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Transcriber's Office

Judiciary Committee
March 21, 2013

[LB171 LB319 LB335 LB392 LB592]

The Committee on Judiciary met at 1:30 p.m. on Thursday, March 21, 2013, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB171, LB392, LB592, LB319, and LB335. Senators present: Brad Ashford, Chairperson; Steve Lathrop, Vice Chairperson; Ernie Chambers; Mark Christensen; Colby Coash; Al Davis; Amanda McGill; and Les Seiler. Senators absent: None.

SENATOR ASHFORD: Why don't we get started with LB171. Welcome again. LB171, Senator Bloomfield. Go ahead. [LB171]

SENATOR BLOOMFIELD: Good afternoon, Chairman Ashford and members of the Judiciary Committee. For the record, my name is Senator Dave Bloomfield, D-a-v-e B-l-o-o-m-f-i-e-l-d, and I represent the 17th Legislative District. I'm back again today with my third and final bill to be heard by this committee this session, and I don't expect applause for that but if you want to, it's okay. [LB171]

SENATOR MCGILL: Woo. (Applause) [LB171]

SENATOR LATHROP: It's our last day of hearings, too. [LB171]

SENATOR BLOOMFIELD: (Exhibits 1 and 2) LB171 seeks to help provide defense to the somewhat defenseless by providing for an expedited concealed carry permit process for victims of domestic violence. The application for an expedited permit would be based on the recommendation of a peace officer, and the applicant must have been the victim of the crime of domestic violence. The bill, as originally written, would allow for the application to be made at any law enforcement office. After visiting more with the State Patrol regarding the logistics of this, I had an amendment drafted that would require the application to be made at one of the State Patrol headquarters. While the fiscal note provides for additional State Patrol staff, the amendment would eliminate the cost to the local law enforcement offices. The State Patrol would issue the permit within five days of application instead of the 45 days currently allowed, assuming the applicant had met all the qualifications for the permit. The idea for this bill came from a constituent in South Sioux City who was actually in such a situation and could not get the permit in a timely fashion. I was encouraged by another constituent who teaches concealed carry classes and had planned to be here but is actually unable to be here today because he is teaching a class. This individual told me he would be willing to teach the class without charge for the victims of domestic violence that made this application. With that, I'll conclude my opening and thank you for considering LB171. [LB171]

SENATOR ASHFORD: Thank you, Senator Bloomfield. Any questions? Yes, Senator Coash. [LB171]

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SENATOR COASH: Thank you, Senator Ashford. Senator Bloomfield, in your bill does the victim...well, let me back up. Does the perpetrator, the offender, does that offender have to go clear through the criminal process and be convicted of a crime, or can she just allege that she's a victim and that starts this process? [LB171]

SENATOR BLOOMFIELD: A report has to have been made to the police department. In order for her even to apply for this, it has to be approved by a police official that had some involvement in the case. So if I were to have beaten my wife and she called in a report and the police came and investigated, or the highway patrol or whoever would happen to come out and have investigated that, that officer could say you really ought to defend yourself, you're out here a long ways away from the police department, you may want that for some help. And at that point she, with the help of that police officer, could make application. [LB171]

SENATOR COASH: Okay. Is there any duty or provision in your bill that would require a restraining order be issued as well? [LB171]

SENATOR BLOOMFIELD: No. [LB171]

SENATOR COASH: That's still up to the victim to ask for. [LB171]

SENATOR BLOOMFIELD: Yeah. [LB171]

SENATOR COASH: Okay. The last question is, have you...I don't see anybody here from the Domestic Violence Coalition. Have they given you any...? [LB171]

SENATOR BLOOMFIELD: I haven't had any comment from them. [LB171]

SENATOR COASH: Okay. That's disappointing. They're getting involved in lots of things. And here they are, we don't have them involved in something that affects them. So thanks. [LB171]

SENATOR ASHFORD: I don't see any other questions. Thanks, Dave. Senator Chambers. [LB171]

