restoring voting rights two years after the completion of felony sentencing and parole/probation places

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an undue burden on formerly incarcerated people and creates unnecessary barriers to civic participation. People completing felony sentences already face numerous challenges and barriers to community reintegration - namely in the areas of housing and employment. These challenges often make it extremely difficult to reintegrate and advance in life. In our experience with Get Out the Vote in the South of Downtown neighborhood, we encountered people who believed that they had no right to vote despite being "off papers" for more than two years. We were fortunate to be able to educate them about reinstating their voting rights. We must ask ourselves how many other formerly incarcerated people have successfully overcome the challenges of reintegration but do not understand that they have the ability to fully participate in our Democracy? When we examine the two year waiting period in light of these realities it seems arbitrary and cruel - it feels like a deliberate attempt to disenfranchise marginalized people who are doing their best to be productive citizens. In the recent Blueprint Nebraska, Nebraska's business community set priority areas for growing the business ecosystem of our great state. One priority area was helping Nebraska become seen as a more welcoming state for diversity. The way in which the state treats racial and sexual minorities in every aspect of life - including following incarceration - reflects our state's commitment to diversity, equity and inclusion - or lack thereof. We urge you to advance LB158 to general file and further encourage you to make this bill a committee priority.

BREWER: That's a good point. I probably do need some. All right. I'll let Jonathan finish up here. We're still on proponents to LB158. All right. No additional proponents. We will transition into opponents. All right, and anybody here in the neutral? Well, then we welcome back Senator Wayne.

WAYNE: So I'm going to do something here that I've never talked about before. First, it was 2005, Chairman Brewer, when this was started, but I'm struggling because I never really talked about this. But my first year here when we were on the floor and we were getting ready to do the Governor override vote, the day before I was approached by I won't mention who and somebody else and the Speaker and there was a deal to be cut. If those will recall and you may not remember, but I had LB75 and LB76. LB76 was the implementation of LB75. We ended up not moving on LB76 because finding out who and where felonies were actually-- felony convictions actually lied, created too big of a

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fiscal note. So we had multiple different systems talking and the Secretary of State at the time and the Assistant Secretary of State came up with the idea that since the law was already passed in 2005, they should be able to figure it out and it shouldn't be a fiscal note. They should be able to fix it internally since the law was already in existence for over 10 years. We know that's not the case. Last year or last election cycle, I believe it was the Secretary of State, I was trying to look up but Sprint doesn't work too well in this room, sent out the wrong information to over four, I think 2,000 or 4,000 felon voters saying that they couldn't vote. This database system is a problem. And I'll explain to you why it is a problem. You could be charged with a Class IV felony and never do a day in corrections, never do a day in your county jail because a Class IV felony is the presumption of probation. And you can ask legal counsel in Exec to elaborate a lot more on that, but the presumption of probation is they have to prove that you are not deemed qualified to be on probation is the only way you could be sentenced under a Class IV felony to jail time. Class IV felony can last up to five years. So that is literally five years of probation, never serving a day in jail. And then you would have to wait an additional two years before you could vote. That's seven years before you can vote and you actually never served a day in jail. That's crazy. But the deal on the floor was I had enough support to override the Governor if I would figure out how to break out violent offenders and nonviolent. Well, as your legal counsel who used to dabble in criminal law will explain to you in Exec Session, that's damn near impossible under our criminal code. A terroristic threat is a crime of violence, according to our Supreme Court. It's a threat. You actually don't physically touch anybody. We have so many problems in our criminal code system that it's damn near impossible to figure out crimes of violence and what are crimes of violence. It's hard to figure out. I mean, we all know the simple ones, assault, sexual assault, like those you can figure out. But a third-degree sexual assault in some cases is actually no actual physical touching. So is that a crime of violence? Because we have so many levels of all of our criminal code, it makes it hard to figure out. So two days before the override vote, a day before the override vote, I'm on the phone with the Secretary of State. I'm on the phone with multiple people in the courts trying to figure out how to do this so we can pass a bill. It's literally impossible because our criminal code is so messed up. Why is that important? It's important because it goes back to this arbitrary two-year period. The

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two-year period is arbitrary because it doesn't say you're out on two years and you can't commit a crime. Actually, you can commit a misdemeanor every day and still get your voting right back. In fact, you can commit a felony and be charged as long as you're not convicted before it's time to vote. It's literally arbitrary. It was about protecting political votes. It was about the unknown because we didn't have the data about how many felons were out there in the time. We weren't sure. We had just went through a redistricting in 2000. It was just let's just cut a deal and get it done because we know we should get it done and we should come back, and it was on the record, come back after we have better data to solve this issue. It's literally arbitrary. And anybody that wants to go back and look at LB76 in 2017, it was literally the implementation bill. So this bill is not about excusing the crime. You are convicted, you do your time, you come out, you should be able to participate. These same individuals are paying taxes those two years. They're working and they have no say with their local government on how and what to do. That's why it's arbitrary. If there were some conditions over two years, I couldn't have that argument, but there's literally no conditions. It's just two-year period. That's arbitrary. So there is this elephant in the room every year about, well, will the Governor veto it? Maybe, maybe not, but that's never stopped anybody from this body from introducing, at least on my conservative side, a property tax bill that many years, our first year, didn't get 33 votes. It's never stopped people on the other side of trying to bring a social justice bill. The point of it is, is we keep fighting the fight because it's important and it's the right thing to do. And if the Governor vetoes it, we'll have the same conversation and I think we'll have more than 27. I think we can-- we can get to 30-- 30. I like 33 because, you know, a couple always peel off. So you got to make sure we get 30. But the point is, is we can do it. And I don't want to be afraid of a Governor veto or a filibuster or anything like that because we wouldn't introduce half the bills that we all introduce if that was the case. So I just want to reassure people that it's not about excusing the crime. It's not about we're going to wait two years and see if they do better, because none of that's in the current language. It is truly arbitrary. And my first year, we didn't have all the data. We were still getting all the data. And so we focused on the historical aspect of it. I'm not beating that drum today because to me it's just the right thing to do today. It's about community engagement. It's about making sure that we can lower recidivism and the amount that we spend on an inmate every day,

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whether it's county corrections or state corrections. If we can reduce that by 30 cents, we are saving taxpayers money. And with that, I'll answer any questions.

BREWER: All right. Thank you. Question? Senator Halloran.

HALLORAN: Thank you, Chairman Brewer. Thank you, Justin, for bringing this bill. Just a little point of history if you could bring me up to speed. What-- what was, and this may be an obvious answer to the question, but what was the law before Senator Schimek and Senator Kruse passed it.

WAYNE: Couldn't vote at all. It was a lifetime ban. And at the time, in 2005 courts across the country started saying that was unconstitutional. And so we thought we could-- we thought we could deal with it through statutes. And we have been able to, and the statute's never been challenged.

BREWER: Senator McCollister.

McCOLLISTER: On a roll now. How many states, Senator Wayne, allow felons to vote while on probation?

WAYNE: I think four to five and I can get you that exact number. The only reason why I say that is because some states confuse what we call parole postsupervised release, sometimes even though it's technically probation, they call that parole. So matching it apples to apples, I'll have to get you that data. And that's the other thing we have this thing called postsupervised release that can last up to four years in some cases. It's not parole. So you do your actual time and then we put you on probation essentially afterwards for another four or five years. So, again, you could talk a decade without being able to participate, even though you did all your jail time five, six years ago. It's just a weird, arbitrary system.

BREWER: All right. Any additional questions? Well, Senator Wayne, one thing about your bills, you-- you know your materials and you're passionate and it's refreshing. So thank you for bringing LB153 [SIC LB158].

WAYNE: Thank you.

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BREWER: All right. We'll take a-- I'll read in some numbers here. Written testimony on LB158 and these are proponents, we got Abbi Swatsworth with OutNebraska; we got Katie Pitts with Nebraska Appleseed; Spike Eickholt with Nebraska Criminal Defense Attorneys Association. None, no written testimony in opposition and none in the neutral. And then as far as letters, position letters, we have 14 proponents, 10 opponents and zero in the neutral. And holy cow, just like that, we are reset with LR10CA. Let me flip pages here so I got all my materials. And we will welcome Senator Cavanaugh. Senator Cavanaugh, welcome to the Government Committee.

M. CAVANAUGH: Thank you. Good morning. You have to distinguish, you know, we've got two Hansens and two Cavanaughs now.

BREWER: Yeah, that's true. I apologize, Machaela.

M. CAVANAUGH: I think you can tell. Hopefully the Transcribers can tell from my voice, which one I am, but good-- good morning, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Machaela Cavanaugh, M-a-c-h-a-e-l-a C-a-v-a-n-a-u-g-h, and I represent District 6, west-central Omaha. I'm here to introduce LR10CA. The intent of LR10CA is to amend Article VI, Section 2 of the Nebraska Constitution so that the only crime that would disqualify a person from voting is the conviction of treason. Of all Western democracies, America is the only nation that disenfranchises millions of its own citizens on the basis of a felony conviction. While the revocation of voting rights as a punishment is something that we can-- that can be traced all the way back to ancient Greece, it has historically only been used in individual cases of especially heinous crimes or for election fraud. Felony disenfranchisement is a historically recent phenomenon that can be traced directly to backlash against the expansion of voting rights to black men following the Civil War. Nearly simultaneous-- simultaneously, laws were introduced across the country, specifically targeting African-Americans for criminal prosecution as other laws were passed that stripped the right to vote of people convicted of felony crimes. The result was the mass incarceration of African-Americans, who, having recently been granted a voice in their own government, had it taken from them. As an illustration of how unfairly targeted these laws were, we can look to the Alabama prison population in 1950-- 1850, I apologize, to 1870. In 1850, the population of nonwhite prisoners was 2 percent. In 1870, after these

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laws were passed, the population jumped to 74 percent. Unfortunately, Nebraska lawmakers at the time chose to follow this trend. Our voting ban for ex-felons remained in effect until-- for life until 2005, when it was reduced to a two-year waiting period. The racial impact these laws have on voting in Nebraska is clear. According to statistics from the U.S. Department of Justice, African-Americans make up only 4.6 percent of Nebraska's population, but represent 26.9 percent of our prison population. African-Americans are more than eight times as likely to be charged and convicted of a serious crime than a white person. And this directly impacts their ability to have a voice in their government, despite continuing to work, pay taxes and live in our state. Like I've said, disenfranchisement as a punishment for a crime is not without historical precedent, but the scale and explicitly racial targeting of it as it exists in America today absolutely is. There is room for open and honest discussion on what crime should result in what rights being taken away. And I welcome that discussion. But a punishment scheme that unfairly targets nonwhite citizens and treats everyone who downloads an episode of a TV show the same as a serial killer is clearly broken and must be replaced from the ground up. I would like to close by noting that if LR10CA passes, it won't actually end felony disenfranchisement, but it will allow us as a legislative body and as a state to have what I feel is a necessary conversation about something that is considered-- considered a fundamental right of every American, something that people have literally fought and died for. And I know I brought this bill in front of this committee previously, I brought it as a bill. And then I brought it last year as a constitutional amendment under the advice of our friends from Civic Nebraska who we will be hearing from. And if we pass this in the Legislature, it, of course, would go to a vote of the people. So this is just the first step. We've heard a lot of conversation over voter fraud, and I would be happy to amend this to say that voter fraud would result in losing your right to vote. I don't-- I think that that is an act of treason, but we can certainly make that explicit as well. And with that, I will take any questions that you may have.

BREWER: Thank you, Senator Cavanaugh, for that opening. Questions for Senator Machaela Cavanaugh? All right, you'll stick around for close?

M. CAVANAUGH: I will, yes.

BREWER: OK, thank you.

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M. CAVANAUGH: Thank you.

BREWER: All right, let Jonathan do his magic here. Welcome to the
Government Committee.

DEANNA HOBBS: Hello, Senator Brewer and members of the committee. My name is Deanna Hobbs, spelled D-e-a-n-n-a H-o-b-b-s. I'm a senior certified law student at the Nebraska College of Law where I'm enrolled in a civil clinic. My main responsibility in the clinic is to lead the Clean Slate project. I'm here to speak in support of this amendment as a citizen and not as representative of the university. Nebraska has ended its indefinite ban on convicted felons voting, and it allows them to vote two years postsupervision. The waiting period was a compromise that we've heard a lot about today in order to pass the bill. While this was an improvement, adding this two-year waiting period, as we've heard, serves absolutely no policy reasons. People in support of felony disenfranchisement in general are hard pressed to defend it. Felony voting restrictions are incompatible with modern democratic principles. After the Civil War and the passage of the Thirteenth Amendment ending slavery, many government bodies in the South enacted laws to control and overpolice recently freed slaves. Although the Fifteenth Amendment was passed in order to guarantee the right to vote for this group of people, states found ways around it. Similar to the arbitrary policies like grandfather clauses and poll taxes, felony disenfranchisement laws were a way to keep these former slaves from voting. And as time went on, states around the nation began adopting similar laws to prevent felons of all groups from voting. Deprivation of the right to vote is not an inherent or necessary aspect of criminal punishment. It should not be a blanket punishment applied on all, everyone convicted of a felony. Disenfranchisement of millions of people has been the consequence of harsh criminal justice policies that have increased the number of people sent to prison, meaning millions of Americans have lost their right to vote. To this day, felony disenfranchisement disproportionately impacts people of color, particularly African-Americans. According to the Sentencing Project, black Americans are four times as likely to lose their voting rights than the rest of the adult population. In our-- so 1 out of 13 black adults are unable to vote. And these are the national numbers. For Nebraska specifically, 6,000 black Nebraskans are disenfranchised, which is 10 percent of that population. Passing this amendment will help return the right to vote to thousands of people in this historically

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marginalized group and to thousands of other Nebraskans. People convicted of felonies deserve the right to vote. Voting is how citizens make their voices heard, and it allows them to elect people who represent them and will support the policy positions that they want. They are as much affected by the actions of the government as any other citizen. It is time to leave this antiquated ban on voting in the past. I would like to thank the committee for listening to my testimony and ask you all to support and advance this amendment. Thank you.

BREWER: All right. Thank you for the testimony. Questions? All right. Seeing none, thank you.

DEANNA HOBBS: Thank you.

BREWER: All right, next, proponent. Sir, welcome back to the Government Committee.

SHAKUR ABDULLAH: Good morning again. My name is Shakur Abdullah, S-h-a-k-u-r A-b-d-u-l-l-a-h, Restorative Justice trainer/facilitator with the Community Justice Center. I am here today representing JustUs15Vote, a voting initiative out of Omaha. I want to thank Senator Cavanaugh for bringing this bill. There are two states and one district that has no voting restrictions other than being a citizen and old enough to vote. You know, for me, it always comes down to the question of citizenship. Citizenship is not abrogated as a result of a felony conviction. That is a way to keep people engaged. If you look at just the sheer numbers of the incarceration rates in the United States, the most incarcerated spot anywhere on this earth, 2.3 million people in confinement facilities, another 5 to 6 million people on some form of supervised release, whether that be probation or parole. This constitutional amendment would be in line with those two states and the District of Columbia just in making sure that people, their humanity remains intact by not losing their voting rights. Studies in those states and the district that allows people to vote regardless of a conviction show that they are more prosocially engaged, more civically engaged, and more productive citizens. I want to end with a quick story just about the pernicious nature of preventing people to vote. Had a conversation with a friend who I did time with a long time ago. I knew he had paroled out. He asked me how much parole I had to do. I was able to discharge my sentence, was a little embarrassed to have to tell him that I was because I knew that he was still on

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parole. He has been out for 14 years on parole. He will not complete his parole until a new-- another two years. His two-year waiting period will not start until then. He has been out, bought a home, numerous cars, retired, paid taxes that whole entire period. And it just seems ridiculous that he should not be able to engage fully as a citizen like everyone else. I am here to support this constitutional amendment. I would request that you advance it out of committee to let it be hopefully decided by the state.

BREWER: All right. Thank you. My first question would be, obviously, the district would be District of Columbia. The two states, do you know?

SHAKUR ABDULLAH: Maine and Vermont.

BREWER: Maine and Vermont. OK. Any other questions? All right. Thank you for your testimony. All right, next proponent.

JASMINE HARRIS: Good morning again, Senator Brewer--

BREWER: Good morning.

JASMINE HARRIS: --and members of the Government, Military and Veterans Affairs Committee. My name is Jasmine Harris, J-a-s-m-i-n-e H-a-r-r-i-s. I'm here today representing RISE. We are a nonprofit that works in 7 of the 10 correctional facilities with a six-month program that focuses on employment readiness, character development, and entrepreneurship. I'm thankful for Senator Wayne and the LB158 that he continues to bring. LR10CA takes this a step further. And I'm thanking Senator Machaela Cavanaugh for bringing that as well. And I'll just reference before working with RISE again, working in the community, working with people who are coming out of incarceration, registering people to vote, seeing the joy on their face when they do realize that they do have their right to vote back. It's very inspiring. Working with people who are still incarcerated and stepping into this role as director of policy and advocacy, I have so many people who are engaged who have been sending letters to senators, who are sending me mail with policy recommendations on how this would impact the system in Nebraska. And I say that to say people have the argument that people who have committed felonies need to wait. They need to prove themselves that they are more engaged when they come back home. And I say the people who are incarcerated are probably more of --some of

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more of the engaged people than those who have never been incarcerated when it comes to voting, when it comes to being educated around the democratic and governmental legislative processes here that we have in our state. One of the things I also want to bring up is that with this bill being passed or this amendment being passed out of committee and it goes to the people, it will be ironic that those who are fighting so much for to get this vote for their right back won't be able to vote to have that right restored. So we must stand in the gap for them. And with that, RISE supports LR10CA and ask that you all pass it out of committee. Thank you.

BREWER: Thank you, Jasmine. How long have you worked for RISE?

JASMINE HARRIS: I've been at RISE for about four years I believe--

BREWER: Four.

JASMINE HARRIS: --four or five years now. So we started in 2016 and I came on in 2017.

BREWER: Very good. All right. Questions? All right. Thank you.

JASMINE HARRIS: Thank you.

BREWER: Well, welcome back to the Government Committee.

WESTIN MILLER: Thank you, Chairman Brewer, members of the committee. My name is Westin Miller, W-e-s-t-i-n M-i-l-l-e-r. I am still the director of public policy at Civic Nebraska. So at last year's hearing on this issue, this notion of doing away with felony disenfranchisement, except for treason, was still fairly new to us. So I just kind of walked the committee through our thought process and told you how we arrived in support of both of these issues. Essentially, we just can't find an evidence-based reason to support Senator Wayne's proposal, but not Senator Cavanaugh's proposal. I think the-- the consistency in the logic just requires us to go to both of these places. We've got a truckload of research and analysis I'd be happy to share with you. But for these three minutes, I just want to make one really important point I think. I know, as someone who attends these hearings and listens to all of you all of the time, that every member of this committee places a really high value on the Constitution and on constitutional rights. Obviously, it looks slightly different for each of you, and that's OK. It would be weird

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and arrogant of me to tell you how that relationship is supposed to look. But what I am asking and what I will continue to ask is for you to simply be consistent in how you treat all of our constitutional rights. Members of this committee are excellent when it comes to our First and our Second Amendment of asking two questions. You always ask, one, does the state really need to restrict this right and you don't accept weak answers. And two, if there is a current restriction, you ask, is this restriction doing anything positive? Is there actually a need for this? All that I'm asking, and to me, it's just really the only point I can arrive at, all I'm asking is for you to just ask those same questions when it comes to this restriction on our voting rights. I am not an expert on gun policy. I'm all for an honest debate about public safety. But I know for sure that let's just imagine for a second we had some longstanding restriction on our Second Amendment rights. And I came before you and defended that restriction on the grounds that, well, we've just always done it that way so it's OK. You all would laugh me out of the room and I would deserve it for sure. I just don't understand how our voting rights can or should be treated any differently than the First or Second Amendment. The right to vote is enshrined in four different constitutional amendments. I think it deserves the same protection that we give the First and the Second. I just want to kind of end with a quote that always bounces around in my head on this issue. And it's been referenced a few times today. But Chief Justice Earl Warren in 1958 said that citizenship is not a right that expires upon misbehavior. We've established today that we're dealing with some huge categories, some arbitrary rules. It just doesn't feel right to say that your constitutional rights can be restricted, not because there's a good reason, but because we've just done it since 1875 and it passes the smell test. That's-- that's not how you all make good policy. So I'd be happy to answer any questions. I know there's more moving pieces to this, but I just wanted to emphasize again that the right to vote is in our Constitution, at least four different places. It's explicit and it deserves the same intensity that we give to the First and Second Amendment. So thank you for your time.

BREWER: Thank you. Questions for Westin? Westin, I got to tell you that I-- there's a lot of folks that come in and represent organizations and speak, and I always enjoy you because you tell it straight. You don't take and twist it to fit whatever's convenient,

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you're just straight up. And that's-- that's refreshing and I
appreciate it. So I just want to share that with you.

WESTIN MILLER: Thank you.

BREWER: And thank you for coming in and testifying.

WESTIN MILLER: Thank you.

BREWER: All right. Next proponent to LR10CA. Welcome back to the
Government Committee.

ROSE GODINEZ: Thank you. Good morning. My name is Rose Godinez,
spelled R-o-s-e G-o-d-i-n-e-z, and I am legal and policy counsel here
in support of LR10CA. We want to thank Senator Cavanaugh for
introducing this resolution. The ACLU advocates for a state and
country where the right to vote is permanent, where potential voters
are not deprived of their right to vote simply because they've been
formerly incarcerated. We all, including those who have a felony
conviction, must have a voice in how we shape our society. Lastly,
many felonies exist on our books already, and hardly any of them have
anything to do with voting rights. And then our state will only
further protect and advance our right by passing this and make it more
consistent with our current constitutional provision of elections to
be free. And just in case you haven't read that recently, I'll just
read it off, Article I, Section 22, which says "All elections shall be
free; and there shall be no hindrance or impediment to the right of a
qualified voter to exercise the elective franchise." So with that, we
urge the committee to advance this resolution.

BREWER: All right. Thank you, Rose. All right. Any questions for Rose?
All right. Well, again, thank you for coming in today. And thank you
for your testimony.

ROSE GODINEZ: Thank you very much.

***SPIKE EICKHOLT:** My name is Spike Eickholt and I am appearing on
behalf of the Nebraska Criminal Defense Attorneys Association (NCDAA)
in support of LR10CA, which would amend the state Constitution to
limit the loss of voting rights to individuals who are convicted for
treason. Voting is both a fundamental right and a civic duty. Voting
is the cornerstone of our democracy and the fundamental right upon
which all our civil liberties rest. Yet due to our state's felon

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disenfranchisement laws, there are thousands of Nebraskans who are denied this fundamental right each year. At the time the existing constitutional restriction on felons voting was adopted, a felony conviction may have been limited to the worst of the worst crimes. Accordingly, felony disenfranchisement was originally limited to a select group of people who had been convicted of profound harm to the state and the community. However, the subsequent development of our criminal code and the continual addition of all sorts of offenses to the statute books have made all sorts of criminal acts, many that are comparatively minor and non-violent, are now categorized as felonies. Most felony offenses have no nexus with fraud or activities that relate to voting. Ironically, many violations of the election laws are only misdemeanors and convictions for those crimes do not result in loss of voting rights. However, any felony conviction results in loss of voting rights, regardless of severity of the crime, the type of sentence, or whether the defendant successfully completed a term of rehabilitation. The ability to vote is one of the most fundamental rights individuals possess. It is a vital right that demonstrates a citizen's connection to and participation in her community. This proposal rightly limits the loss of the right to vote to those who have directly rejected the societal construct by committing the crime of treason. We urge this Committee to advance this constitutional amendment.

***GAVIN GEIS:** Good morning: Chairman Brewer and members of the Government, Military, and Veterans Affairs Committee. My name is Gavin Geis, I am the Executive director of Common Cause Nebraska, and I am testifying in favor of LR10CA. Common cause Nebraska supports this constitutional amendment because we believe a representative democracy should work for and listen to every element of our society, including people on the very edges such as those currently serving a criminal sentence. For our democratic process to properly respond to the people's needs it requires voters from a wide variety of backgrounds. When communities are under-represented at the ballot-box the issues they face are under-represented as well. Nowhere is this more true than our criminal justice system which has long cut felons out of the voting process and is now going through a period of crisis. Prison issues are felt most acutely by the prisoners who inhabit them and by disenfranchising felons the issues that affect them, like prison overcrowding, go unaddressed for too long. Beyond the harm disenfranchisement does to our democratic process, it also fails to be

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an effective punishment and can do more harm than good in preventing recidivism. As a punishment disenfranchisement doesn't work to deter crime any more than a criminal sentence does. People who are undeterred by a prison sentence are unlikely to be convinced by the threat of losing their voting rights. On the other hand, the loss of voting rights disconnects felons from their communities and pushes them further toward the edges of our society. The right to vote connects felons to their communities and can aid in their reentry once their sentence is served. In closing, felony disenfranchisement laws do not stand up to common sense tests. People in prison retain their citizenship and we expect that having served their time; they will return to communities as productive citizens. But while calling on them to be good citizens, our system generally denies or erects barriers to exercise their right to vote. By removing felonies from the list of crimes that disqualify a voter in the Nebraska constitution LR10CA would restore the voting rights of current felons and prevent the use of disenfranchisement for anything other than treason. We urge you to move this important legislation to the floor for discussion by the body.

***BOB EVNEN:** Mr. Chair, members of the Committee, good afternoon. My name is Bob Evnen. I have the honor and privilege of serving as Nebraska's Secretary of State. I appear before you today in opposition to LR10CA. Since at least the adoption of Nebraska's Constitution of 1875, felons have been prohibited from voting in Nebraska. Felonies are the most heinous crimes in our criminal law. The thought was, quite properly, that those who had committed felony crimes had broken the social contract and thereby forfeited their right to vote. By so severely violating the norms of civilized society, felons have forfeited their right to participate in its governance. Section 2 of the Fourteenth Amendment to the U.S. Constitution permits this prohibition, one that dates back to laws of ancient Greece and Rome. Restoration of the right to vote was always possible through the grant of a pardon, which involves in part a review of their return to society. If adopted, this Constitutional Amendment would be a radical departure from that long-standing principle. Passage of this amendment would mean polling places in prisons. First degree murderers on death row, or serving life sentences, would be entitled to vote. So would rapists, child molesters and other violent criminals, even while serving their sentences. Any senator with a prison in his or her district would have an instant constituency of imprisoned felons. What

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policies would they press upon their state senator to advance? By their chosen behavior, felons have willingly and willfully given up the franchise. As Hans von Spakovsky has written, "Those who are not willing to follow the law cannot claim a right to choose those who will make and enforce the laws for everyone else." For these reasons, I ask the Committee not to advance LR10CA.

BREWER: All right, any additional proponents? OK. I need to read in. I'll get this figured out by the time we're done here. Written testimony on LR10CA: proponents we've got Gavin Geis from Common Cause Nebraska and we have Spike Eickholt from Nebraska Criminal Defense Attorneys Association. And with that we will go to anybody here as opponents to LR10CA. Seeing none, I better read in. There's only one letter of opposition and it's Secretary of State Bob Evnen. And are there anybody here in neutral? And there are no letters of testimony in the neutral. With that, we will welcome back Senator Machaela Cavanaugh.

M. CAVANAUGH: Thank you, Chairman Brewer. If the committee wouldn't mind sharing the letter of opposition with my office, I would appreciate that.

BREWER: We can do that.

M. CAVANAUGH: I'm interested to know what the Secretary of State has to say on this issue. I have requested my office to make copies for the committee, and she'll bring them down as soon as they're available. Mr. Miller, Mr. Westin Miller from Civic Nebraska, did a interim study on felony disenfranchisement in Nebraska. It's an excellent study. And I apologize that I didn't have copies ready for the committee, but we will get them to you. And it has a lot of information about the history and what other states have done or are doing. And so I think it will help inform this committee not only on the necessity of my bill, but also the necessity of Senator Wayne's bill. I'm grateful to those that came and testified in support of this bill today. As Ms. Harris mentioned, felony disenfranchisement. Those that are incarcerated are more engaged in our system than most because our system is directly impacting their lives. And I don't-- I would challenge you to find someone who is incarcerated, who stopped before committing a crime and thought, if I do this, I won't get to vote for President. That's not-- that's not how that works. So disenfranchisement isn't a deterrent from crime. It isn't related to

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crime. It's something that we do to marginalize the population of people that are incarcerated. And again, we know that the population of people that are incarcerated, not just in Nebraska but across the nation, tend to be people of color. And so we are trying to, with this piece of legislation, break down those institutionalized systems of racism. And that is the entire intention for me behind doing this. We as a society will thrive when we take down those institutions of racism and everyone will start to do better. And this is just one way that we can do that. And again, this is not going to take just the Legislature to do. This is going to take the state of Nebraska. This has to be the will of the people of Nebraska. But I challenge us as a body to bring this to the people of Nebraska and to see if they have the will to make this change. So with that, I will take any questions that you have and I will make sure to get this report to all of you.

BREWER: Thank you, Senator Cavanaugh. I'll share this with you. I talked about how I spent a lot of time out at the prison for-- for different causes. But what I was shocked, and maybe a little bit surprised that many of the TVs out there are on NETV Nebraska, and they watch the Legislature continually. And they will-- they will be more knowledgeable of things as far as a broad spectrum than many, I think, of the senators are. And-- and I just, I found that interesting that they took that much notice of what we do here, because you would assume they'd fall asleep if they spent too much time watching it. But they're very engaged. So questions for Senator Cavanaugh? All right. Well, thank you for your presentation and your close and your bill.

M. CAVANAUGH: Thank you. And perhaps they're watching to see what you're up to, Senator Brewer.

BREWER: OK. And I have letters to read in. Once again, I got a little bird in my ear here. OK. LR10CA position letters: We have 8 proponents, 15 opponents and zero neutral on LR10CA. And with that, we'll close our hearings this morning. And there was announced this morning that we're having an Exec.

[BREAK]

BREWER: Good afternoon and welcome to the Government, Military and Veterans Affairs Committee. I'm Senator Tom Brewer from Gordon, Nebraska, representing the 43rd Legislative District, I serve as the Chair of this committee. For the safety of our committee members,

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staff, pages and the general public, we ask that you, those attending these hearings, abide by the following rules. Due to the social distancing requirements and seating availability in this limited hearing room, we ask that only those entering the room for the given bill that is up. We will be posting the bills. So we'll start with LB188 and then go to LB236. Let's see, we will be taking a pause between bills so we can reset the numbers and clean the table. We ask that everyone utilize the designated entrance and exit to my right. I request that you wear a face covering in the hearing room. Testifiers may remove their face covering during testimony to assist members and transcribers in clearly hearing and understanding of testimony. Committee members, I leave it up to your discretion on wearing a face covering because of the plexiglass dividers and adequate distancing from the testifiers. A public hearing for which the attendance reaches seating capacity or near capacity, which we anticipate for this afternoon, the entrance door will be, the entrance door will be monitored by the Sergeant at Arms who will be allowing people to enter the room based upon seating availability. Persons waiting to, to come in to speak, need to observe the social distancing requirements. The Legislature does not have available due to the HVAC project overflow holding rooms. We ask that only the testifiers be here in the hearing room, and we ask that you limit your hand-- limit your handouts. The committee will take up bills in the order that they are posted on the agenda. We went over that. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on proposed legislation before us today. Committee members may come and go during the hearing. This is just part of the process, and we have, we have bills to introduce in other committees. And understand the senators will be on their computers and electronic devices, either researching information or finding out if they have to go and speak somewhere else. I ask that you abide by the following rules and procedures to better facilitate today's procedures. Please silence or turn off any electronic devices. No food or drink in the hearing room. Please move to the reserved designated chairs for those that are testifying. The two chairs to the right will be for the presenting senator or staff. Introducers will make their, will make the initial statement followed by proponents, opponents, neutral testimony. Closing remarks are reserved for the introducing senator. If you're planning to testify, please pick up the green sheet that is on the table to the back of the room. Please fill out the green sheet, print clearly so that it can properly go into the record. Any letters

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you need to have been in before 12:00 Central Standard Time the day prior. If you have handouts, we need at least 12 copies of those handouts. Any letters must indicate the bill number, whether you're a proponent, opponent or neutral. Mass mailings will not be used. When you come up to testify, please speak clearly into the microphone. Tell us your name and then please spell your first name and your last name to ensure it gets accurately in the record. We will be using a light system for all testifiers. You will have three minutes to make your initial remarks to the committee. We will, you will see a yellow light with one minute, and then it will turn red when your time expires and there will be an audible alarm. That will be followed by questions from the committee. No displays of support or opposition to the bill, vocal or otherwise, will be allowed in public hearing. The committee members with us here today will introduce themselves, starting on my right.

BLOOD: Good afternoon, Senator Carol Blood, representing District 3, which is western Bellevue and southeastern Papillion, Nebraska.

McCOLLISTER: John McCollister, District 20, central Omaha.

SANDERS: Good afternoon. Rita Sanders, representing District 45, the Bellevue, Offutt community.

M. HANSEN: Matt Hansen, District 26 in Lincoln.

LOWE: John Lowe, District 37: Kearney, Gibbon and Shelton.

HUNT: Megan Hunt, District 8 in midtown Omaha, Nebraska.

BREWER: Community legal counsel Dick Clark to my right. On the corner, committee clerk Julie Condon. And behind us back here are pages Caroline Hilgert and she's a junior at UNL, and Peyton Larson in the corner. There she is. She's a sophomore at UNO. That said, we will welcome Senator Steve Halloran to the Government Committee. Steve, whenever you're ready.

HALLORAN: Thank you, Mr. Chairman. Good afternoon, members of the Government, Military and Veterans Affairs Committee. Thank you for this hearing. For the record, my name is Senator Steve Halloran, S-t-e-v-e H-a-l-l-o-r-a-n and I represent the 33rd Legislative District. I'm here today to introduce LB188, the Second Amendment Preservation Act, to the committee for your consideration. Article I,

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Section 1 of the Constitution of the State of Nebraska titled Bill of Rights declares quote, All persons are by nature free and independent and have certain inherent and inalienable rights. Among these are life, liberty and the pursuit of happiness, end of quote. In 1988, the people of Nebraska voted in an almost two to one margin to amend this section and add, quote, and the right to keep and bear arms for security or defense of self, family, home and others, and for lawful common defense, hunting, recreational use and all other lawful purposes, and such rights shall not be denied or infringed by the state or any subdivision thereof, end of quote. Multiple bills at the federal level are in direct violation of these protections in Nebraska's Constitution, which the citizens felt must be included in the Bill of Rights. The people of Nebraska depend on us to uphold and protect their constitutional rights, which is why LB188 is necessary. LB188 prohibits any agent or employee of the state of Nebraska or any political subdivision from participating in the enforcement of any federal directive regarding a firearm, firearm accessory or ammunition that does not exist under state law. That's important. That's crucial in this. That does not exist under state law. LB188 would protect lawful gun owners in the state of Nebraska from federal government overreach which seeks to restrict their Second Amendment freedom. I would like to take a moment to address the fiscal notes. This bill would not prohibit the State Patrol from continuing their implementation of the NICS, the National Instant Criminal Background Check System, and the issuance of concealed carry permits. The federal guidelines incorporated in the statute are covered on page 3, line 9 of the bill, where we expressly state that this bill only applies to regulations that does not exist under the laws of the state. Other states have implemented this legislation without the loss of federal funds, and I'm willing to work with the State Patrol to ensure that that's the case for us in Nebraska. I'm sure your office, like mine, has received many emails and phone calls about LB188. I urge you to also read through the over 200 public comments left on the Unicameral website. The people of Nebraska are adamantly and overwhelmingly opposed to legislation that would restrict their Second Amendment rights and have shown strong support for LB188. I have provided you each with comments from Nebraskans in your area who have shared their views on this bill. Every single one of them is in support. Those who will testify after me will speak to the need for this legislation and, and the will of the people of Nebraska to see this enacted into law.

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In the meantime, I will be happy to answer any of your questions about
this bill, which you may have.

BREWER: Thank you, Senator Halloran. All right, questions for Senator
Halloran on LB188? Yes.

McCOLLISTER: Thank you, Mr. Chairman. And thank you, Senator Halloran,
for the introduction of this bill. Just wondered if you'd entertain
the idea that this bill may be unconstitutional, given the Supremacy
Clause, Article VI, section 2, and made pursuant to it and all
treaties under it authority constitutes follow the supreme law of the
land and thus laws made by the federal government take priority over
any conflicting state laws. Any, any comment on that issue?

HALLORAN: Well, not only have I considered that, but the Supreme
Court's considered that on various occasions on different, on
different issues regarding whether or not, whether or not the federal
government can commandeer local authorities to enact federal law. I
would encourage you to go to page 2 of the bill, lines 19 through 25,
where they speak to the 1997 ruling Printz v. the United States. And
off mike I can, I can, I can provide you three or four other examples
that enforce the Supreme Court's ruling that the federal government
cannot commandeer local authority, state authorities to enforce a
federal regulation.

McCOLLISTER: Would it be wise to get an AG Opinion on this particular
bill?

HALLORAN: It cert-- it certainly could. And we can see if he disagrees
with the Supreme Court.

McCOLLISTER: So background checks would be protected and will
continue?

HALLORAN: Yep, absolutely.

McCOLLISTER: And the federal buildings, you could not take your, your
guns into federal buildings, including the post office?

HALLORAN: This doesn't negate any-- this does not negate any, any laws
that are, any actions that are against the law now, as long as, as
long as they're not trying to force our law enforcement officers, for

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example, State Patrol, sheriffs, police, to enforce the law that isn't
governed by our state law.

McCOLLISTER: So could the president call up the National Guard, the
Nebraska National Guard?

HALLORAN: I think the National Guard is under the jurisdiction of the
Governor.

McCOLLISTER: Perhaps so, thank you.

HALLORAN: You bet.

BREWER: All right, additional questions for Senator Halloran? Senator
Halloran, when we get ready to do closure, we will go over the
numbers. But I've been on this committee in the fifth year now, you
had 238 letters of support, 3 of opposition, zero neutral. There has
never been a bill that we've had, even those controversial ones like
convention of states, that has brought in these kind of numbers. So I
thought you should have at least an awareness of that.

HALLORAN: People think highly of their Second Amendment rights.

BREWER: OK, you'll stick around for closing?

HALLORAN: I will.