SENATOR CHAMBERS: Senator Bloomfield, all it takes is for a cop to say this person is a victim and that triggers this legislation? [LB171]

SENATOR BLOOMFIELD: That triggers his or her ability to apply for this, yes. [LB171]

SENATOR CHAMBERS: What's going to happen between the time the person applies and the five days...I meant, and the expiration of the five days? [LB171]

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SENATOR BLOOMFIELD: All I can say, Senator Chambers, is I believe five days is better than 45 days in that situation. [LB171]

SENATOR CHAMBERS: And your intent is that this person be in a position to kill somebody in the heat of passion? [LB171]

SENATOR BLOOMFIELD: In order to protect themselves, yes. [LB171]

SENATOR CHAMBERS: What evidence is there that the cop has to present that he's just not in cahoots with somebody who he wants to help get rid of a person or he could be a lover of that person, how do we know? These things happen. I've seen cases where cops are involved in this kind of thing and some are on trial. So I'm not prepared...I'm not going to go through what we went through yesterday, because this isn't the same kind of bill. I would not support anything like this. First of all, the idea that you're saying kill, is not that good. I'm giving my opinion. If this person is in the heat of passion and is being attacked, or not in the heat of passion but is being attacked, he or she has the right to repel the attack. But five days later is not the same thing. And by that cop encouraging as he is, it's giving the impression perhaps that if you go in and kill the male or the female, then I'll be there to back you up and say you had a reason to do it. [LB171]

SENATOR BLOOMFIELD: Senator Chambers, the idea behind this is that she would have an opportunity to defend herself, not that she would go out and hunt somebody down and shoot him. [LB171]

SENATOR CHAMBERS: So is the cop going to be there between the time he tells her go make the application and the time that it might be granted and I'll be here to protect you? Is that what he's going to do if it's that serious a situation? [LB171]

SENATOR BLOOMFIELD: I cannot speak for the police. I don't know what they would do in that five days' situation. What I'm looking at here, Senator Chambers, is not necessarily the people that live in Omaha or Lincoln, South Sioux City, or the bigger communities. We are a half hour or 45 minutes away from law enforcement out in the country. [LB171]

SENATOR CHAMBERS: Well, let me ask you this, then I'll be through. Did you say this was brought to you by a constituent to whom this kind of... [LB171]

SENATOR BLOOMFIELD: While I was knocking on doors last spring during the primary, an individual told me that she was in this situation and she wanted to get the permit and there was a 45-day waiting period, and she wondered why that was so long. Later, I bumped into a guy that teaches this class, at a gas station. And he... [LB171]

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SENATOR CHAMBERS: Well, obviously she didn't...nothing happened to her in all that time. [LB171]

SENATOR BLOOMFIELD: Uh, I don't know that. [LB171]

SENATOR CHAMBERS: Well, she was talking to you, wasn't she? [LB171]

SENATOR BLOOMFIELD: Well, she was talking to me then but I don't know if the occurrence was within the five days or if it was a year ago. [LB171]

SENATOR CHAMBERS: Well, she apparently didn't need to kill anybody because I didn't read about a killing. [LB171]

SENATOR BLOOMFIELD: Well, she was also in her home. She was not out on the street. [LB171]

SENATOR CHAMBERS: Okay, that's all that I have. [LB171]

SENATOR BLOOMFIELD: And Senator Chambers, I'm not astonished that you don't support this, so. [LB171]

SENATOR ASHFORD: Yes, sir, Senator Davis. [LB171]

SENATOR DAVIS: Senator Bloomfield, have you looked at the fiscal note on this? I'm sure you have. Do you think there's anything that can be done to work on that? [LB171]

SENATOR BLOOMFIELD: The fiscal note should be cut down by the amendment, and I think you have a copy of that amendment now. [LB171]

SENATOR DAVIS: Yeah, I just...I didn't get it till I got here, so I hadn't looked at it. [LB171]