BREWER: All right, good. Thank you. OK, I think we have enough
proponents and opponents that instead of doing the normal procedure
where we will do all and then one, in fairness, we'll start and do,
we'll do two hours and we'll swap and do two hours, and we'll go back
and forth until everybody that's here to speak is going to get their
opportunity to speak. Again, it's three minutes. Because of the
limited time, I'm going to have to force the, the issue of, of when
your time's up, your time's up. If whatever you're saying is, you
know, something that we feel like we need more information, I'm sure
somebody on the committee will ask a follow-up question. So with that
said, again, whether you like or oppose whatever someone's saying,
keep it to yourself. We're going to, we're going to keep it
business-like, we're going to get through it. And this is your chance
to express yourself, but we're going to do it in a professional way
and get through it. All right? With that said, let's have our first
proponent to come up and speak on LB188. Proponents, so somebody in

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favor of the bill. Green copy. All right. Come on up and welcome to
the Government, Military and Veterans Affairs Committee.

ANTHONY ARNOLD: Thank you very much. Let me know when you'd like me to
start.

BREWER: Whenever you're ready. You can go ahead and start, just name
and spell it and then go ahead and kick in.

ANTHONY ARNOLD: OK. Distinguished senators, my name is Anthony Arnold,
A-n-t-h-o-n-y A-r-n-o-l-d, residing in the 2nd District, 1421 East
Ridge Way, Ashland, Nebraska. I'm a proponent of LB188 and request my
testimony become part of the record. I've been a, I've been writing
for the outdoor and firearms industry for over a decade and have been
a subject matter expert in the industry on a number of occasions. I
feel we are in a dangerous point at either losing or preserving our
Second Amendment rights. Your constitution-- constituents in each one
of your respective districts will clearly see your actions on this
bill, either as anti-gun or pro-gun and pro-Nebraska Constitution.
Supporting Nebraska LB188 removes the ability of state-aided
enforcement for hastily-cited overreach, overreaching executive orders
and for federal laws that do not reflect our values, our Constitution
and our heritage as Nebraskans. To emphasize the relevance of LB188,
in just the last 20 years, just the last 20 years, there have been an
estimated 1.4 million firearms purchased in Nebraska based on the
existing federal NICS background check. Regardless of where we reside,
we are clearly a state of gun owners, depending on them as tools for
enjoyment and for our own defense. LB188 helps to preserve the
Nebraskans' ability to continue to allow any person of income, race or
political affiliation to continue to protect ourselves and enjoy our
outdoor sports heritage. The right to bear arms should not be limited
to just low-capacity firearms with detachable magazines of certain
calibers only if registered, only if taxed or insured, nonmilitary
style, or have restrictions to the number of firearms and ammunition
owned or purchased or limit ownership and use with burdensome legal
regulations requiring government notification, open public asset
listings, mandated licensing programs, or limit possession or
ownership without full due process. With that noted, our president
published an expansive gun control strategy on his own site,
joebiden.com/gunsafety, proposing all the limitations I noted above
and more effectively eliminating the Second Amendment constitutional
rights as we know it. Additional proposed federal bills, such as LB127

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[SIC], are even more extreme and discriminating against those with low income who cannot afford the proposed \$800 registration fee and required insurance. The Biden administration is attempting to reenact and duplicate the 1996 Australian gun control program that destroyed 650,000 firearms and increased homicide rates by 300 percent in the first year. Biden has further noted that his voluntary ban is not mandatory, but instead only requires ATF registration-required firearms. However, if we use the ATF's current process, that process of 12 months would currently expand greatly with a 150 million new registrations immediately overnight. Thank you.

BREWER: Well, very good on time. All right, questions? Senator Lowe.

LOWE: Thank you, Mr. Arnold, and for being here. You may not be the right person to ask this question, but I'm going to ask it to you anyway.

ANTHONY ARNOLD: Sure.

LOWE: Why was the Second Amendment-- what, why is the Second Amendment there?

ANTHONY ARNOLD: Well, the Second Amendment, if you look back to the founding of our, our country and you really look back into why that was written in, one of the main reasons was when we were fighting the British, there were guns hidden and cannons and munitions hidden in barns, underneath homes, and every place else because they knew if those-- that ability to take away our ability to defend ourselves, then ultimately we would be taken over as a nation. And so they wrote that into the Constitution. It wasn't about hunting, right? It was about being able to defend ourselves.

LOWE: All right, thank you.

BREWER: Well, since we've got someone up early here that is knowledgeable, one of the things I always get hit upon is, is automatic weapons and clarifying the difference between semi and full and the requirements to have one versus the other. Could you clarify that a little bit?

ANTHONY ARNOLD: It's a great question, Senator Brewer. So there's been a lot of discussion about what is a, a military-style weapon. And, and so the, the ATF actually has been regulating for some time. Actually

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since, if you go back to Bonnie and Clyde and the Saint Valentine's Day Massacre, that's actually why the ATF, there was laws enacted and now a \$200 tax stamp, a very lengthy ATF 12-month process of waiting to purchase. In some states it's legal, such as Nebraska. You're able to purchase a, quote, military style gun, a machine gun, a gun, which with the single pull of the, the trigger, it is able to fire repeatedly, right? Which is different than many other guns that have been on the market since the 1800s that were semiautomatic. Which semiautomatic by that definition means it requires a trigger pull for each round that exits the gun, right? And similarly, revolvers class-- are classified in that same really, really old tech. You have a one trigger pull, there's one, one bullet fired. So what they're really trying to regulate when we talk about, you know, a military gun is a gun that has been, been available and a mechanism that has been available since the 1800s. And I think that, that is a very big misnomer. From the perspective of regulation, the ATF, ATF is very prescriptive around the regulating machine guns, the regulating suppressors and regulating another class of all other weapons, which is it doesn't really fall into either one of the class categories. And there's also a class there for explosives as well. But be assured, there is a tremendous amount of check that goes into that process. So, for instance, if I wanted to, and I do, I own Class 3 firearms, if I want to buy a suppressor, the process now is I undergo a similar process that I would for a firearm. I walk in, I purchase the item. I don't get to take it home. I fill out a lot of paperwork, pay the \$200 tax stamp. I submit that to the ATF, a copy to my LEO for, for notification. That goes to the ATF, they sit on it for somewhere around 12 months before they provide approval, at which time they, they approve that after a federal background check and also a lot of other checks that are, are looked at at that same time. They provide that tax stamp back to the dealer. The dealer then calls me and I'm allowed to come pick up, pick up the firearm. And I mean, actually, laughingly, at the federal level, H.R. 127 notes there should be an additional seven-day waiting period for suppressors. If it was only going to take me seven days to pick up a suppressor, I would be very happy. But right now, that, that, that is the current, current process. It's very lengthy. It's very time-consuming, and frequently it's discriminatory. Those with low income are-- that class of firearms are, they are not able to purchase that class of firearms.

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BREWER: So you're going to have to pay the tax stamp. You're going to have to wait the year or whatever it takes to get the approval from the ATF.

ANTHONY ARNOLD: Yep.

BREWER: And that's going to apply to a weapon that is capable of firing in the automatic mode, otherwise pull the trigger and it continues to fire. That's going to apply to a suppressor, a silencer, short-barrel rifle.

ANTHONY ARNOLD: That's correct.

BREWER: So they've done all that. Nebraska law mirrors that with requirements, too. So it isn't like you--

ANTHONY ARNOLD: That's correct.

BREWER: --can avoid one through the other.

ANTHONY ARNOLD: Correct.

BREWER: OK, I'm just trying to make sure that I got the, get the picture correct on that, because that's going to be something that we'll continue to probably hear about it. And people need to understand that there is tremendously difficult requirements to get that, and it's a very narrow part of those that own firearms that are actually able to do that for a number of reasons. Obviously, \$200 per stamp per device for a weapon--

ANTHONY ARNOLD: Correct.

BREWER: --prohibits most folks from being able to do very much.

ANTHONY ARNOLD: That's correct. And, and one would, one would think that if you've passed that lengthy background check the first time, the second time that you go to purchase a suppressor or a short-barrel rifle, the process should be much shorter because you've already completed that background check once. It isn't. Every single transaction is considered separate. Now, what is being proposed at the federal level is to not only have those, that class, that special class of firearms that have been regulated for some, for a very long time by the ATF, they're proposing any gun which you want to retain

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and potentially any magazine which are consumable items, right? Those aren't, those are items that do break and damage and so forth. Each one of those items would be a separate tax stamp. So you can imagine for somebody who has 10 guns and 100 magazines, that's a lot of money, right? And not to mention, if you imagine that backlog, an already 12-month backlog that is happening at the ATF right now, what would that do for 150 million gun owners in the United States and every single one of their guns and potentially gun parts to have to be registered as well?

BREWER: All right. Thank you. That was very informative. OK, other questions? Senator Lowe.

LOWE: Thank you, Chairman. And once again, thank you again. And I'm asking all my questions early, so if I don't ask anybody else any questions, don't take offense to that. What is an assault rifle? Because I'm sure we're going to hear some of that in the news around this discussion.

ANTHONY ARNOLD: Well, I would say in the gun community, there's been some fairly humorous, humorous memes about what an assault rifle is. But I, I don't think it can be defined. I mean, it hasn't been defined yet. The-- I would say at the federal level, what you're seeing are AR has somehow become, become an assault rifle. That's what AR stands for. It doesn't, it was ArmaLite rifle company, right? That's who invented in the 60s the ArmaLite rifle. So I think what is a, an assault weapon? I mean, I, I guess here's the question I would ask. If, if I had a gun from the Civil War, would you say that that was an assault weapon?

LOWE: You can't ask any questions--

ANTHONY ARNOLD: OK, well, I'll, I will say it's a rhetorical question. So a lot of people would say, well, of course not. You know, that's, that's an antique firearm. In fact, the .45-70 Government is actually a Government cartridge, cartridge. That was their assault rifle, and it was a very powerful firearm at that time. That was a government, quote, assault rifle. Now, today, that's considered an ancient hunting round that still valuable today. It's in lever actions and all sorts of guns. So I think it's very subjective to say that a certain round or a certain style of gun is an assault rifle. Does a rifle because it's black make it a evil gun? No. If I paint it pink, does it make it

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less evil? No. And so I think, you know, the characteristics of the guns that they're talking about are similar to military firearms in look, but the internals are very different. There are different parts in those guns that make the military guns fire a different way, fully automatic. If you possess any of those parts, you possess an NFA item, back to the ATF comment. So though they may look similar, they are different guns. Now, the ergonomic style, as it's turned out, that is a modern design that's become the modern sporting rifle. What's the number one, number one selling firearm in the United States now? And that is because it is very ergonomic. We have changed the way we looked, look at firearm design significantly over the years. And now we realize, well, if you do have a pistol grip and you do have an adjustable buttstock that makes it a little bit more comfortable for, you know, that, that person you're trying to train or a smaller-statured person to fit and shoot that gun, yes, it, it is more comfortable. It is more ergonomic. But just because we redesign a cut from wood to stainless steel does not make that an assault cup, right? It's just a different design element.

LOWE: All right. Thank you very much.

BREWER: Additional questions? Seeing none, thank you for your testimony.

ANTHONY ARNOLD: Thank you. Appreciate your time.

BREWER: OK, we'll do a quick cleanup here and have our next proponent. Welcome to the Government Committee.

PATRICIA HARROLD: Good afternoon, senators. My name is Patricia Harrold, P-a-t-r-i-c-i-a H-a-r-r-o-l-d, and I'm proud to be the president of the Nebraska Firearm Owners, which is an association representing grassroots volunteers who feel that our Second Amendment rights need to be preserved with over 10,000 members and over 20,000 informal followers. I'm here to represent their voice. In 1993, I took an oath to support and defend the Constitution of the United States. Each member of our state and local government elected by the people swears to do the same, with the addition of swearing to also protect and defend the Constitution of Nebraska. Many assume that those of us in the military who took that oath are relegated to complete compliance with all orders. However, that is not true. We are specifically trained that we have a moral and legal obligation to not

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obey unlawful orders and the people who issue them. So when a law or regulation clearly and objectively violates the law, we as individuals must have the moral courage to stand against them and resist their implementation. As law abiding citizens, it can sometimes seem unimaginable that we would refuse to follow a law. However, the bravest and most courageous of Americans and Nebraskans have done so to great effect. We have a history in America of standing against laws that are unjust and unconstitutional. We would not have the Civil Rights Act, the Fair Housing Act, the right to vote for women, the 14th Amendment, the 15th Amendment and so many other important freedoms protected had not the people rose up and refused to comply. But we are at a crossroads today, one that has serious implications for our future as a state and even as a country. And we are seeing and experiencing federal elected officials, even one in the highest role of leadership in our country, declaring an intention to violate their oaths to protect and defend the Constitution through executive order, policy, legislation and bureaucracy. Why is this important to mention? Because we need to be reminded and given fortitude and courage. It is we, the people, that grant power to those we elect to represent us. And what we give is what we can take away. Thus we need to take a stand. The members of NFOA and myself need the Second Amendment Preservation Act. It is publicly known that our rights are a target of opportunity for an unconstitutional agenda by many in the federal government. Whether we are talking about the Second, we may also eventually be talking about the First Amendment, the freedom of speech, the freedom of the press. Recently, there was some news about members of our federal Congress writing letters to cable network providers to eliminate certain news sources from their programming to change and reduce the narrative, the people's voice. That is a direct violation of the protection of the right to free speech and the right to freedom of the press. And so we must stand together and declare we will not comply. The Second Amendment Preservation Act is just one step in the correct, moral and required direction. Nebraska is a sovereign state. We are united with the rest of America as a country, but we have our own laws and our own Constitution and our own way of life. And that is the beauty and power of this great experiment that is America. Please vote this act out of committee.

BREWER: All right, thank you for your testimony. Questions? Real quick, give me a little background. How long have you been, I guess, actively able to hunt, fish or competitively shoot? I mean, what's

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this part of, of gun ownership that I guess you're most familiar with
or that you started with as, as--

PATRICIA HARROLD: So for my personal journey--

BREWER: Yes.

PATRICIA HARROLD: I did not become a gun owner until I was widowed. I
wasn't pro-gun. I wasn't anti-gun. I was pretty much gun-neutral. I
lost my husband in 2012 to suicide. One of the 22 we lose a day. And
it became my responsibility to be first responder. And the firearm
community took me under their wing. I learned everything from how to
better protect my home, have better situational awareness, how to
present myself in such a way to reduce my victimhood, and how to use a
tool to enhance my ability to respond to situations where, because I'm
a woman, I would have little recourse for self-protection. Did that
for a few years and discovered the Nebraska Firearm Owners Association
and found it to be a group of citizens just like myself, who come from
every walk of life, every background, every district in our state. And
they simply understand that we have an inherent right, which means not
based on government, not based on the Constitution, that as human
beings we have a civil right to live and to have tools available to us
to, to further those aims.

BREWER: All right. Thank you. One more time, questions? Thank you for
your testimony.

PATRICIA HARROLD: Thank you very much.

BREWER: All right, looking for next proponent. Yeah, it's kind of
figure out who's next here because should have already given out
numbers when you come through, it would be kind of hard to keep track
of who's next up so. All right, welcome to the Government Committee.

MICHAEL TIEDEMAN: Thank you, Senator. My name is Michael Tiedeman,
M-i-c-h-a-e-l T-i-e-d-e-m-a-n. "A well regulated militia being
necessary to the security of a free state, the right of the people to
keep and bear arms, shall not be infringed." Our founding fathers, the
ones that authored our Constitution, chose their words carefully and
didn't leave room for interpretation. The Second Amendment to our
Constitution was adopted in 1791, just eight years after the end of
the Revolutionary War, a war in which ordinary citizens, after

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enduring a long train of abuses and usurpations, successfully overthrew a tyrannical government. These founders in setting up their new constitutional republic didn't seek to limit the citizens rights, but rather they recognized their rights were given by God. They affirmed those rights in the very fabric of the document that founded our nation. Not granting those rights to us, but instead limiting government from infringing upon them. As citizens, we have experienced a slow yet constant erosion of our right to keep and bear arms. Since the passage of the National Firearms Act in 1934, we have had our rights constantly infringed upon. The Second Amendment was not written for hunting, collecting or sport shooting. It was written with only one purpose: to provide the citizens a last line of defense against a tyrannical government, whether it be foreign or domestic. As firearm owners, we have become the target of constant persecution and vilification. Our belief in a fundamental right has been used to classify us as radical extremists by certain political groups and people. Every time a person uses a firearm in commission of a horrendous crime, we face attacks on our character, as well as our right to keep and bear arms. And with every capitulation to those attacks, our rights have been eroding away slowly but surely. With the current president calling for further regis-- restrictions of our right to keep and bear arms, LB188 has become a necessity. As our members, as members of our state Legislature, you are Nebraska citizens' last line of defense from overreaching and restrictive legislation and orders that come out of Washington, D.C. I stand before you as a-- today, as a citizen, a Nebraskan and a proud American. There comes a time when we must collectively say enough is enough. This line you shall not cross. It is my opinion today is that day. And I can promise you that if you stand up for our rights and for the morals and values that are sewn into our Constitution, you will not stand alone. It is imperative to pass LB188, to take a very necessary step to safeguard the freedoms that we all enjoy so that our future generations can know a life of freedom and not one of tyranny. President Reagan stated: Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was like-- once like in the United States where men were free. Thank you.

BREWER: Thank you, and well done with time.

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MICHAEL TIEDEMAN: Thank you.

BREWER: You did great. All right, questions for me. I'm going to hit you with the same I just did. You started as a hunter, competitive shooter, what-- how did--

MICHAEL TIEDEMAN: I grew up with guns my whole life. I joined the army, the Nebraska National Guard, served in the Bravo troop of the 134th cav--134th Cavalry. Deployed with some of your, some of your can, I think. But no, ever since I saw that first oath to the Constitution, it's meant a lot to me. And without our Second Amendment, we wouldn't have a nation.

BREWER: All right, thank you for coming in. Thank you for your testimony.

MICHAEL TIEDEMAN: Thank you, Senator.

BREWER: We got a quick cleanup and then we'll shuffle up. Welcome to the Government Committee.

DENISE BRADSHAW: Thank you very much, Senator.

BREWER: Whenever you're ready.

DENISE BRADSHAW: My name is Denise Bradshaw, D-e-n-i-s-e B-r-a-d-s-h-a-w, I live in Omaha. One Friday night in May, I went walking with my dogs in my neighborhood towards the Crossroads, as I have hundreds of times over 31 years. All of a sudden, two helicopters swooped down and flew across the sky. It felt like I had fallen into a scene from Apocalypse Now. I had no idea what was going on. A young girl ran up to me and said that a riot had started at the Crossroads. I was stunned. All of a sudden, a car filled with young men started rolling very slowly through the neighborhood, photographing homes and the people standing outside the homes. It was terrifying. The girl I was with took a phone call from a family member who told her that we had just been filmed and put on the news, instructing us to get out immediately. This was my home. This was my neighborhood, and I was instructed to get out immediately. Right then the young man attempted to take my picture. My dog leapt at him. He jumped back in his car. I called 911, I could not get through. I called again and the 911 person instructed me, unless this was an immediate attack and threat on my physical person, to call back. At that exact moment, I knew what it

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was like to have no police protection, to be on your own. At that exact moment, I fully understood for the first time in my life how truly important the Second Amendment was. Since then, I have qualified for my CHP and joined a gun rights group focusing on women's rights within the gun community. We need to protect our Second Amendment rights and we need to expand upon them, because we all know, and I really do know now, how quickly the veneer of security can be shredded from you. It can happen in an instant. Thank you very much. I should have said Senator Hunt is my senator, I apologize, I didn't recognize you. I apologize.

BREWER: Thank you for your testimony. Questions? Just so everyone is on the same sheet music, because again, I don't know for the committee's situational awareness, a concealed handgun permit, CHP. So we're all on the same--

DENISE BRADSHAW: Oh, sorry. I apologize for that, Senator.

BREWER: Yeah, well, I do that with military stuff all the time, so don't worry about it. Just--

DENISE BRADSHAW: I qualified for my concealed--

BREWER: --make sure everybody's on same sheet of music and then also that the transcribers can make sure and have that as the correct--

DENISE BRADSHAW: Concealed handgun permit.

BREWER: --abbreviation. All right, no other questions? Thank you for your testimony. Oh, I'm sorry, Senator Lowe.

LOWE: Thank you, Mrs. Bradshaw-- or Ms. Bradshaw, for being here.

DENISE BRADSHAW: You're welcome.

LOWE: The, that moment when you felt vulnerable.

DENISE BRADSHAW: Yes.

LOWE: How tough on it, on you was that time period and has it left a lasting mark on you?

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DENISE BRADSHAW: Yes, it has. I qualified for a CHP, I bought a gun. I've never done anything like that in my life. I was just a basic girl in Omaha. I keep looking at Megan. I was just a basic girl in Omaha living my life, walking my dogs on a Friday night. I've done that, I said hundreds of times. It might be thousands of times. I've lived here in this neighborhood for 31 years. I shook. I don't know what I would have done if my dog wasn't there and leapt at the man. My dog sensed what was happening and the man jumped back in his car, because he came right around to photograph me after he had photographed a group of elderly person-- people in front of their homes. And they just froze. It was terrifying in my neighborhood. I've never experienced anything like that. And it brought me to this place where I'm speaking to Senator Lowe.

LOWE: Would you call your, yourself a gun activist?

DENISE BRADSHAW: Oh, what a great question. I guess I am now. If you asked me last May, last April, I would have said no. But that situation, yes, I guess I am now. I have never thought of myself that way, but yes, I am now. Because here I am. But if you had asked me last April, I would have said, no, I support it, but neutral.

LOWE: You don't go around brandishing your gun around or anything else, you just--

DENISE BRADSHAW: No, no.

LOWE: It's, it's fully for security for yourself.

DENISE BRADSHAW: It's totally for security for myself. I have never brandished a weapon. But-- sorry, go ahead.

LOWE: No, no.

DENISE BRADSHAW: But that moment, it made me realize there could be a time where there was a time where the police weren't going to come, they weren't going to come for me right then or the elderly couple or the young girl standing next to us. We were by ourselves. And I have never, as a lifelong Omahan, I have never experienced that feeling in my life.

LOWE: Thank you very much.

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DENISE BRADSHAW: Thank you, Senator.

BREWER: Any other questions? All right, well, thank you for your
testimony.

DENISE BRADSHAW: Thank you, Senator. Thank you, Senator.

BREWER: All right, so everybody understands. It's probably going to
get a little bit confusing here if we don't have some system. So the
ones that are in the front row or front two rows, as they move up here
and take the seat, then just kind of move forward and then we, then
we'll have a system here. I'm sorry, it's the old soldier in me. We've
got to, we've got to have a system or it just ain't going to work.
Anyway, with that said, please begin whenever you're ready.

NICK OLSON: My name is Nick Olson, 7506 Plum Dale Road. When I was a
kid, I received a antigun education. My teachers told cautionary tales
about firearms that-- one of the stories was a kid got a gun for his
birthday, was shooting squirrels out his window. Eventually that
wasn't enough and he pointed it at a woman with her stroller walking
up the street. And after hearing a story like that, I didn't have any
use for the Second Amendment. And growing up in Omaha, Nebraska, it's
relatively safe here. So it, the topic never came up. Fast forward to
last summer, I watched a police precinct burned to the ground. I
watched the police abandoned their precinct. I watched a convoy of
dozens of vehicles leave. And I, it left me with a few questions.
Either they can't help, they won't help, or they were ordered not to
help. None of those questions are good. I looked at my wife and I
thought, what are my options going to be if the police have to leave
or they can't help me? And it was really uncomfortable. Fast forward,
my wife and I went to a movie theater and I was sitting in the theater
with her and I looked and realized there were only two exits. And if
somebody came in and started shooting, I would have limited options. I
could use myself as a shield, I could charge the shooter or we could
try and run or hide. I didn't like any of those options either. After
realizing that, I do appreciate the Second Amendment now. And if
people far away don't think I need that right, I would like you guys
to protect it if possible. So I'd like to ask you to support this
legislation. Thank you.

BREWER: All right, thank you for your testimony, Nick. All right,
questions? You have a concealed carry permit?

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NICK OLSON: Yes, I do.

BREWER: Where did you get it?

NICK OLSON: I'm sorry?

BREWER: Where did you go through the training to get it at?

NICK OLSON: 88 Tactical.

BREWER: OK. And total cost by the time you paid for the training and
all the required fees, ballpark?

NICK OLSON: I think it was a few hundred dollars, something like that.

BREWER: And then by the time you purchased a handgun, ammunition,
holster or whatever, you probably had another \$300 or \$400 in.

NICK OLSON: Correct.

BREWER: So unless you got \$600, \$700 in your pocket, it's going to be
pretty hard to legally have a handgun and the correct permit.

NICK OLSON: Correct.

BREWER: OK, thank you.

NICK OLSON: Thank you.

BREWER: All right. All right, you're standing up, so we're going to
let you go first, but-- all right, welcome to the Government
Committee.

KYLE PANCAKE: Thank you. My name is Kyle Pancake, K-y-l-e
P-a-n-c-a-k-e. For real. Alexander Hamilton stated that: the
Constitution shall never be construed to prevent the people of the
United States who are peaceable citizens from keeping their own arms.
Thomas Jefferson originally proposed that the Second Amendment should
read: No free man shall ever be debarred the use of arms. This country
was founded on liberty, and that liberty solidified in our
Constitution. The Founding Fathers knew what perils faced their
fledgling government having just won a war for independence against
the largest foe in the world at the time. They understood what it took
and they knew that it could be taken easily. The founders believed in

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self-preservation and personal responsibility. They believed that men should not only own arms but be proficient in their use. They could be used to put food on the table, protect their home from criminals and to preserve the republic. Today, I wonder what the founders would think if they could see what we've allowed to happen here. The federal government is like a fattened hog consuming all the power it can find, and the states continue to cede authority over to the federal bureaucrats. And it seems to me that federalism is dead. I'm here before you today to ask you to stand for federalism, for the Constitution and for freedom. It is long past time to fell-- tell the federal government that they have overstepped their bounds. As we see the gun control wish list the Biden administration desires, we can see a blatant disregard for the Constitution and for the average law-abiding gun owner like myself. As our rights continue to be squeezed away by an overzealous and bloated government, many patriots like myself stop to wonder what the next option is. What can we do? As options continue to fade, I fear that many will see violence as the only option. Many more will be forced to hide their belongings in fear of their government, and some will give in again, bow before the crown and offer another piece of their rights back to King George. Before this hearing started, a few of us were asked if we really believe that the federal government is coming to take our guns. My answer to that is a clear and resounding yes. The tax burdens that would be placed on so many of the simple oddities that I own would be insurmountable and I would be forced to either become a felon or get rid of everything that I own. I beg of you, please vote yes on LB188, take a stand for freedom and liberty.

BREWER: Thank you for your testimony. Questions for Kyle. Well, Kyle, I will share this with you, I am one of the few who, while wearing the uniform of this country, was asked by the country to take guns from Americans. I was the first task force commander into Katrina, and that was one of the taskers we were given early on. So, you know, that may sound far-fetched, but in, in reality, it's something that we have experienced before.

KYLE PANCAKE: Absolutely.

BREWER: Anyway, thank you for your testimony.

KYLE PANCAKE: Thank you.

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BREWER: All right, front row. Now we're getting the system figured out. Let's shuffle forward, and it gives you guys a chance to get up and move around. So I'm trying to do you a favor here. All right, sir, welcome to the Government Committee.

JOHN LINTON: I'd like to thank the committee for allowing me to come today. My name is John Linton, J-o-h-n L-i-n-t-o-n, I live at 409 South 16th Street, Fort Calhoun, Nebraska. I'm here today representing Legion Post 348 of Fort Calhoun, and I am testifying in favor of passage of LB188. The importance of LB188 reaches well beyond being able to own a sporting rifle, excuse me, like an AR-15 or just being able to pass down Grandpa's Mauser without the approval of some tribunal and the levy of unconstitutional taxes. It affects all fire-- all aspects of firearm usage and ownership. I'm here to represent our post and many other patriotic veteran organizations in Nebraska. Our main annual post fundraiser, every weekend-- second weekend in January, is the Fort Calhoun Legion Gun Show, the oldest gun show in the state of Nebraska until 2021 and COVID. Without passage of LB188, gun shows will be in the crosshairs of the current administration in the White House and Congress. Gun shows have long been perpetuated as some evil strawman by the media and the anti-Second Amendment gun control politicians. Fear mongering of gun shows was fabricated, just like the term assault rifle, to push a false narrative with the general public. There has never been a recorded instance of a firearm used in a crime that was purchased at a Nebraska gun show. Having been involved in gun shows for many years, I can tell you that Nebraska gun shows are more of a social event than some wild Middle Eastern gun bazaar. There are no RPGs for sale. The Biden administration has already signed 50 executive orders since inauguration. That's more than all presidents back to Ronald Reagan combined. The tsunami of unconstitutional Second Amendment overreach is heading our way. We have already seen that happen with pipelines. Without LB188, rest assured gun shows will disappear from the Nebraska landscape and Post 348 cannot stand the loss of funds if our show is canceled in 2022. Post members might as well board up the windows and shut off the lights. Thank you.

BREWER: All right, thank you for your testimony. Questions? And this goes for everyone, obviously, it's, it's easy to tell and recognize you and your service and all those you represent. And for anyone else in the room, if I, if I don't thank you for your service if you have, it's just because I don't have the time to find out everyone's

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background. But it will be a blanket statement for everyone, if you
have served, thank you. And thank you for your testimony.

JOHN LINTON: Thank you. And I appreciate your service, Senator.

BREWER: All right. Guys are doing pretty good on musical chairs here.
All right, welcome to the Government Committee.

GREGG LANIK: Thank you. My name is Greg Lanik, G-r-e-g-g L-a-n-i-k,
610 South 30th Street. Senators, I'm here today to encourage you to
support LB188 and wish to have this testimony made part of the
official record. This should be priority legislation. Sadly, at this
time in our country, some members of the federal government seem to be
intent on infringing on more and more of our citizens' natural rights
as enumerated in the U.S. Constitution. LB188 asserts Nebraska
sovereignty and protects the civil rights of Nebraska citizens as put
forth in Article 1, Section 1 of our Nebraska State Constitution.
Recently, U.S. Congresswoman Sheila Jackson Lee of Texas introduced
H.R. 127 the Sabika Sheikh Firearm Licensing and Registration Act,
which would require the licensing of firearms and ammunition
possession, as well as registration of all firearms. Some of the high
points of this legislation include as part of a psychological
evaluation, a licensed psychologist to interview any spouse of the
individual, any former spouse of the individual, and at least two
other persons who are a member of the family of or an associate of the
individual to further determine the state of mental, emotional and
relational stability of the individual in relation to firearms. This
legislation would also authorize the U.S. Attorney General to collect
an annual fee of \$800 from every registered firearm owner. In
addition, it proposes limitations on firearm magazines and calibers. I
could go on. Can you imagine a journalist being required to pass a
psychological evaluation before the U.S. government would allow them
to publish an article, or a voter required to pay an \$800 annual fee
to register to vote? LB188 is timely legislation to help protect
Nebraska citizens from overreaching federal mandates. As duly elected
representatives, it is your responsibility to protect the rights of
Nebraskans. Do your part, uphold the Constitution of our great country
and our state. Please support LB188. Keep in mind, Utah, Wyoming,
South Dakota, Arizona, Kansas, as well as other states have already
passed similar legislation. Texas, Missouri and Montana legislatures
are currently considering Second Amendment preservation laws as well.
Finally, in 2017, California passed SB-54, limiting state and local

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officials' cooperation with federal officials for the protection of immigrants. In 2020, the U.S. Supreme Court rejected a federal challenge to the law upholding the state's right to restrict federal use of state resources based on the Constitution's 10th Amendment regulating states versus the right of the federal government. Thank you.

BREWER: Nicely timed. All right, questions for Gregg? I, before you leave there, I do want to share something with you. The idea of having the examination by a psychologist was a fear. And when we were getting ready to retire, one of the things that we did was we avoided being honest at our discharge physical because the fear was that if you were diagnosed with post-traumatic stress, that you would forfeit your ability to own a weapon. And so many, many of the servicemen avoided being honest. Now with that, also came any treatment for that. So, you know, that decision, unfortunately, in many cases ended up with suicides because they had no, you know, no way to share the struggles they were going through because of fear of taking from them that Second Amendment right. So, you know, that is a little scary to think that by decree that would be a part of a necessary requirement to own a weapon. So thank you for sharing that.

GREGG LANIK: Thank you, sir.

BREWER: All right, we got the musical chairs figured out. Come on up as soon as we get cleaned up. And again, I know this is a slow process with, with cleaning, but it's part of the times we're living in here. Fortunately, Caroline is, is pretty quick. She gets it cleaned up now.

JOE HART: Thank you for having me, senators.

BREWER: Welcome to the Government Committee.

JOE HART: My name is Joe Hart, spelled J-o-e H-a-r-t, I'm from Bellevue, Nebraska. Senator Carol Blood is my representative. LB188 is a response and a stand from Nebraskans telling the federal government that the right to keep and bear arms is sacred and shall not be infringed. It is a natural right and inalienable, guaranteed to us by the Constitution. There is a recent growing call from the political elites in Washington to restrict and regulate the 2A and its supporters. Those, like H.R. 127, are currently circulating in committee, prompting states like Missouri, Iowa, and now Nebraska to

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draft and pass Second Amendment preservation legislation. On Sunday, February 14, the White House put out a memo urging Congress to draft legislation specifically to require background checks on all gun sales, banned so-called assault weapons and high-capacity magazines, and eliminate immunity for gun manufacturers. These calls also come amid the militarization of D.C. as the Capitol there is currently being protected by high fences and National Guard. All of these ideas are very problematic, some more than others. But the key point here is that the elites would like to see your 2A rights eroded away. These ideas are much less about stopping gun violence than it is about the government gaining control and power over its constituents. How do I know this? If assault weapons were really the problem, then the facts would back it up. In 2019, roughly 6,300 people were murdered with handguns. The majority of this is gang-related, roughly 80 percent, versus 364 with rifles. That is all long guns, that is not just AR and AK platforms that the media likes to demonize. More people were actually killed in 2019 with blunt objects, 397, and actually 600 people were killed with hands and fists in 2019 in the United States. The whole thought process of eliminating immunity for gun manufacturers is insane, to say the least. If that were to pass, the military, along with the civilian world would lose most, if not all U.S. manufacturers of arms because people would sue them out of existence. The ironic part of this is that Congress passed legislation barring people from suing the companies producing the COVID-19 vaccine in case anybody receiving doses were to have bad reactions, side effects, possibly death. I'm going to skip to my last part for time. I would like to wrap up by saying that gun violence in the U.S. is a problem primarily dominated by suicide and gang violence. These are conversations that we need to have at a state and federal level regarding this. But the biggest point is that the cultural issues, parenting and mental health, are causing these issues to be where they are. A gun is simply a tool, as is a car or a pair of channel lock pliers that I use every day. All of these can be used for good things. However, if used in an evil way, they can become very deadly. The thing is, evil will always be present in a modern society, and we as citizens can choose to live in fear or we can choose to be defenders and protectors. The elites plans for attacks on the 2A from a federal level do nothing more than affect the common law-abiding citizen and restrict their natural right to self-preservation. We must pass LB188 in order to make Nebraska a 2A sanctuary and protect our fellow Nebraskans by preventing peace officers from enforcing

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unconstitutional laws from a federal directive. The time to act is
now.

BREWER: Well, thank you for being courteous with the time.

JOE HART: Thank you for having me.

BREWER: You were perfect. All right, questions? Yes, Senator Blood.

BLOOD: Thank you, Chair Brewer. Joe, I have kind of an unusual
question.

JOE HART: Yes.

BLOOD: Were you the person that did the duck slam in my district?

JOE HART: Yes, yes.

BLOOD: All right.

JOE HART: Yes, I was.

BLOOD: All right. That's all I had to ask you.

JOE HART: OK. Yep, that was me. Yeah, the Game and Parks, actually, I
think, I think they also have an elk--

BLOOD: I read the story on it. That's why I remember.

JOE HART: You did? OK.

BLOOD: Like in Elkhorn, Nebraska.

JOE HART: It's a great way to get people in the outdoors and get them
around firearms in a safe and actually quite fun manner so.

BREWER: OK, I got a follow-up question. What is a duck slam?

JOE HART: So the duck slam, I did it last year. I want to say that
it-- so basically duck hunting, there's lots of different species. You
have pintails, gadwalls, mallards, you know, you have geese. Anyway,
in Nebraska, it was like a challenge. Basically, you had to harvest a
blue-wing teal, pintail, widgeon and maybe a mallard, and harvested
all four. And then just you just submit photos and then they send you

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a little letter and then a pin and it's, you know, you get entered for prizes and stuff like that. So but yes, it's a great, great way to get young people involved in the outdoors.

BREWER: Sounds like a lot of work. Thanks for doing it.

JOE HART: It's a, it's a, it's a fall grind, to say the least.

BREWER: All right. Any other questions? Thank you for your testimony.

JOE HART: Thank you for having me.

BREWER: All right, welcome to the Government Committee.

THOMAS HART: Thanks for having me. I will preface this-- My name is Thomas Hart, T-h-o-m-a-s H-a-r-t. I'm Joe's brother and I'm not as good of a duck hunter as him, so don't expect that much from me. I guess I am here mainly, I'm-- I'd like to preface this with I'm a college student. I'm in RTC there. If all goes well, hopefully I'll be in the Air Force in a couple of years. I'm also a concealed carry permit holder. I just turned 21 and I just got it, and I spent a lot of hard-earned time and hard money to, to get it. And a lot of the legislation coming down from the national levels would require lots of tax stamps and expensive things, such as like \$800 registration fee and then taxes for high-capacity magazines, things like that. And that would affect people like me, poor college kids, poor people maybe living in high-crime areas. And I just am here to, to say that I think we can better manage it at a, at a state level. And that does nothing really to stop gun violence, you know? It only hurts people like me, people who have put in a lot of time and a lot of effort to be able to defend ourselves and others. I don't really have anything else. That's really my main point for why I'm here.

BREWER: Well, first off, Tom, I would have guessed you're closer to 16 than 21, but I'm old.

THOMAS HART: I get that a lot.

BREWER: Do you? Well, I don't feel quite so bad then. When did you start hunting?

THOMAS HART: I started very young. I'd probably say six or seven, my dad got me out there.

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BREWER: All right. Any other questions? All right, thank you for
coming up and testifying.

THOMAS HART: Thanks a lot.

BREWER: Sheila, welcome to the Government Committee.

SHEILA WALKER: Good afternoon, Senator Brewer, members of the
Government Committee. I am here to speak in favor of LB188, asking you
to please move it out of committee.

BREWER: We get your name spelled out?