SENATOR BLOOMFIELD: Yeah. But yeah, that should be cut down some. There is still going to be a fiscal note but it shouldn't be quite as scary. I do have a handout here if you guys want to pass that around. [LB171]

SENATOR DAVIS: So did you introduce the amendment to try to address the fiscal note? [LB171]

SENATOR BLOOMFIELD: Yes. [LB171]

SENATOR DAVIS: Okay. Thank you. [LB171]

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SENATOR BLOOMFIELD: And to address some concerns the highway patrol had. [LB171]

SENATOR ASHFORD: Thanks, David. Do we have any proponents for this bill? Any opponents? [LB171]

SENATOR LATHROP: Wait, there's a proponent. [LB171]

SENATOR BLOOMFIELD: We've got one over here. [LB171]

SENATOR ASHFORD: Oh, okay. [LB171]

GEORGE LEVY: I am filling out my form (inaudible) didn't have anything planned. My name is George Levy; Auburn, Nebraska. George, G-e-o-r-g-e L-e-v-y. I'm in favor of this I think for a couple reasons. One is there's a long waiting period. Senator Chambers mentions a heat of passion or whatever. I think there's a lot of other things that go beyond that. It doesn't have to be passion. It's a person that's abused, domestic violence, and it can be someone totally unbeknownst to them. But the fact of the matter is that...in the bill it talks about being qualified, doing a background check, having the training. If someone does not have the proper training, has not got a good record, they're not going to get a firearm purchase permit from the sheriff. It's as simple as that. So it could be someone like Warren Buffett--an irate investor. Who knows? The bottom line is, you know--I'm going to change the wording but--you know, God made big men and God made little men and God made petite women; Colt made them equal. That's it. [LB171]

SENATOR ASHFORD: Okay, thank you. I don't see any questions. Thanks. Okay, any opponents? Neutral? Dave, do you wish to...Senator Bloomfield waives closing. Let's go to the next bill, LB592, Senator Lautenbaugh. I saw him leaving. Maybe he's... [LB171]

SENATOR LATHROP: Like the building? [LB592]

SENATOR ASHFORD: Yeah. [LB592]

_____ : I'll go check on him. [LB592]

SENATOR ASHFORD: He was going off somewhere. [LB592]

SENATOR COASH: Brent is going to introduce. [LB592]

SENATOR ASHFORD: Oh, Brent is. Okay. [LB592]

SENATOR MCGILL: I'm going to go take a (inaudible) break. [LB592]

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SENATOR ASHFORD: Are you going to take a break or...? Okay. [LB592]

SENATOR MCGILL: (Inaudible). [LB592]

SENATOR ASHFORD: Senator Chambers, thank you for your help on that bill today. [LB592]

SENATOR LATHROP: Brent, do you want me to go on mine? Well, we'll see who shows up. [LB592]

SENATOR ASHFORD: Oh, I'm sorry. What? [LB592]

SENATOR LATHROP: Nothing. I was next in line. I was just talking (inaudible). [LB592]

SENATOR ASHFORD: Oh, yeah, you might as well go next. I don't see... [LB592]

SENATOR DAVIS: Go ahead, Steve. [LB392]

SENATOR LATHROP: Mine is very simple. [LB392]

SENATOR CHAMBERS: Yes, for a change--well, I think. [LB392]