SHEILA WALKER: I'm sorry?

BREWER: Could we have to spell your name out for the record? First
name and then-- spell your first name and your last.

SHEILA WALKER: Oh, I'm very sorry. Sheila, S-h-e-i-l-a, Walker,
W-a-l-k-e-r. I am from District 43, specifically Alliance. And this is
real important to us, not only because of where we live, but that is
part of it. With the best law enforcement officers in the state, I
believe they could not get to us and numerous places in my area in
less than 30 minutes. Well, 30 minutes is way too late if something
serious is going to happen. I had a, I blew a tire on the highway, no
cell service. It was way too far to walk. I mean, that would have been
silly. I, I had to depend on somebody coming along and helping. Well,
most of the time in my area, you know whoever stops is going to be
someone that's going to be helpful. But not necessarily. I mean, it
could have been someone else. As, as it happened, it happened to be a
local man and he stopped and helped me. But had it been some of these
other places or some of the people that are traveling through, I could
have been in serious trouble. I wish I had kept track on my way down
here. I came down six hours on Highway 2. I wish I had kept track of
how much of that time I did not have any cell service. Fortunately, I
made the trip in broad daylight, and I think you have less trouble
then. But that might not have been the case. So this is important for
people who need to be able to protect themselves. We can't afford
this, these fees either. So I, I ask you to please move this out of
committee and thank you for listening.

BREWER: Thank you, Sheila. And it's not just Box Butte County, but if
I was to go to-- you pick the county in the 43rd, whether it be

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Sheridan or Cherry, the issue of being able to communicate cell
phone-wise is very limited no matter where you go out.

SHEILA WALKER: Actually I was really surprised at how much of the time
on Highway 2 there was not service.

BREWER: All right, let's see if we have a question. Questions for
Sheila? Senator McCollister.

McCOLLISTER: Yeah, thank you, Mr. Chairman. Where are you from?

SHEILA WALKER: I'm from Alliance.

McCOLLISTER: Well, thank you. You drove, driven a long way to testify
today.

SHEILA WALKER: It was important enough for me to make this trip.

McCOLLISTER: Well, thank you for participating in democracy.

SHEILA WALKER: Thank you.

BREWER: Thank you, Sheila. All right, we'll do a quick cleanup. Yeah?
Welcome to the Government Committee. Can I see that, hold up that face
mask just for a second? If I had one like that, I may wear them more.
All right, thank you.

JAMES GOTTSCHALK: I know where you can get these.

BREWER: You know where I get them. All right. Welcome to the
Government Committee.

JAMES GOTTSCHALK: Thanks. Thanks for having me and allowing me to
testify before the committee. James Gottschalk, J-a-m-e-s
G-o-t-t-s-c-h-a-l-k, Lieutenant Colonel, U.S. Air Force, retired. I'm
currently the vice president of the Nebraska Firearms Owners
Association, comprised of approximately 10,000 Nebraskans. I appear
before this committee to proclaim my complete support and that of the
Nebraska Firearms Owners Association for LB188. Currently, as a
nation, we are facing incredibly uncertain times. First Amendment
rights are being suppressed. The administration just recently
announced its intention for gun control legislation and/or executive
orders that will infringe upon our right to keep and bear arms

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supposed to be protected by the Second Amendment. Given that likelihood, LB188 is the most timely piece of legislation to protect the principle of state sovereignty as well as the Nebraskan's right to keep and bear arms from federal government overreach. Other states such as Idaho, Missouri, Wyoming, Minnesota, Georgia, Pennsylvania and Ohio are recognizing the same need for state sovereignty that they are currently considering Second Amendment preservation act legislation. The principle of LB188 is solidly founded on anticommandeering doctrine, which basically states that the federal government cannot commandeer a state's legislative process in order to exercise its rights over state law. The Supreme Court has long upheld the tenant of state sovereignty in, in, in their decisions, and here are a few examples. In 1997, Printz v. United States; 2018, Murphy v. NCAA; 1997, New York v. United States. In these cases, the Supreme Court all found that the federal government violated state sovereignty and their actions were unconstitutional. In summary, many of our inalienable rights are under attack, and none more so than our right to keep and bear arms. While the Supreme Court has upheld state sovereignty, judicial systems-- or decisions may not necessarily prevent a federal government from violating a state's constitution or laws. Adopting LB188 is good idea, it's the right legislation at the right time and fully supported by myself and the Nebraska Firearms Owners Association. I strongly request each one of you on the committee to vote for LB188. Thank you.

BREWER: Thank you, James, and thank you for your service.

JAMES GOTTSCHALK: You're welcome.

BREWER: Let's see if we've got questions. All right, again, thanks for coming in.

JAMES GOTTSCHALK: Thank you for having me.

BREWER: All right, come on up. I was going to pull rank to get you in if I had to here, because you've been waiting in the front row a long time. Welcome to the Government Committee.

CLARISSA DENNIS: Thank you. My name is Clarissa Dennis, C-l-a-r-i-s-s-a D-e-n-n-i-s, and I'm from Omaha. The right to bear arms is not only a constitutional right, it is also a God-given right. Our forefathers fought to give all Americans these rights so that we

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can protect ourselves from any form of a government takeover. It is stated in the U.S. Constitution, as well of the state of Nebraska's Bill of Rights that we have the right to bear arms. This is an undeniable fact that proves our inalienable right to bear arms. I'm sure many people in this room have heard of the term: The children are our future. I'm 23 years old and I consider myself to be a child of our future, which is why I am here today testifying on behalf of all of Nebraska's children and for everyone's future. I know that by passing the Second Amendment Preservation Act, it will ensure that our future generations will have the right and ability to arm and protect themselves and those around them. I believe that this is the best way to ensure the safety and freedom of our state's future. And it is to ensure that any government official cannot unlawfully, unconstitutionally or unjustly take away firearm ownership from law abiding citizens. Thank you.

BREWER: All right, thank you. Questions? You nailed it. Nice and clear and to the point, so thank you. All right. No, say-- you should be next. Welcome to the Government Committee.

ALLIE FRENCH: Thank you. Hello, everybody. My name is Allie French, A-l-l-i-e F-r-e-n-c-h, I am leader and founder of Nebraskans Against Government Overreach. I am here simply to show our support, the entire group of 4,200 members for LB188, and we hope that you guys pass it out of committee. That's all I have today.

BREWER: Well, you probably stay busy if you work on government overreach.

ALLIE FRENCH: I'm very-- I'll be back on tomorrow and on Friday.

BREWER: All right. Any questions for Allie? All right, thank you for coming in.

ALLIE FRENCH: Thank you.

BREWER: All right. Come on up. We'll just keep shoveling. Oh, yeah, sorry, that was my bad. I waved you up before I got the green light here. There you go.

JACK RICHTER: Howdy, folks, my name is Jack Richter, J-a-c-k R-i-c-h-t-e-r, I'm from Senator Lowe's neighborhood. I've been in Nebraska for 65 years, my whole life. I grew up on a ranch in north

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central Nebraska, just south of the Niobrara River. I've been hunting since I was probably 10 years old. I had to beg my mom to get my hands on the gun. As soon as they figured out I knew the difference between a rabbit and the cow, I was able to go out and use the gun. So I went out and shot rabbits. When I would go to my grandma's house eight miles down the road, she would hand me a 22 rifle and tell me to go shoot squirrels, 9, 10, 11 years old. All right? I have four siblings, the five of us with our children, grandchildren and great grandchildren numbered over 50. And I'm here to represent our family group as well as all of my friends that have invested a lifetime in, in the shooting sports. I shot my first prairie chicken when I was probably 12, and I hunted prairie chickens every year, they grew up on a ranch, that are still there. And we've spent a lifetime being outdoor hunting enthusiasts. We still do. My boys took up hunting. I'd go deer hunting every year and they'd be standing at the door with their coat on going, is this the year? You know? And my youngest boy, he, he hunted like a trooper. There was ten inches of snow the first day he went, it snowed ten inches, like typical Nebraska. Anyway, my great grandfathers homesteaded Nebraska in the 1880s and dad always told this story. And the house my great grandpa Richter built is still standing there. But he said, grandpa built the house and the barn in the manner that he did, and he kept a rifle leaning up by the window in the house. And he said he did that so that if he heard a noise out by the barn, all he had to do is lift the window and he was able to defend his livelihood. Now, you take 1890 in Nebraska, if you lost your livestock, you might be out of business. All I can say now is the only difference is, is the horse thieves wear different clothes. You know, if they want to come down from Washington and tell us that we can't defend ourselves and, and our personal properties-- they're clear out in left field and they're going to be up for a fight, chaos will happen in this country. We are the most heavily armed country on earth. You can't even buy ammunition. There's still rifles on the shelves but there hasn't been ammunition on the shelves for six months, literally, in Nebraska. The state's heavily armed, and if they come after it, you guys are going to have a mess on your hands that we ain't going to be able to clean up. That's what's at stake. And I appreciate you guys introducing this legislation. This is a step in the right direction. We need it. We got to have it or we're going to have hell to pay. That's all I got.

BREWER: All right, thank you.

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JACK RICHTER: Thank you.

BREWER: Hey, whoa, before you go anywhere, let's see if we got
questions for you. And I got a quick one. When you say, what's the
nearest town to where you grew up on the Niobrara?

JACK RICHTER: O'Neill.

BREWER: What again?

JACK RICHTER: O'Neill.

BREWER: Oh, OK.

JACK RICHTER: Don't hold it against me.

BREWER: Almost in my district. All right, questions? All right, none.
You're good then.

JACK RICHTER: Thank you.

BREWER: You bet. Thanks for your testimony. All right, go ahead and
have a seat. Welcome to the Government Committee.

THOMAS D. CLOUSE: My name is Thomas D. Clouse, T-h-o-m-a-s, middle
initial D., last name C-l-o-u-s-e, I'm from Friend, Nebraska. I
strongly support LB188. I want to thank those who wrote the bill and
all of you for letting our voices be heard. The unanimous Declaration
of the thirteen United States of America, paragraph two states, "We
hold these truths to be self-evident, that all men are created equal,
that they are endowed by their creator with certain unalienable
rights, that among these are life, liberty and the pursuit of
happiness." I feel any action by the federal government to disarm, tax
or penalize gun owners in any way is a threat to our liberty and
making many of us very, very unhappy. If we took, take home only one
word from the Declaration today, I would like it to be liberty. I
prepared for today by examining the Constitution, I was drawn to the
Second Amendment, "A well regulated militia being necessary to the
security of a free state, the right to keep and bear arms shall not be
infringed." Again, the right to keep and bear arms shall not be
infringed. Is additional firearm sales tax an infringement? Is
requiring further education to legally bear arms an infringement? Is
any possession of arms tax or any insurance requirement an

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infringement? Let us be honest, the vast majority of us do not look at phase one of the federal gun control as anything other than step one of disarming the entire American public. Why am I here today? My ancestors have served back as far as the revolutionary army. Freedom was not free then and freedom is not free today. Would the Constitution have been written if the patriots were unarmed? I want to ask you how effective in the preservation of our rights would unarmed citizens be? Now, I took American government class in high school. My teacher told me about the balance of power in government. He told me the balance of power is between the Congress, the President, and the Supreme Court. He lied. The balance of power in the United States, in my opinion, is between the government and armed citizens. Any senator who is not supportive of this bill should stand on the west steps of this very State Capitol, walk to the city/county building and remember the desecration that took place in here in June of 2020 just a few months ago. I want to thank you for letting me speak. I also want to remind you LB188 is a great start, but it's not the end. Freedom is not, nor has it ever been free. Thank you.

BREWER: Thank you. All right, questions for Thomas. All right, thank you for coming in. Thank you for your testimony.

THOMAS D. CLOUSE: When did I start hunting? A long time ago. I'm also probably one of the first five people registered to teach Nebraska Game and Parks' hunter safety program.

BREWER: Well, thank you for that.

THOMAS D. CLOUSE: Good night.

BREWER: All right, come on up. You been, you've been shuffling chairs and kind of getting left behind here. So we're going to get you up here. Welcome to the Government Committee.

DOUGLAS BRADY: Howdy, my name's Douglas Brady, it's D-o-u-g-l-a-s B-r-a-d-y, just like The Brady Bunch. I've been hunting since I was 14. I've had to carry concealed permit for 15 years and never had reason to draw my gun, but I have felt safer because I could. We all know that the big reason they're giving for trying to take away assault rifles, which is a misnomer, and high-capacity magazines, is because they're blaming all these mass shootings. The true number is that 0.2 percent of all gun violence is mass shootings, which makes it

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a complete tiny amount of the true things that actually happen. And most of those would be stopped if there was better mental health training. Been hunting for 14 years, I've been shot accidentally twice hunting. Still has not deterred me from loving hunting and supporting gun rights. This legislation will help things. It will protect people, protect the rights and needs to be done. I'm done.

BREWER: Well, Douglas--

DOUGLAS BRADY: Thank you.

BREWER: --thank you for your, your testimony. You threw me off that that got shot twice.

DOUGLAS BRADY: Well, I mean, a lot of people use that for a reason to not support guns, but I believe in them. And things happen and it should not be used as an excuse to outlaw them.

BREWER: Well, I've been shot a few times, too, but it was always on purpose.

DOUGLAS BRADY: Mine were both accidental so.

BREWER: I guess I'm glad you clarified that. All right, questions for Douglas? Well, thanks for coming in and for the--

DOUGLAS BRADY: Thank you.

BREWER: --testimony. Welcome to the Government Committee.

WAYNE McCORMICK: Thank you. Good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. I was born and raised in western Keya Paha County. So I'm from-- originally from God's country, I guess.

BREWER: Spelling on your name?

WAYNE McCORMICK: Oh. Wayne McCormick, W-a-y-n-e, McCormick, M-c-C-o-r-m-i-c-k. Thank you, members of the Government, Military and Veterans Affairs Committee, thank you for your commitment and service to the citizens of Nebraska. And thank you for the opportunity to speak to you today. I live in Columbus now, Mike Moser is my representative. I'm retired after spending and my working career in

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Battle Creek, teaching high school mathematics and working in management at our local public power district for 23 years. I rise today in support of LB188, the Second Amendment Preservation Act. I believe it is very sound and necessary bill to protect the rights of the citizens of Nebraska from federal attacks on our U.S. Constitution. President Biden and Vice President Harris have stated publicly that they intend to do everything in their power to restrict our rights as U.S. citizens to keep and bear arms. If these attempts were actually made through the legislative process, actions would be debated and vetted to determine whether or not they are constitutional. At least this process allows citizens, through our elected representatives, to have a voice. It may still be unconstitutional, but at least we've all had a voice, you know, there. I am concerned, especially now, as I have always been, with the use and abuse of executive orders from the president. And that's any president, not necessarily our current one. Executive orders to me have been a way to bypass the legislative process. But we seem to be using these to replace the Legislative Branch. And this has been happening probably for many years, probably due to the gridlock of Congress. LB188 would give Nebraskans some protection from unconstitutional laws and orders, and restore our state's rights in our constitutional republic. More importantly, it would give our state and local law enforcement the ability to exercise their oath to uphold the Constitution of the United States of America and the Constitution of the great state of Nebraska. Again, I support LB188 and urge the committee to vote to advance the bill to the floor of the Legislature for debate. Thank you for your time and consideration today.

BREWER: All right.

WAYNE McCORMICK: Do you have any questions for me?

BREWER: Thank you, Wayne, for your testimony. Let's see if we've got questions. I guess, just something for you to think about. Since you're a math teacher, we would put you in the category of a reasonable person here.

WAYNE McCORMICK: OK, thank you.

BREWER: We have a lot of people here to testify today. And this is just the first bill too. We've got 238 letters, and those aren't people that came in to speak. But we've also got 73 just from

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yesterday, phone calls. So there seems to be a groundswell of emotion and concern, you tapped into that a little bit there. And I think where people really are, are feeling that it is a position that they fear for the future, and that's just the quick sequence of things that have happened in the last month with executive orders or bills that they see in the Congress. I mean, is that from what the phone calls and, and the email messages that we seem to be getting in, that seems to be the undertone. Is that how you see it also or--

WAYNE McCORMICK: That's how I see it also. It's very scary right now. You know, the, the Constitution is under attack. The right to keep and bear arms is, is basically, to me, a God-given right. And if you study history, I'm a math teacher, but I did study some history, and, and one of the things originally, it was planned to be part of the Constitution itself. But there was a lot of things that, that needed to be put in the Constitution, so it was relegated to the first bill, one of the first Bill of Rights and the Second Amendment actually. So our found-- the founding fathers found it very, very important that the citizens have a right to keep and bear arms. And I've been hunting since well, probably Daisy, Daisy Ryder BB guns. And my first 410 was when I was 10, and that was ordered, I think, by my parents. I thought it was Santa Claus, but it was a Montgomery Wards 410 single shot. So any other questions?

BREWER: All right. Thank you, Wayne, for coming in and testifying.

WAYNE McCORMICK: Thank you.

BREWER: All right. Come on up. Welcome to the Government Committee.

JENNIFER HICKS: Thank you. My name is Jennifer Hicks, J-e-n-n-i-f-e-r H-i-c-k-s. I am a peaceful, law abiding citizen. I want to make that clear. I shouldn't feel like I have to emphasize that point, but the current state of politics demands that I do. I did vote for Trump. I do believe the election lacked transparency and fairness. And I am not a racist. The fact that I now feel that I have to state these things about myself as a defense of my character is the very reason that I'm asking you to do everything within your power to ensure that my Second Amendment right to protect myself and my family remains intact and out of the reach of the powers of the federal government. Many in the media and in the government are preaching a narrative that wrongly encourages others to perceive me as a threat. The fact of the matter

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is that I feel that I am the one who has a target painted on my back. Senator Sasse, whom God forgive me, I voted for, has publicly labeled me and many other of his constituents as cult members, conspiracy theorists and liars-- and that's a quote-- also called us dangerous for daring to demand election transparency. The truth is that I'm a home school mom that just wants to ensure that my kids get to experience the same freedoms that I enjoyed growing up. The more and more I see those freedoms threatened by a justice system that is no longer blind, but which is far too often politically motivated. And so as elected officials across the country have been making calls for defunding and devaluing the good work done by our police, it's even more important that we ensure that our police officers know that they are supported in upholding the law and the rights of the people, including our Second Amendment rights. Those who are tasked with upholding the law should never feel any conflict when it comes to ensuring that the people's constitutional rights are protected. As a peaceful and law abiding citizen, I would respectfully ask that each of you begin to speak out publicly against the false and divisive narratives that paint a target on my back by describing me as something that I am not. I can assure you that all of my actions are and always have been peaceful. But can you assure me that these false labels that have been placed upon me will not wrongfully make me a target of someone who hears these narratives and believes that an attack on me or my family is justified simply because we may hold different views? I'm already experiencing what it feels like to have people try to silence me and keep me from enjoying my First Amendment rights. Please don't take lightly what it means when those who control the dominant narrative have the power to paint targets on the back of innocents. I would ask that you support LB188 and keep the overreach of the federal government from infringing upon the rights of Nebraskans so that our Second Amendment rights will continue to be protected. Thank you.

BREWER: All right. Thank you for your testimony. Is this the first time that you've testified in front of a committee?

JENNIFER HICKS: I did for the first time last week here for, for a different bill.

BREWER: OK, you, you figured out why we have the system.

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JENNIFER HICKS: I get nervous. I get nervous. If there are any
questions.

BREWER: All right, questions? Senator Lowe.

LOWE: Thank you, Chairman Brewer. And thank you, Ms. Hicks, for being
here. And I think you ought to bring your children.

JENNIFER HICKS: They were with me last week and it was, I actually
pointed out how unfortunate it was that they had to wait to get a seat
because there's so many seats here and there was no place for them to
sit. But they have, they have been and they are part of the process.

LOWE: It's good learning experience--

JENNIFER HICKS: It is, absolutely.

LOWE: --for home-schooled youth. How important is the Constitution to
you, being a teacher?

JENNIFER HICKS: It's-- I wish my oldest was here to tell you. He, he--
it's of extreme importance, of the utmost importance. My kids know
this stuff and I make sure they do. They actually wanted to be here
today, but they promised some neighbors they would feed their goats,
so that's the only reason they're not here with me now.

LOWE: Tell them hi from us.

JENNIFER HICKS: Thank you.

BREWER: Jennifer, you're from Lincoln?

JENNIFER HICKS: I live in Peru. I'm sorry, I didn't say that. Peru,
Nebraska. Yeah, I'm sorry.

BREWER: All right. One time around, any questions? All right, thank
you for your testimony.

JENNIFER HICKS: Thank you.

BREWER: Caroline, you're getting a pretty good work it into-- workout
in today. Welcome to the Government Committee, sir.

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DANE KUCERA: Thank you. I, Dane Kucera, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same, that I take this obligation freely without mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office about which I am about to enter. That's who I am. My name is spelled D-a-n-e K-u-c-e-r-a, I'm from Fort Calhoun, Nebraska, 9258 County Road 38. I am here to support LB188. I'm a member of the American Legion, the VFW, the Marine Corps League, and I'm joining the DAV after having been invited. Born and raised here, educated in the state of Nebraska. Lived here except for the eight years that I was an active duty infantry officer in the United States Marine Corps. Lived on the east coast, lived on the west coast, been deployed to many, many places. Enjoyed some of them, others not so much. But I always felt a huge sense of relief to come back here to Nebraska. I love the state, I love the citizens. I love the citizens because their common sense, their patriotism and their values. As soon as I got off active duty, I and my wife moved back here immediately. I continue my professional life as a firefighter for 23 years, a paramedic and a state-certified, city-sworn police officer. I've taken that oath and variants of it many, many times. I've never been relieved of those duties, as I'm sure you know. I think it's sad and horrific that we have to have a law like LB188 should hopefully become to protect the Second Amendment. We all know it's an individual right. We know that the Supreme Court has, has confirmed that. Politicians, and I'm using that term in a derogatory way, they're not leaders, they're not representatives, they're not statesmen, not as our founders would have had them be. But they know that we cannot be ruled as long as we have the Second Amendment. They know that we must be governed with our consent. They know they can't repeal the Second Amendment through the means that exist in the Constitution to do that. So they're, they're trying to circumvent that. And to me, that's an attack on the Constitution. I would encourage you all to vote this out of committee in order to have it be the least violent way to protect the Second Amendment and the Constitution. I fear without it that someday I might be called to pick up my arms and support and defend the Constitution in a much less peaceful way. So I thank you for putting it forward. And I, and I hope you will do all you can to ensure that it becomes a law.

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BREWER: All right, thank you for your testimony. And I commend you because that, that opening is normally done reading off a sheet of paper. Very few people memorize it word for word. So you have an excellent memory or you have rehearsed that enough to where it's ingrained in you.

DANE KUCERA: Done it a few times.

BREWER: I can imagine. All right, questions? Thank you for coming up. Thank you for your service.

DANE KUCERA: Thank you, sir. Thank you for your service.

BREWER: Welcome to the Government Committee.

LUKE FREEOUF: Thank you. My name is Luke Freeouf, L-u-k-e F-r-e-e-o-u-f. Dear senators of the Government, Military and Veterans Affairs Committee, thank you for the opportunity to testify today about LB188. And thank you to Senator Halloran, I hope that he's here today, especially for sponsoring the bill. Congratulations, Senator Sanders, on your victory there. I'm in the 45th District as well, so. I'd like to briefly introduce myself. I'm a proud husband and father of two beautiful kids. I'm a lifelong hunter and shooter and was introduced to safe firearm usage by my dad and grandpa. I'm a member of the NFOA and also a member of the Eastern Nebraska Gun Club. I believe LB188 to be one of the most significant pro-Second Amendment bills on the state level I've seen in my lifetime. The current anti-Second Amendment agenda under the new presidential administration is why many of us across Nebraska are concerned about having our constitutional rights taken away and/or significantly altered. LB188 is critical to protecting the freedoms and liberties of law abiding Nebraskans all across the state. There has been very troubling gun legislation proposed at the recent, at the federal level recently. H.R. 127 is an example of that. In the interest of time, I'm just going to talk about one of them that's personal. It forces you to pay for and use firearm insurance from the federal government that cost \$800 a year. And it sounds to me like any administration that supports this type of legislation doesn't want minorities, disabled, people of low and middle class to have the ability to defend themselves. The purpose of the Second Amendment is to empower all citizens to have the tools for self-preservation. Government should not actively prevent and criminalize this. I have a cousin who's on disability. He lives

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alone, he's confined to a wheelchair. So he carries a handgun with him everywhere. It's probably high-capacity. He depends on it because he's by himself. So those are just some examples, that's just one example of federal legislation. It's appalling to think that there are some representatives that think that restricting law abiding citizen is justified and even the solution to preventing gun crime and deaths. LB188 is a powerful and an important bill because it proactively protects Nebraskans' fundamental rights from federal overreach. It's the job and obligation of Nebraska senators like yourself to represent the ideals and values of Nebraskans as written in the U.S. Constitution. And I'll finish up here. It's from the consent of the governed that you have your position, authority and power to represent myself and my fellow Nebraskans. It's also by the decision of the governed that you can be voted out if you choose not to defend and support the Second Amendment rights of Nebraskans. In my view, any senator who does not support LB188 obviously does not support the Second Amendment in both the U.S. Constitution and Nebraska Constitution. I ask you today to support LB188 to move forward in the legislative process and ultimately become Nebraska law. Once LB188 becomes law, Nebraskans' fundamental right will be protected from government overreach and tyranny. Thank you for your time and attention. I'm happy to answer any questions.

BREWER: All right, thank you, Luke. Let's see, I got a question for you. If you're a member of the Eastern Nebraska Gun Club, do you do competitive shooting?

LUKE FREEOUF: Yes.

BREWER: By chance, do you know who holds the most gold medals of any Nebraskan in history?

LUKE FREEOUF: I don't.

BREWER: It was a shooter.

LUKE FREEOUF: OK.

BREWER: A gentleman by the name of Gary Anderson. Gary Anderson, also a Nebraska state senator, but he won gold medals both in Mexico City and in Tokyo. A lot of people know he's from a little town of Axtell. And he went on when I was at the Olympics in 1996, he was the director

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for all Olympic shooting. So he was kind of a, kind of a big deal nationally. And sadly, a lot of people in Nebraska didn't realize that we have someone who's won three gold medals and, you know, and he's a Nebraska guy and former state senator. So I just thought I'd share that with you.

LUKE FREEOUF: Thank you.

BREWER: All right. Any questions for Luke? All right, thank you for your testimony.

LUKE FREEOUF: Thank you. Appreciate it.

BREWER: All right, let the crew there. Come on up. Welcome to the Government Committee.

NED DORICENT: This is pretty cool, I ain't gonna lie to you guys. I've never done this before.

BREWER: Well, just relax and share your heart.

NED DORICENT: All right. I had stuff that I was going to go ahead and read off, but I'm just gonna tell you guys just a quick story about my life. I'm here to--

BREWER: Could we have you spell your name quick for the record?

NED DORICENT: My name is Ned Doricent, Ned, N-e-d, and Doricent is D-o-r-i-c-e-n-t. I'm originally from Brooklyn, New York, I lived there probably almost my half my life. Then I moved to Florida in 1995, and then in 2010 I found myself here. The whole point is, is that when I was in Brooklyn and I was in New York, I swear to you guys on Sunday after watching cartoons, there will be these TV shows where you get to watch some hunters get to like-- you, you hear them all whispering and talking and stuff like that, and they'll go ahead and get one and they'll get a deer. I tell you guys, it was it was probably the best thing in my life watching this. And as a kid, I was like, it is impossible that I'll ever have a chance for me to have a rifle in my hand with a deer beside me and I got a picture on. I was like, it's impossible. As a kid in Brooklyn, I was like, that's impossible. Well, because of God, somehow, I guess my mom and dad felt like it was getting too cold for them and they decided by moving to Florida it might be warmer, we're going to move to Florida. Well, we moved to

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Florida. And sure enough, as I got older, the first thing I got was a little BB gun. Probably was illegal for me to be shooting in my backyard, but we'll talk about that another time. But it was fun. Push comes to shove again, I went through life, I had two beautiful daughters. I mean, I mean, me and the kid, kids' mom didn't work out and I told myself I wanted something different. Again, God came into my life and I met a great girl, I moved here. And believe it or not, it's been eight years now and I've been hunting. I met a guy who actually walked up to me and said, man, I wish I knew a guy who liked to hunt. I was like, this is impossible. So I got a chance to been hunting with this guy who taught me everything. I've never been to some processing place to do the processing. I do my own deer processing myself. So when I heard about this thing with you guys trying to take this away from us, man, I mean, come on, dude. I mean, I'm like, I'm not so all into all this stuff, but I'm going to fight for myself. And also, like my kids. Even my kids say, like, they want to go ahead and come to Nebraska now so they can do this. So how are they going to do that now if you guys take that, that? You know, what I'm saying? So I normally don't do this. Obviously, this is my first time. But for something like this, I am going to put my foot down and just say, don't do this to us. So that's all.

BREWER: It's refreshing to hear your testimony because it's just raw and from the heart, and--

NED DORICENT: Thank you.

BREWER: --that's the best way. A couple quick questions for you, did you ever get the picture with the deer?

NED DORICENT: Yes, I did. I've been doing it for the last eight years now. I've now go to-- and now I even go to Wyoming, do antelope hunting and elk hunting. I mean, if it wasn't for that right to do that, I wouldn't be able to do that. So I mean--

BREWER: And please understand that, that we, we're not here to take away rights. We're, we're here to get information and to, as a group, make a decision on a path ahead and what does right look like? So it's your input that helps us to, to make the right decisions.

NED DORICENT: Cool.

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BREWER: So that's, that's why we invite testimony.

NED DORICENT: Thank you.

BREWER: Questions? Again, you're refreshing. Thank you for coming.

NED DORICENT: America.

BREWER: All right. Come on up. Welcome to the Government Committee.

AMBER PARKER: Hi. Good afternoon, guys. First of all, Senator Halloran, thank you. Thank you, thank you, thank you. The governing oath-- I got to say my name first.

BREWER: You got it.

AMBER PARKER: Sorry about that. Amber Parker, A-m-b-e-r, last name Parker, P-a-r-k-e-r. And I just thank God for living in the United States of America, for there's no other country like the United States of America. And I have family who have fought and served our country. And I know what it's like to be up at 1:00 or 2:00 in the morning and you hear the phone ring and that it stops your heart like, OK, and you just-- I just know what it's like. And we're sending men and women overseas in the United States of America to fight and preserve and keep America free and to preserve our Constitution. The Constitution of the United States of America is the heartbeat of why we have our freedoms. And in that is our Second Amendment right. And I just feel it needs to be echoed. It says, "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." You guys, I have friends that have served. I have family that have served and they're coming back-- they come back home and they see what's happening. We have leaders in D.C. who want to put certain senators on no-fly lists. We have Antifa showing up at what was Senator Hawley's door. I mean, if there was ever a time to wake up. And then we have Biden and Harris and Pelosi and Schumer and they have these outrageous gun bills, then we have cancel culture. And what is cancel culture doing? They're putting their foot on the neck of credit card companies and connecting with them and saying, hey, by the way, if you're an NRA supporter, we're not going to do any more business with you. Conservative groups, they're cutting them out. Hey, they can do it. We can open other credit card companies. But I'm here to talk about why we got to defend

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our Second Amendment right. I'm a woman. And when my husband's not home, let me tell you, I sleep like a baby because we are armed. And I will not hesitate to shoot because I know there would only be a choice of a question to give a predator compassion breaking in my home, which I would like to address. I'd love to see that us as the, the second house have our right to bear arms appreciated in that there would also be some type where we stop giving the criminals and acting compassionate towards them. And I've seen state senators do that. And so, Senator Brewer, thank you for not being one of those. Thank you for standing up and being one to protect we the people. Because it seems that if someone did break into our homes and we shot them, that they could come and sue us for breaking in our homes. And that's evil. So this, we're not talking about that, but LB188-- oh, sorry, we need it in our state.

BREWER: All right, thank you. Thank you for being mindful of time. All right, what we need to do now, real quick question. Are you concealed carry permit holder?

AMBER PARKER: You know what? I did not grow up in a family of guns, but I was taught later in life how to shoot. And so because of certain things, I am-- that's one of my things that is on my, my list very soon.

BREWER: OK, no it just, just we're asking questions, is all. No pressure--

AMBER PARKER: That's OK. I was, was gonna say-- no, that's OK. And I'm all for concealed carry. My husband has it. And let me tell you, I feel secure. It's great. There's such a comfort to know there's protection.

BREWER: OK, questions? Questions for Amber? All right, thank you for coming in.

AMBER PARKER: Thank you.

BREWER: OK, how many more proponents do I have in the room here? All right. Your timing is going to be just about right because we're going to shut things down and switch over. We'll actually take a break at, at-- well, as soon as you're done with your testimony, we'll, we'll take a quick break and then we'll start on opponents.

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JAMES PRINGLE: Thank you.

BREWER: Welcome to the Government Committee.

JAMES PRINGLE: My name is James Pringle, P-r-i-n-g-l-e, like the potato chip, I'm represented by Adam Morfeld, and I just wanted to mention that I'm not very happy with my representation in the area of the Second Amendment. I work in the gun industry, so I have a feeling I have a little bit of a unique perspective. I didn't grow up in Nebraska. I was born in Albuquerque, New Mexico, and I've moved around all over the United States. I've lived in Alaska, Louisiana, Colorado, Arizona, so I've had a chance to see how other states handle the Second Amendment and how other states do things. I moved here three years ago for a job opportunity and I'm still here. And I have to say that Nebraska has been probably in the top three places that I've ever lived. I love it here and I hope I can keep living here for a long time. On this bill, this bill is essential to protect our Second Amendment rights in this state. I don't want to end up like somebody in California or somebody in a state like that. There are numerous hoops and fines and fees and things they have to do to essentially get their right back from the state that the state took from them. And so now the federal government is trying to do the same thing countrywide, which is unacceptable. My Second Amendment right as a citizen shall not be infringed. It's in black and white. Being in the gun industry, obviously I've grown up around guns, I learned how to handle guns for the first time when I think I was around six, and I've been shooting ever since. I was taught that the most important thing to teach children in regards to gun rights is to teach them about them at all, to teach children how to be safe around guns, to teach children, you know, what guns are. The bill proposed not only protects our Second Amendment right, but also shields businesses like that I'm a part of. I work at DEGuns, I'm sure you've all heard of us. I'm worried that the federal government is trying to destroy my livelihood by banning online gun sales and by increasing the hurdles that it takes for an average citizen to get a gun. If you have to pay fines or fees or go through hoops, that's not a right. That's something that the government's granting you after you pay them their tax or fee. Another thing is this bill they have in the federal government would make gun manufacturers responsible for what their products do after they leave the assembly line, which is ludicrous. Ford and Chevy and these companies are not charged for the people their cars kill when they run people over. And so when a gun manufacturer is charged for something

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they have zero control of, it's, it's disgusting, frankly. This bill is probably one of the best pieces of legislation that I think I've ever seen come through a state. So I would very-- me and my family and the families that I talked to, would very much appreciate it if this was passed.

BREWER: All right, thank you. You mentioned the online gun sales. Just so everybody understands, if someone buys a gun online, the requirements for them to receive the gun would be no different than if they were to buy them in the store. They still go through a background check--

JAMES PRINGLE: Correct.

BREWER: --and then it has to go through the FFL at the location that has been sent to.

JAMES PRINGLE: Yep, absolutely. So any gun shipped anywhere has to be received by a federal firearms license. There are exceptions, but that's not really relevant. Especially handguns and rifles and stuff you do need to get a background check before you receive it from the FFL. So in this, we can see that obviously the NIC system which was put in place to prevent criminals from getting guns, works. And--

BREWER: If DE was to go to a gun show somewhere, set up tables, sell their wares there, doesn't matter whether they're in the store, whether at the gun show, nothing changes as far as--

JAMES PRINGLE: No.

BREWER: --the requirement to be able to purchase a gun and, and whatever, whatever requirements there would be in one place, it goes for the other. The gun show doesn't change that requirement.

JAMES PRINGLE: No. So the federal laws are, obviously they apply everywhere in the United States. So if you're at a gun show, any reputable dealer will require you to do a background check.

BREWER: All right. Let's see if we got some questions for you. Questions? All right, thank you for coming in. Thank you for your testimony.

JAMES PRINGLE: Thank you.

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BREWER: OK, let's take, let's go to a quarter till, give a chance for folks to go take a bathroom break. And we'll kick back in and we'll go to opposition and hopefully wrap up LB188.

[BREAK]

BREWER: All right, we'll go ahead and get started. We have completed proponents and we will transition to opponents to LB188. Welcome to the Government Committee.

JUDY KING: Thank you. My name is Judy King, J-u-d-y K-i-n-g, and I'm in, I'm in opposition to LB188, and please make this a part of the record. I'm here from NAGV, Nebraskans Against Gun Violence. LB188 is a bill about removing authority of the federal government in Nebraska. The bill has its roots in an anti-American movement, being led by the same people that tried to destroy the country on January 6. We are a nation of laws, and nobody is above the law, not even the state of Nebraska. By introducing this bill, you are showing that you stand with those groups that tried to take our country over on January 6. Trump lost the election, it was a fair election. It was shown to be fair by 60 court cases, over 60 court cases. Trump continued with the big lie to his followers, which are a group of white supremacists, Proud Boys, state militias, QAnon cult followers, Tactical 88, Pizzagate, pedophile believers, radical Christian right and no-maskers, and I met Dave Pringle out in the hall. And I believe his son testified here earlier, who is a known white supremacist. All these groups together took over the Capitol in D.C. under Trump's orders. With all that said, here in Nebraska, we know that the party of Trump, formerly the GOP, is still obsessing about more guns and more ammo. After taking-- talking to one of your followers after the last gun bill, where he explained there were 5,000 people in Nebraska in a militia here in Nebraska, and now you're trying to override the federal government with state gun laws, my concern is that your gun groups are hoping to attack our country again and that you are trying to make it easy for them. And we would like you to know that we are watching and we will protect our country from fascists and the party of Trump, formerly the GOP, voters that have been told the big lie and tell your voters the truth.

BREWER: All right. Thank you for your testimony. Any questions?

JUDY KING: No questions taken. Thanks.

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BREWER: OK, no questions. All right, next opponent. All right, is there anyone here in the neutral position? All right, with that, then I'll have to have Senator Halloran come on up and close on LB188. Oh, I do have a letter to read in, a written letter of testimony. We got two opponents: Angela Amack-- OK, it's still Angela, Angela Amack for Everytown for Gun Safety. With that, Senator Halloran.