SENATOR LATHROP: You know what? Okay, we'll see. Good afternoon, Judiciary Committee. My name is Steve Lathrop, L-a-t-h-r-o-p. I'm the state senator from District 12 in Omaha. I'm here today to introduce LB392, and I know you've heard this before. This is a technical cleanup bill. And at the risk of making that assertion during gun day, or gun two days, let me just explain that, in 1977, LB38 was passed and signed into law, which included language that became State Statute 28-1211. That statute...I'll read it real quick because when I read the statute and then when I read something for you out of the Alcohol, Tobacco, and Firearms, some of their information, you'll see why this needs...why it's appropriate to repeal this section. "The State of Nebraska herewith permits its residents, not otherwise precluded by any applicable laws, to purchase, sell, trade, convey, deliver, or transport rifles, shotguns, ammunition, reloading components or firearm accessories in Nebraska and in states contiguous to Nebraska. This authorization is enacted to implement for this state the permissive firearms sales and delivery provisions in section 922(b), (3)(A) of Public Law 90-618 of the 90th Congress, Second Session. In the event that presently enacted federal restrictions on the purchase of rifles, shotguns, ammunition, reloading components, or firearm accessories are repealed by the United States Congress or set aside by courts of competent jurisdiction, this section shall in no way be interpreted to prohibit or restrict the purchase of shotguns, rifles, ammunition, reloading components, or firearm accessories by residents of Nebraska otherwise competent to purchase same in contiguous or other

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states." That's what we're repealing and here is why we're repealing it. This comes out of an Alcohol, Tobacco, and Firearms. On-line they have this sort of an update to people and they wrote this. So this is your federal government. "Contiguous States. The contiguous state provisions of the Gun Control Act, as enacted in 1968, allowed nonlicensed purchasers to acquire long guns from federal firearms licensees located in a state contiguous to the state in which the purchaser resided if the purchaser's state of residence permitted such sale and the sale fully complied with the legal conditions of sale in both such contiguous states. This provision of the Gun Control Act was amended in 1986 to allow the licensed federal firearm dealers to sell or dispose of long guns to residents of any other state, not just contiguous states, provided: the transferee meets in person with the federal firearms licensee to accomplish the transfer; and (2) the sale, delivery and receipt fully comply with the legal conditions of sale in the buyer's and seller's states. A number of states patterned their laws after the original provision of the Gun Control Act that allows nonresidents to purchase long guns from the federal firearm licensee only in contiguous states. Many of those states have not revised their laws to reflect the 1986 amendments to the Gun Control Act that allow over-the-counter sales of long guns to residents of any state, as outlined above. This has caused confusion among the federal firearm licensees, who often read such contiguous state laws as prohibiting sales to residents of noncontiguous states." I may be putting you to sleep. The point is that they passed a federal statute that made the condition in our state statute take effect, and now we can repeal that statute because they're no longer required to limit their sales to those who live in contiguous states. So it's a Revisor's bill in some respects. And I'd be happy to answer questions if anybody has any. [LB392]

SENATOR ASHFORD: If there are any? Are there any questions of Senator Lathrop? [LB392]

SENATOR LATHROP: All right. [LB392]

SENATOR ASHFORD: I don't see any. Thank you, Steve. Ron. [LB392]

RON JENSEN: Chairman Ashford, members of the Judiciary Committee. And happy birthday, Senator McGill. [LB392]

SENATOR MCGILL: Thank you. [LB392]

SENATOR ASHFORD: Oh, that's right. Happy birthday. I'm sorry, I apologize. [LB392]

SENATOR MCGILL: Jean Stothert wished me a happy birthday on Facebook. [LB392]

SENATOR LATHROP: Whoa. [LB392]

SENATOR MCGILL: (Laugh) [LB392]

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RON JENSEN: Wow. (Laugh) [LB392]

SENATOR MCGILL: I'm sorry. [LB392]

RON JENSEN: That's quite all right. [LB392]

SENATOR ASHFORD: I know, I'm taken aback by that. I have no...can't respond. [LB392]

SENATOR LATHROP: And she gave you (inaudible)..... [LB392]

RON JENSEN: Sure. My name is Ron Jensen. I'm a registered lobbyist appearing before you this afternoon on behalf of the National Rifle Association and in support of LB392. Senator Lathrop explained this very well, but the narrative that goes with it is that when the original federal firearms Control Act was enacted in, I believe, '68--that was in response to the Kennedy assassination actually--it prohibited, and still does, an individual from acquiring a handgun in any state other than his state of residence. And at that time it also prohibited the acquisition of a rifle, I believe, in any other state than the state of residence. And Congress did modify that, or it may have been in the original legislation, to the point that residents of a state could purchase a long gun in contiguous states if state law allowed for it. Ultimately, Congress struck down the restriction that you can buy a long gun in any state. These days you still can't buy a handgun other than in your state of residence. So the law is obsolete and we suggest it ought to be taken off the books. I'd be happy to try to answer questions if there are any. [LB392]