HALLORAN: Well, thank you, Mr. Chairman. And thanks to the Government, Military and Veterans Affairs Committee for listening to testimony today. And I've got to say there was a lot of heartfelt, liberty-loving people that testified today. And if we would have taken a poll of how many of those were one party or the other, I think you would have found people from every party here supporting the concept of liberty and the concept of having the Second Amendment to defend it. So I take "humbrage" to the idea that Nebraska is made up of a bunch of white supremists [SIC] that are gun toters that want to revolt against the federal government. That's not what this bill is about. This bill is defended by Supreme Court rulings. And let's bring it back to the issue of what the bill is. The people of Nebraska depend on us to uphold and protect the constitutional rights, which is what LB188 is necessary. LB188 very simply prohibits any agent or employee of the state of Nebraska or any political subdivision from participating in the enforcement of any federal directive regarding firearm, firearm accessory or ammunition that does not exist currently under state law. And as I pointed out, I think in my testimony, *Printz v. the United States*, there's a half a dozen rulings on the part of the Supreme Court that uphold the fact that Congress cannot compel the states to enact or enforce a federal regulatory program. Congress cannot circumvent that prohibition by conscripting the state's officers directly. The federal government may neither issue directives requiring the states to address particular problems nor command the state officers or those of their political subdivisions to administer or enforce a federal regulatory program. It matters not whether policymaking is involved and no case-by-case weighing of the burdens of benefit is necessary. Such commands are fundamentally incompatible with our constitutional system of dual sovereignty. And this has been upheld by numerous Supreme Court rulings, and that's what this bill is about. With that, again, I want to thank the testifiers. I want to thank you for your patience and your good questions.

BREWER: All right, thank you. Senator Blood.

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BLOOD: Thank you, Chairman Brewer. So listening to all of this, the question that keeps, I keep going back to you is when you look at what the courts have done over and over again is they've protected our rights when it comes to gun ownership. District of Columbia v. Heller is a really good example. And they said that it doesn't really matter about the well, the well regulated militia part of the Constitution, that means that we have the right to keep and bear arms, period. That we have the right to have gun ownership, and they limit the federal government's ability to take away those rights. And they've done that over and over and over again. But yet, we had people testify today that they feel that the government's going to go ahead and ignore what the courts say, but they can't, they can't do that. So this, this is the part where I'm confused about. Why, why are-- and I can, I can say my entire life we've gone ebbs and flows. The government's going to take away our guns. There's going to be death squads coming and taking away our children that are-- have disabilities. I mean, there's always something that goes on when there's a new president, be it conservative, be it not conservative. So I, I don't understand when it's been made clear by the courts that the, the federal government has limited power to pass laws that restrict your right to have a gun. And that's, that's the part where I'm confused about. You're saying the opposite, at least your testifiers have said the opposite. So why do we need new laws? What are we trying to fix that's supposedly broken?

HALLORAN: Well, A, that's good question, Senator, but just let me clarify. The Supreme Court doesn't make laws, correct? The Supreme Court rules--

BLOOD: No, but they, they rule on anything that we overstep, correct?

HALLORAN: Right. And they rule on-- and they're constantly busy on overstepping. They're constantly having hearings on issues that people bring to the Supreme Court where people believe that there's been something that's been overstepped in regard to the constitutionality of their actions. I think the people we heard from today are more concerned about executive actions or actions on the part of Congress, which then ultimately the Supreme Court may have to rule on. But in the meantime, and I know you don't like preemptive laws, but the Constitution is full of preemptive rulings and laws preempting us from, and in anticipation of something happening in laws that prohibit it from happening. And that's what this is for the state of Nebraska.

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BLOOD: Yeah, I think it's kind of a generalization to say I don't like preemptive laws. There are certain preemptive laws I don't like, I agree. I just want to clarify that.

HALLORAN: OK.

BLOOD: I guess I have to have problems strongly identified in order to try and fix the problem. And, and that's the concern that I'm having right now with this. It isn't that I don't think people have the right to, to have guns. I exercise my right to have a gun. I just wonder if we're trying to fix something that isn't necessarily broken.

HALLORAN: Well, that's, that's part of the role that we play and that's part of the role that the court's play.

BLOOD: It's definitely the role that the courts play, yes.

HALLORAN: I'm sorry.

BLOOD: It is definitely the role that the courts play.

HALLORAN: Precisely. But if we didn't make laws, the courts wouldn't have anything to deal with. And so--

BLOOD: I don't know if I agree with that. But thank you.

HALLORAN: You're welcome. Thanks for the question.

BREWER: Senator Hansen.

M. HANSEN: Thank you, Chairman Brewer. Thank you, Senator Halloran. I guess following up, can you just give me the, the specific example? Like, what's the, what's the situation you're specifically worried about an official of the state of Nebraska doing? Like what, what, what action are you actually wanting them to stop?

HALLORAN: The action that this bill would stop would be is if there were, for example, and I know this is a what if, but life is full of what ifs, if it-- if, in fact, there was an executive order to confiscate certain types of firearms, certain types of ammunition, certain types of accessories, this law would preempt local law enforcement officials from being conscripted by federal authorities to enforce that law. Doesn't mean the law couldn't be enforced, but the

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federal government would have to enforce it. They couldn't conscript
our people to do that.

M. HANSEN: OK, so, so several of the testifiers today were talking
about taxes and specifically the new proposed taxes. Is that something
that you envision your bill dealing with or is it specifically kind of
about the seizure of firearms?

HALLORAN: Seizure of firearms and accessories and ammunition, Second
Amendment exclusively.

M. HANSEN: Sure. I guess, I guess I'm just trying-- so as you've said,
there's already *Printz v. United States*, which was very specific and
on point and on a firearms law, so I was trying to-- what are we
changing by enacting this law, is what I'm getting at.

HALLORAN: Well, what we're changing is putting into law a statute that
says that if A happens, B can't happen, right? If there is an
executive order or if there's an action on the part of Congress from
the federal level to do anything that, that inhibits the Second
Amendment, the confiscation of firearms, ammunition, accessories,
whatever the case might be, that they cannot require, the federal
government can't not require our law enforcement officials to enforce
that.

M. HANSEN: All right, thank you.

BREWER: All right, Senator McCollister.

McCOLLISTER: Yeah, thank you. Let's assume, since all we're doing here
is making assumptions, you know, there has been no executive order on
collecting firearms, correct?

HALLORAN: That's correct.

McCOLLISTER: OK, let's assume that the Con-- go ahead.

HALLORAN: But there's been, there's been proposed actions on the part
of Congress.

McCOLLISTER: OK, so let's assume Congress did, in fact, pass some kind
of law that would infringe on our Second Amendment right. But don't

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you think the supremacy clause, Congress would, in fact, trump any
kind of state law?

HALLORAN: No. We have what's called I believe, and our legal counsel
can correct me if the wording isn't right on this, but
"cosovereignty," where we have, the states have a level of sovereignty
and that's what this, that's what this bill is protecting.

McCOLLISTER: Right. But Article VI, Section 2, you know, the doctrine
of preemption, that seemed to tell me that the federal law would trump
any kind of state law that we might pass.

HALLORAN: It's, it's not that this law would do away with whatever the
federal law has passed, right? This isn't saying that if the feds want
to do something that maybe the Supreme Court might rule against later
on. It's just saying, it's just saying if they do pass that or an
executive order is issued that the federal government cannot conscript
our law enforcement officers, be it State Patrol, police, sheriff's
department, National Guard, to enforce that law. It's not saying that
we're doing away with the federal law, it's just saying that they
can't engage our people to enforce that law.

McCOLLISTER: So all existing federal law with regard to firearms would
continue to exist and LB188 wouldn't have any impact on any of that?

HALLORAN: No.

McCOLLISTER: Thank you.

BREWER: All right, Senator Hunt.

HUNT: Thank you, Chairman Brewer. So if there is a federal law that we
don't have at the state level, that's when this law would apply.

HALLORAN: Correct.

HUNT: OK, what if Congress passes a gun law that we like and they pass
it in July and it goes into effect and we can't introduce a bill to do
the same thing until January? Let's, I don't even-- maybe something
around federal gun trafficking or something that you would
hypothetically support. I don't know what that would be. But by my
reading of the bill, like on page 3, line 6: Knowingly and willingly
participate in any way in the enforcement of a federal act, law,

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order, rule, regulation, if that doesn't exist under the laws of the state. And then you go down to line 18 where it talks about the penalty that any law enforcement officer that knowingly violates this could get a fine or could get, you know, charged with a misdemeanor. What if Congress passes a gun bill that, that makes some sense and that, that we would support in Nebraska. Maybe you can't conceive of what that would be, but do you see where I'm going?

HALLORAN: It's hard for me to conceive what that might be.

HUNT: Yeah.

HALLORAN: But I think what would happen is if the federal government, for some unlikely reason, would pass a gun restricting your Second Amendment, restricting law that we might like, we won't know if we like it until we pass a similar law in this state that coincides with it, right?

HUNT: OK.

HALLORAN: It's-- how do we know if we like it until we address it at the state level?

HUNT: How would this prohibit local law enforcement from cooperating with federal officials for things like gun trafficking and federal gun law enforcement?

HALLORAN: It wouldn't.

HUNT: OK.

HALLORAN: They still have-- the state would still have the backgrounding, background checking authority through the federal government to, to, to deal with that.

HUNT: Do you think this could have a chilling effect on police officers who are afraid of, you know, receiving this fine or being prosecuted under this law?

HALLORAN: They wouldn't have to be afraid of anything if they didn't, if they didn't--

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HUNT: If they leave people alone with their guns? OK, is that, is that
your intention?

HALLORAN: Well, the intention is, is, is for the federal government,
if they wish to pass a law that impacts the Second Amendment, as spoke
here briefly a few minutes ago, that it would be solely on their
obligation to come into the state and deal with it, right? But, but
they can't conscript our people to enforce it.

HUNT: OK, thanks.

BREWER: Senator McCollister.

McCOLLISTER: Thank you. You've said that all existing federal gun laws
would continue to exist as they stand, correct?

HALLORAN: Right.

McCOLLISTER: OK, so in the enforcement of federal gun laws after
passage of LB188, could the federal government ask a police officer in
Nebraska to help enforce some of the current federal gun laws?

HALLORAN: They can't-- they can as long as they're not in conflict
with any state law that we have.

McCOLLISTER: OK, thank you.

BREWER: Senator Blood.

BLOOD: Thank you, Chairman. I just have a quick question based on your
conversation with Senator Hunt. So can a constitutional right be
overridden by majority vote in Congress?

HALLORAN: Say again.

BLOOD: Can a constitutional right be overridden by a majority vote in
Congress?

HALLORAN: The answer is no, it shouldn't be. But that doesn't mean it
can't be or might be.

BLOOD: It can't be. Only the Supreme Court can do that, right?

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HALLORAN: Right. But, you know, the docket for the Supreme Court is quite lengthy. In other words, they don't act, they don't act very quickly. And a lot of things can happen in between a law being passed in the Supreme Court ruling on its constitutionality.

BLOOD: All right, thank you.

HALLORAN: You're welcome.

BREWER: All right, any other questions for Senator Halloran? All right, before I let you get out of here, let's make sure we read in on LB188 position letters: 238 proponents, 3 opponents, zero in the neutral position. With that, we will close on LB188. I will hand over.

M. HANSEN: All right, welcome back to the room, everyone. We're about to get started on LB236. Just a reminder of the same procedures as earlier, starting with the proponents, and ask the people move towards the front of the room when they have an opportunity to testify. Now that we've got people settled, we'll welcome Chairman Brewer to your Committee on Government, Military and Veterans Affairs.

BREWER: Thank you, Vice Chair Hansen and members of the Government, Military and Veterans Affairs Committee. My name is Tom Brewer, T-o-m B-r-e-w-e-r. Today I'm here to introduce LB236. This bill would give counties the power to authorize the concealed carry of weapons without a permit. This bill would allow people to make the case for more freedoms for their local elected officials. We have had two big fights for state preemption of local gun control ordinances in recent years. The first one was LB289, which was Senator Laura Ebke's, and that was in 2015. The other one was LB68, which was Senator Mike Hilgers' in 2017. The opponents during these debates made the case that local control is important. They said that Lincoln and Omaha are different from the rest of the places in Nebraska, and I agree with that. They said that local officials are better equipped to set local policy related to weapons and they're better prepared to do that than those in the Legislature. And I agree with that also. Those arguments ultimately won the day and we did not pass Senator Ebke's or Senator Hilgers' bill into law. I'm here today to propose more local control in LB236 and take local control in the right direction. This bill would give our county officials the power to declare their counties constitutional carry counties. Four of our neighbors already have constitutional carry statewide. I'm not asking for that. Again, this

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is the county. Under LB236, the county would authorize to carry a concealed weapons with no permit required in the county. Now, again, we're talking about weapons in plural. So it's not just guns, but also knives. Any knife with a blade longer than three and a half inches, they would have to be considered as carrying a concealed weapon if it was hidden. Last year, we saw nearly a dozen Nebraska counties pass Second Amendment sanctuary county resolutions. The sad part about that is that in and of itself really doesn't change anything. It's, it's more or less a statement. This is different here in that the counties would then have local control to make decisions. I want to give those local officials the power to make real changes. And that's what LB236 does. Let me tell you a few things, about LB136 [SIC] and what it doesn't do. LB236 does not allow anyone to have a gun or other dangerous weapon if that person is already prohibited from having one under the state and federal law. This includes, among others: felons, domestic violence offenders, people subject to valid protection orders, folks with dangerous mental illnesses. LB236 will not affect any county that does not wish to move away from the status quo. If they choose, they do nothing, everything stays as it is. Most importantly, LB236 will not change weapons laws anywhere here in Nebraska. It's, it simply gives elected officials the power to tailor local policies to the needs of their constituents. The voters who put them into office trust them to make those decisions. We should also. One final note. In talks with law enforcement, they like the bill and they indicated to me that they would support this bill. And I think you will have folks that testify that will support that. They did make two suggestions, which I agree with. Number one, make the notification requirements the same as that of a concealed permit holder. That means folks would have to identify immediately to that law enforcement officer or emergency responder that they have possession of that weapon. The person would have to inform the emergency responder-- know immediately upon being engaged. That is for the officer's safety and really for the safety of the person who is carrying the weapon. Number two, clarify that the county boards should exercise this new power only after receiving advisement and counsel from the sheriffs. I think those two changes make sense. So we have done AM330, which-- have we passed out AM330?

DICK CLARK: I think you might have the stack, sir.

BREWER: I have it. That's why it's not passed out. All right, we'll get a page up. This is AM330, it makes the changes we talked about.

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There are a lot of folks who, who have come to me with a desire to see this bill come through, again, because of the local control part of this. Just yesterday we received 107 phone calls in support of the bill and we got 145 letters of support. Now, the only bill that's been anywhere close to that is LB188 and that, they had larger numbers than that. But again, the two issues are fairly close and some of the same people have their concerns and issues in support. People from all over the state support the bill. This isn't any one area. But the idea behind this is Lancaster, Sarpy and Douglas had legitimate concerns. And we heard those in the debates with Senator Ebke and Senator Hilgers' bill. So, again, that's why this is focused on each county having their own control. This bill will ultimately more freedom for Nebraskans and the much-desired local control. If you support the Second Amendment and you support local control, I think that you'll support LB238 [SIC--LB236] also. With that, I'll be happy to take any questions.

M. HANSEN: Thank you, Senator. Are there questions from the committee? All right, seeing none, thank you for your opening. And we will move to--

BREWER: I'll stick around for close.

M. HANSEN: I presumed. All right, with that, we'll move to proponent testimony of LB236. Welcome.

AARON HANSON: Thank you, Vice Chairman Hansen, members of the committee. My name is Aaron Hanson, A-a-r-o-n H-a-n-s-o-n, I'm a police sergeant with the city of Omaha Police Department, and I am the legislative liaison for the men and women of the Omaha Police Officers Association. That's who I represent here today. Flashback to 2017, we were in this very same room, many of us, debating preemption. And if some of you remember at the time I came prepared with documents which showed examples of things that would be unlawful in Omaha, that would be lawful currently in, in the Sandhills. For example, in Omaha it would be unlawful to have a loaded AR-15 rifle in the passenger seat of a car driving down the street. In the Sandhills, it would be lawful. There was many examples that we discussed. And one thing I was proud about that debate is it stayed, it stayed respectful, it stayed civil. It was emotional. There was a lot of, there was a lot of strong feelings. But for the most part, we kept it, we kept it civil. And even though Senator Brewer and I were on the opposite sides of that

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issue, we listened to each other. We heard each other's concerns. We continued the dialogue for years. And ultimately, when I read LB236 and spoke with our leadership team about it, it made sense to us. Back in the preemption debate, it was about local control. What, what, what is dangerous, potentially, in Omaha may be completely socially acceptable in western Nebraska, in the Sandhills, in cattle country. LB236 really does a great job of splitting that baby in a fair way that's reasonable to both sides of the state, top to bottom, east to west. And I'm proud of it. I think that's, that's the way good problem solving should occur. We don't all take our ball and run away. We stay at it and we, and we discuss. The other thing I like about LB236 is it does allow for local control to continue. The county board can make their decision. It doesn't take away from a municipality's ability to make their decisions. And I think it's a very well thought out and balanced. We support it. And, and I'll take any questions that you may have.

M. HANSEN: Thank you. Are there questions? All right, seeing none, thank you for your testimony.

AARON HANSON: Thank you.

M. HANSEN: Welcome.

ANTHONY ARNOLD: Thank you. Anthony Arnold, I'm in the Second District, 1421 East Ridge Way, Ashland, Nebraska. I ask that this become part of record. Thank you very much for the time today. I didn't, don't have a formal statement. I just want to express my-- I'm very much a proponent of this, you know, proposed bill. I think it has a very large opportunity to put the power of the Second Amendment back in the hands of the counties. And I think it also has the ability to, you know, right a little bit of a wrong, which is really around those in the low-income level. Currently, to acquire a concealed carry license in Nebraska, there is a \$100 application fee. There is a \$100 to \$500 concealed carry class that's required as part of that. And there's also an ammunition cost. And obviously these days that cost is extremely high, right? So that, that investment on the low end could be \$500, on the high end it could easily be over a thousand. And so I think from a county perspective, this allows local counties to have the opportunity to provide those folks that are legally able to own a firearm the same, afford the same rights that a concealed carry permit would have at a county level with their county. And I'm sure you're

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going to hear a lot of, a lot of folks here today talk who are gun owners but are not concealed carry holders. And we look at national crime statistics. Most crimes happen within your local-- very close to home. Either home, around the home, within a few miles of the home. And I think from a county perspective, if you put that in, in perspective of a homeowner, they now have the ability to, if they want to go for a walk, they have, are able to protect themselves in a concealed carry manner in the same way they would in the home, even if they didn't have their concealed carry permit. So I think that's, that's a big piece there as well. So a very big proponent of this. I think this is the right direction the state should be hand-- headed. And I do believe it does allow the, the counties a lot more power on how they want to decide to offer this potential option to their constituents.

M. HANSEN: All right.

ANTHONY ARNOLD: Thank you.

M. HANSEN: Thank you for your testimony. Any questions? Seeing none.

ANTHONY ARNOLD: Great, thanks.