SENATOR ASHFORD: Senator Chambers. [LB392]

SENATOR CHAMBERS: I had no suspicions until the NRA came up, so now I'm (inaudible). [LB392]

SENATOR MCGILL: (Laugh) [LB392]

RON JENSEN: I was afraid of that. (Laugh) [LB392]

SENATOR LATHROP: I was worried about that too. Almost told him to stay home. [LB392]

RON JENSEN: Senator Chambers, you said earlier this session, sometimes things are exactly as they seem. [LB392]

SENATOR ASHFORD: Wow. [LB392]

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SENATOR CHAMBERS: Okay. [LB392]

SENATOR ASHFORD: That's a wild statement, Ron. [LB392]

RON JENSEN: (Laugh) [LB392]

SENATOR ASHFORD: But thank you. [LB392]

RON JENSEN: Thank you. [LB392]

SENATOR ASHFORD: Okay. [LB392]

SENATOR CHRISTENSEN: Was that on the suspicion part? [LB392]

RON JENSEN: I think it's time I left the witness table. [LB392]

SENATOR MCGILL: (Laugh) [LB392]

SENATOR ASHFORD: All right. Next proponent for the bill? Opponents? Neutral?
Senator Lathrop waives. Senator Lautenbaugh...Brent is here. [LB392]

BRENT SMOYER: Good afternoon. Afternoon, Mr. Chairman, members of the
committee. I apologize for my tardiness. I think we're all kind of shocked that gun day
number two is quiet. [LB592]

SENATOR ASHFORD: Well, we're not on national TV today, so. [LB592]

BRENT SMOYER: Ahh, fair enough, fair enough. It was a little surprising. And as
Senator Lautenbaugh and John have had to leave today to get back to Omaha--a lot of
stuff on the docket, so to speak--I'm here to introduce. My name is Brent Smoyer for the
record, B-r-e-n-t S-m-o-y-e-r, here to do the opening on LB592. Quite simply, LB592 is
the authorizing legislation necessary to enact HR 218. It was passed early on...federal
statute passed early on in the Bush administration and then reauthorized and actually
expanded under the Obama administration that would essentially allow certified law
enforcement personnel, the State Patrolmen who are walking around here today,
sheriffs, deputies, LPD, OPD, anybody...any law enforcement officer within the state of
Nebraska to be able to carry concealed in any place that they could carry their weapon
while in uniform. I do believe that in light of the recent events of last year, both in
Colorado and Connecticut, I know there is a real emphasis on safety. There's an
emphasis on trying to find a way to make sure that there are more good guys than bad
guys out there who are equipped. I know a lot of people are kind of uncomfortable with
the idea of just general concealed carry for regular citizens, but I think we can all
understand and support the idea of trained officers of the law being able to carry and

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being able to protect folks if the worst does happen. I know following me will be a member of the Lancaster County Sheriff's Office, Craig Schnieder, who is a firearms expert, trainer, and a sheriff's deputy, who will be able to kind of nail down all the details. But essentially the act would allow for a greater level of public safety, frankly, because you will have officers of the law carrying at all times, should the absolute worst situation happen. And I would be happy to take any questions if you wanted me to. [LB592]

SENATOR ASHFORD: I don't see any...well, no, I don't see any. Thanks, Brent. [LB592]

BRENT SMOYER: Fair enough. Thank you. [LB592]