WAYNE McCORMICK: My name is Wayne McCormick, W-a-y-n-e M-c-C-o-r-m-i-c-k. Good afternoon, committee, acting Chair Senator Hansen. Thank you for the opportunity to speak to you today. I'm in District 22, I live in Columbus. I rise today in support of LB236, which would give the counties the power to authorize by ordinance the permitless carry of a concealed weapon. As a note, the state of Nebraska already has an open carry law that allows people to open carry. I'm good with that, but if people see that, there is that opportunity of somebody wresting the firearm out of their hands. But I'm good with the open carry because that is a right to keep and bear arms. Counties would not have the power to authorize permitless carry for anyone who is otherwise prohibited from possessing such weapons under the state or federal law. For example, a past conviction of mental health adjudication, valid protection order or other prohibiting factor. So the, the restrictions are still there. I believe this is a very no-nonsense bill to carry out the intent of our founding fathers when they first drafted the Second Amendment to the Constitution of the United States. The right to keep and bear arms is just that, a God-given right, not a privilege to be enforced at the

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whim of the ruling class. This bill would put the decision making at the local level where the decision makers better understand the local climate rather than a one-size-fits-all approach. That seems to be the way we govern. I am glad in Nebraska is not so much a one-size-fits-all because there are disparities and differences. Again, I support LB236 and urge the committee to vote to advance the bill to the floor of the Legislature for debate. Do you have any questions for me?

M. HANSEN: Thank you, Mr. McCormick. Are there questions? All right, seeing none, thank you for your testimony.

WAYNE McCORMICK: Seeing none, thank you. Thank you for your time and consideration.

M. HANSEN: Welcome.

PATRICIA HARROLD: Can I say good evening? Is it good evening yet?

M. HANSEN: Not quite.

PATRICIA HARROLD: My name is Patricia Harrold, P-a-t-r-i-c-i-a H-a-r-r-o-l-d, and I'm speaking on behalf of the Nebraska Firearm Owners Association. And just for the record, as a representative of our organization, state preemption has been and will always be something we as an organization stand for and support. At the same time, I'm willing to make history today to say, as opposed to some of those who are anti-gun, that the gun lobby is definitely willing to compromise. The majority of the time, it's we who compromise and we lose rights. We don't gain rights. But we see this bill, LB236, as a fantastic way to provide middle ground. Nebraska is not a progressive state. We're not a conservative state. We have multiple jurisdictions and counties with rural and urban and suburban environments. And change for the sake of change isn't good, but change that happens with a slow and implementable approval process that allows for those changes to be observed and vetted and examined to see how they work might be the best way to secure state preemption. If the counties across Nebraska adopt the opportunity to take advantage of this new empowerment and we can show and demonstrate that the law abiding citizens of Nebraska are perfectly capable to carry a gun concealed as they do unconcealed, which is simply the difference between sweeping open my coat and sweeping it back, then maybe we can establish the

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fact that we as Nebraskans don't necessarily need ordinances at the local level, that we feel as NFOA are primarily racist in nature and focus on elements of our society that don't have a voice to be heard. And so we will always remain concerned about the racist overtones of many city, city ordinances and the way they're enacted and enforced, we are standing in support of LB236 today in order to meet that middle ground and show that we're willing to work with everyone as far as our rights are expressed.

M. HANSEN: Thank you for your testimony. Any questions? Seeing none, thank you.

PATRICIA HARROLD: Thank you.

M. HANSEN: Welcome.

SHEILA WALKER: Good afternoon, members of the Government Committee. I'm Sheila Walker, S-h-e-i-l-a W-a-l-k-e-r, I'm from Alliance and that's the District 43. I'm here to testify in support of LB236. I urge all of you senators on this committee to vote this bill out of committee and onto-- I believe it should be debated by the whole Legislature. The essence is local control. Counties are created by the Legislature, and all the power comes from you guys to them. This bill would allow the people in a county to decide what they want, how they want to allow, allow the Second Amendment laws to apply. They can use-- choose to use these new laws under this bill or not to, it's up to them. I think this is what we need to do. We need to leave it up to the counties to make up their minds. Right now, after going through the red flag resolution, sanctuary laws last year, I think our county would have adopted that as an ordinance, but they didn't have the power to do that. So I appreciate guys listening and I hope you'll listen to what we are asking you to do.

M. HANSEN: All right, thank you for your testimony. Any questions? All right, seeing none, thank you.

ALLIE FRENCH: Hi, everybody.

M. HANSEN: Welcome.

LOWE: Who's testifying?

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ALLIE FRENCH: She might help, I won't lie. My name is Allie French, A-l-l-i-e F-r-e-n-c-h, I am founder and leader of Nebraskans Against Government Overreach, and I am here to express our support for LB236, along with the rest of my group. I did also want to kind of paint a picture of the potential that, if this were to pass, how it might help the citizens of the state. Take my family, for example. My husband was diagnosed with cancer a while back and has been unable to get work, mostly due to the draconian measures and mandates that have been implemented across the state. And it prevents him from getting work. Why does this matter? We don't have really any money, so we can't afford to purchase a concealed gun-- concealed handgun permit at this time. But what if we want to be able to afford the exact same rights as everybody else to protect ourselves? I'm not exactly a big person, you know? And I think that this bill, again, allows counties to make a decision for themselves that's important and should be important to the citizens of their communities. And I think that this is a really, really great way to give them that ability so that our local governments can help the citizens who don't otherwise have access to the permits that others might, especially when we see federal legislation and other legislation that might make that harder or easier. It would be fantastic to have the ability to carry our guns and not have to fork over a whole bunch of money that we don't have right now. That's all I wanted to add. Thanks, guys.

M. HANSEN: Thank you very much.

ALLIE FRENCH: Any questions?

M. HANSEN: Yes, any questions? Senator Halloran.

HALLORAN: Thank you, Vice Chair Hansen. Ordinarily we don't allow props, but I think this was very good.

ALLIE FRENCH: She's a pretty good one.

HALLORAN: Very good testimony. And I got to say, your daughter did very well too.

ALLIE FRENCH: Thank you. Appreciate that. Have a good one, guys.

M. HANSEN: All right, thank you. All right, other proponents for LB236. Hi, welcome.

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AMBER PARKER: Hi, I'm-- are you ready for me to--

M. HANSEN: Yeah, go ahead.

AMBER PARKER: Sorry, I didn't know. Hi, Amber Parker, A-m-b-e-r, last name Parker, P-a-r-k-e-r. And I just have to say, it's such a busy day. I think I was here three times last week and first time this week and two or three different hearings, I've lost track, in one day. But I believe it's important. You know, on the side of the Capitol building, it says the watchfulness of the citizen is the salvation of the state. So you guys are state senators, and we the people here in Nebraska are supposed to be the second house. I want to say thank you to Senator Brewer for coming forward with LB236. I want to make sure I don't get my numbers confused here. I believe that we do need to give our counties the power and control. We have been seeing these draconian measures being taking place, and there are those who hate the Second Amendment. And I'm just going to be honest and expose it. And some of them are even here in the state Legislature. And we're keeping track of names in the way because it's a way to hold you guys accountable, to say that we do want to be able to protect our families. We do want to be able to protect ourselves. And I believe that LB236 giving the counties the power and the local control is going to help. And it's also going to bring unity with those who have felt that their Second Amendment rights and things are being infringed upon. And then there's like certain bureaucratic tape, let's call it, that we, we have seen take place in our state. And so what this is doing is it's going to calm things down and saying, hey, if you're a farmer and you are out in your field or whatnot and there are coyotes around your sheep or something, then you need to protect your sheep or you need to protect your cattle or you need to do something like that. And so anyhow, I'm just saying that there are different instances and situations, I know that's not specifically in LB236, addressing those specific situations. But we really have to look at the areas and make sure that Nebraska is a gun-friendly state. And LB236 is actually giving power back into the counties in a way. And I just want to end on this note. I think it was so powerful that you have a police association, the gentleman that testified today that there was over 800 police officers that are in support. In the words of-- that he was proud of it. And how refreshing it is that, that we have law enforcement, over 800 police officers that are saying, hey, we understand and let's give the counties back the power in their

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situation in these areas. And LB236-- I see the yellow light, so I
don't want to go over-- it does just that.

M. HANSEN: All right, perfect timing. Any questions of the committee?
Seeing none, thank you for your testimony.

AMBER PARKER: Thank you.

M. HANSEN: Any other proponents for LB236? OK. And based on the crowd,
I'm going to assume there's nobody waiting out in the hallway?

LUKE FREEOUF: Hello, everyone. Luke Freeouf, L-u-k-e F-r-e-e-o-u-f. So
I prepared quite a bit for the LB188 one, but I'm just kind of
speaking off the cuff for this. You know, before, before I had a
concealed carry permit, I was always a shooter, always been a knife
guy. I've made knives for a lot of my young life. And so to me, a gun
or a knife is, is a tool. You know, you have to have profound respect
for that. You need to have respect for other people. I guess, you
know, one reservation I had, about LB236 was, you know, how that would
influence relationships with law enforcement as you're out traveling
around your community or you're wearing a knife that is over, you have
your coat over, that's five inches. I think that's been answered
because there's a-- it sounds like you guys are going to have a duty
to inform the officer, which is good. I think it's good to communicate
effectively like that in that situation. So I really have no
reservations about supporting it because, you know, right now it's
legal to open carry a handgun, for example, which personally I think
is a bad idea. And but if it's legal for me to open carry a handgun, I
think, and I'm a law abiding citizen, I'm not prohibited from any
other reason, I should be able to also carry a concealed handgun. But
I like the fact that the state localities can control that. The
governance by the county, I mean. Douglas County and Sarpy County are
not the same as Cherry County. So I like that approach. I like being
able to let the local rule makers decide on that. But, yeah, that was
the biggest thing in my mind was the concern for law enforcement in
that dialogue between them. You know, the other thing is if, if you
have guns or you have weapons, I think it would be great to be able to
carry a longer knife and not be in violation of a concealed, concealed
weapon. That-- it's my understanding is it would encompass other types
of things like knives. And, you know, again, public safety and safety
of law enforcement, that's a huge thing and that was great to hear
that officer be in support of that as well. So I would encourage you

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to, to support it and move it out of committee to the next step,
please. Any questions?

M. HANSEN: Yes. Thank you for your testimony. Any questions? Seeing
none, thank you. All right, are there any other proponents? All right,
seeing none, I'll note for the record at this point we had 145
proponent letters in support and we had no written testimony in
support. With that, we'll move on to opponents. We'll take any
opponent testifiers.

JUDY KING: My name is Judy King, J-u-d-y K-i-n-g, and I'm with-- I'm
in opposition to LB236. Please make this part of the record. I'm with
the Nebraskans Against Gun Violence and LB236 is a bill that allow
counties to be able to remove the concealed carry permit rules. If you
want to deregulate by county, then the bill needs to open up the
authority to regulate. If you want to, if you want the-- it's
politically a one-sided as written. And if the state wants to give up
the authority, then it needs to give it up. There is no data to
support the deregulation of guns. LB236 and LB188 are pushing
dangerous narratives while doing nothing to actually protect
Nebraskans that they claim to be-- they are trying to protect. When I
first started testifying on gun bills with NAGV, my major concern was
that kids were accidentally shot because their parents didn't lock up
their guns. Something simple, just locking up your guns. But now my
worries are turning to a takeover of our country. And I won't go into
the whole list of everybody that I think were behind that. In
addition, on January 6, there are more reports of something happening
again in March that worries the D.C. security. And now the GOP want to
deregulate guns. That's a concern. For the timely maneuver is so
obvious that it cannot be allowed to happen. Our country is vulnerable
to the right, right-wing groups that are now trying to arm themselves.
Oh, hell no. And then just to reiterate, if the state Legislature
wants to make laws, then it needs to make-- to be the law. It needs to
be the law. If the state wants local control, then it needs to be
local control. That's all I have to say, thanks.

***ANGELA AMACK:** Members, my name is Angela Amack, appearing before you
as a registered lobbyist on behalf of Every town for Gun Safety and
the Nebraska Chapter of Moms Demand Action for Katie Townley. Please
accept this letter in lieu of testimony for the Committee Statement
and Permanent Record. Dear Mr. Chairman and Honorable Members of the
Committee: My name is Katie Townley, and I live in Omaha, where I

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volunteer for the Nebraska Chapter of Moms Demand Action for Gun Sense in America. We are a grassroots movement of women and men working together for public safety measures to reduce gun violence and make Nebraska communities safer. I am writing today to urge you to vote against LB236, a bill that would allow counties to opt out of the current statewide permit requirement for carrying a hidden, loaded handgun in public. Research shows that states that have weakened their permitting systems have seen an increase in handgun homicide rates and violent crime rates. In 2003, Alaska became the first state to enact a permitless carry law. Aggravated assaults committed with a firearm have increased since the law went into effect. After 2003, Alaska's rate of aggravated assaults committed with a firearm per year increased by 65 percent. Our current permitting requirement is important and necessary and protects us in several ways, and LB236 would undermine those very protections. Without a permit requirement, individuals in counties that opt out would no longer have to undergo a background check to carry a concealed firearm in public. Background checks are instrumental in making sure people with dangerous histories cannot carry hidden, loaded firearms in public. Additionally, Nebraska's current law requires that the individual must pass a handgun training course in order to obtain a permit to carry a concealed handgun in public. LB236 would allow counties to opt out of this requirement, meaning that in those counties, someone who has never held a firearm before would be allowed to carry a loaded, concealed handgun in public. Finally, this bill would create confusion not only for law enforcement but Nebraska citizens as well. Allowing individual counties to opt out of the permit requirement is dangerous for everyone in the state, as people cross county lines on a regular basis and may not be aware of the increased public safety risk they might face if they are in a county that has taken the dangerous step of opting out of the permit requirement. I urge the committee to please vote NO on NE LB236 and prioritize the safety of our communities. Thank you for your time.

***JON CANNON:** Good afternoon members of the Judiciary Committee. My name is Jon Cannon. I am the Executive Director of the Nebraska Association of County Officials. I appear today in opposition to LB236. LB236 would provide counties the power to authorize the carrying of concealed weapons for all persons not otherwise prohibited from possessing and carrying such weapons under state or federal law. Generally, counties welcome new and expanded power that enables them

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to effectively govern and provide services and programs to its constituency; however, the expansion of the authority that would be provided in LB236 would be potentially problematic largely because an individual would not be required to obtain a concealed carry permit issued through the Concealed Handgun Permit. The Concealed Handgun Permit Act currently provides a framework for the issuance of permits under a uniform approach with background checks which are performed by the State Patrol currently. Since permits for concealed handguns would not be required, such an exemption in counties that have authorized the carrying of a handgun would ostensibly preclude those counties from administering the oversight functions that have been stated above and were identified during the much-debated creation of the Concealed Carry Act included with LB454 (2006) to assist in providing safety and protections to the public and concealed carry handgun owners. Additionally, it would create confusion of crossing county lines within the state for concealed carry owners in knowing applicable laws. We ask you to please consider our thoughts as you evaluate the potential negative impact of LB236 to counties. Thank you for your willingness to consider our comments. We encourage you to indefinitely postpone LB236 for the reasons we have outlined. If you have any questions, please feel free to discuss them with me.

M. HANSEN: Thank you, Ms. King. All right, with that, are there any other opponent testifiers? Seeing none, any neutral testifiers? Seeing none, I'll read into the record-- we'll invite Senator Brewer up-- but I'll read into the record we had one position letter opposed and we had two written testimonies submitted this morning, one from Angela Amack, Everytown for Gun Safety; and one from Jon Cannon from the Nebraska Association of County Officials. Both opposed. And we had no position letters and no neutral written testimony. With that, we invite Chairman Brewer to close.

BREWER: Thank you. All right, on the, on the one, I had a rather extensive conversation with NACO because I, you know, I wanted to make sure I understood exactly where they were coming from. And they had opposition from Sheriff Jerome Kramer, he's with Lincoln County. So we were able to contact him today. And once we explained the bill and we went into AM330, those concerns were relieved. And I understand too, that part of the writing in this bill was with the help of several sheriffs, my brother being a sheriff. We wanted to do it so we didn't make their jobs more difficult. But in a lot of the remote areas, for one, it's hard to have a qualified instructor available. If they have

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the money, if they have the, the range and ammunition and all those things available to get the State Patrol concealed carry permit. So there's a lot of things that put barriers up for just a regular person who wants to be able to have the ability to have Second Amendment protection. And we're not changing any of the rules. So please understand that the things I read through, if you are someone who would not be able to have a weapon, nothing changes here. You still can't have one. And this, by making sure that law enforcement understood that you make positive contact and let them know that you are carrying whatever the weapon might be for your protection and his, is part of what that requirement is. And so obviously AM330 needs to be a part of this bill for the protection of law enforcement, with the individuals also. So, again, the idea was to have a bill that gave counties local control, which has been a really contentious issue. And I think we found a place where we can do that here. And it doesn't mean, you know, the 93 counties, maybe, maybe only a handful will decide that this is something that is necessary. But it again, it's their control and they're able to make that decision. So with that, I'll be glad to take any questions.

M. HANSEN: Thank you. Senator McCollister.

McCOLLISTER: Yeah. Thank you, Senator Hansen. Two issues. First off, the fiscal note. Maybe I missed it, is there a way we can deal with the \$800,000?

BREWER: Well, I think with many of the fiscal notes, it leaves you a little bit numb to understand exactly why the note is what it is. And, and so is that a loss of revenue from the Nebraska State Patrol because of the people that would not be getting permits? Well, I don't know how you can do that, because you don't know how many counties would, first of all, adopt it. And then within the county, how many of those would be people that either have a concealed carry permit and aren't going to renew it and just do the local control issue. So let me do this, let me try and see if I can find out why that number is what it is. Because right now, I don't know of a reason why that should be the number it is. But as we've seen with many bills, sometimes that fiscal note is a bit of a mystery.

McCOLLISTER: That's a good point. But the counties themselves get the fee, do they not?

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BREWER: No, the Nebraska State Patrol. And then the instructors are a variety, you know, some of them are retired state troopers, some are just NRA certified instructors. Some are actually from a particular store or in some cases there's retired military folks that teach that on the weekends. So it's kind of a mix of people. And that's why you hear the different prices on, on what's being charged to teach the classes, because sometimes the ammunition is included, sometimes it's not. So it's kind of a hodgepodge mix, but you do have to have some resources available to you to do that. And there are places. You know, I have, I have family members that in the west made the option not to, to get it just because of the investment. And this, you know, this is an option to where if you're a person who has done nothing wrong and you're entitled to those rights, you could still have the privilege of carrying concealed, but not have the burden of that cost to you.

McCOLLISTER: When you apply for a concealed carry permit, does it necessarily require some training?

BREWER: It does. There's a requirement for both a written exam that you have to take, which goes into some of the rules and, and regulations with a concealed carry. And then you also have a requirement for, for range time where you, you have to engage a target and shoot a certain score.

McCOLLISTER: So if a county elected not to have a program, a person could apply for an open carry permit without any training?

BREWER: Well, open carry--

McCOLLISTER: I'm sorry, concealed carry.

BREWER: Concealed carry. Well, again, it would be up to the local officials. So, you know, your county attorney and your sheriff are probably gonna be the two that are going to be setting the policy for that county. And they can have that requirement whatever they want. So it would be the decision of the county how they want to move forward with that, on how strict or how loose that regulation needs to be.

McCOLLISTER: OK, thank you, Mr. Chairman.

M. HANSEN: Thank you, Senator McCollister. Any other questions? All right, seeing none, thank you, Chairman Brewer. And with that, we'll close LB236's hearing and the hearings for the day.

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