CRAIG SCHNIEDER: Thank you. My name is Craig Schnieder. I'm representing the Nebraska Association of Law Enforcement, Firearms Instructors, and also the Nebraska Sheriffs' Association. To amend existing Nebraska law to specifically authorize law enforcement officers and retired law enforcement officers to carry weapons in the state of Nebraska and to enact Nebraska law that is consistent with the Federal Law Enforcement Safety Act 2004 of Section 18 U.S. Code 926B and C. In 2010 and 2013, definitions of this act were amended by Congress and signed into law by President Obama. The original law I believe was passed in 2005. This federal law allows qualified law enforcement officers and qualified retired law enforcement officers to carry concealed weapons anywhere in the United States not otherwise prohibited by federal law. An example of that would be airplanes. LB592 defines qualified law enforcement officers and qualified retired law enforcement officers the same as federal law. This bill would allow qualified law enforcement officers and qualified retired law enforcement officers to carry a weapon anywhere in the state not otherwise prohibited by federal law. It is also noted this would provide greater security for the public in active shooter situations if these professionals who have extensive training and experience with firearms were allowed to carry concealed weapons. Pursuant to LB592, qualified law enforcement officers and qualified retired law enforcement officers are required to meet state proficiency standards at the range at least once a year. And I'm going to age myself and Senator Chambers, because Senator Chambers carried this bill many years ago for us--the minimum standard bill. Current Nebraska law does not specifically provide for carrying concealed weapons by off-duty law enforcement officers and does not specifically provide for carrying concealed weapons by retired law enforcement officers. Under current Nebraska law, Nebraska Revised Statute 28-1202, it is an affirmative defense for an off-duty law enforcement officer and retired officer to be charged with a crime and then have to prove an affirmative defense justifying their carrying of a concealed weapon. LB592 would specifically allow off-duty law enforcement officers and qualified retired law enforcement officers to carry a concealed weapon. In light of recent attacks across the country, at schools, churches, shopping malls, and other public locations, LB592 would allow off-duty law enforcement officers

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and retired law enforcement officers to carry concealed weapons in the present at these locations. Consistent with federal law and in light of their training experience, these professionals are qualified to do this. Current law allows Nebraska residents to apply for a concealed carry permit. These individuals must undergo training and show some proficiency in the use of a handgun before being issued a permit. Qualified law enforcement officers and retired officers have already received extensive training and must annually demonstrate a higher level of proficiency. Concealed carry permit holders are prohibited from carrying concealed weapons in a variety of locations, including schools, churches, banks, sporting events, and private property where the owner posts their property. LB592 would not change these prohibitions from concealed carry permit holders; however, it would allow law enforcement officers and retired officers to carry weapons in these locations. [LB592]

SENATOR ASHFORD: Thanks, Sheriff. Yes, Senator Chambers. [LB592]

SENATOR CHAMBERS: Who did you say carried this bill earlier? [LB592]

CRAIG SCHNIEDER: You did, Senator, in the 1990s, early 1990s. You carried a minimum standard bill for me that I wrote--you and Senator Smith. [LB592]

SENATOR CHAMBERS: And what happened to the bill? [LB592]

CRAIG SCHNIEDER: It's law now. There's minimum standard for training for law enforcement officers. [LB592]

SENATOR CHAMBERS: So why do we need this one? [LB592]

CRAIG SCHNIEDER: Well, that was the minimum standard for training just to make sure that we had to qualify every year, because up to that point Nebraska had no standards for training. [LB592]

SENATOR CHAMBERS: Thank you. And I wanted my colleagues to understand what the bill was. (Laughter) [LB592]

CRAIG SCHNIEDER: I remember Governor Nelson, at the time, thought it was a strange combination,... [LB592]

SENATOR ASHFORD: I remember it too. [LB592]

CRAIG SCHNIEDER: ...you and Senator Smith carrying the same bill. He wanted... [LB592]

SENATOR ASHFORD: Right. And I actually do remember it happened. [LB592]

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SENATOR CHAMBERS: Right. We called it Jesse James and the Sheriff combining, huh? [LB592]

CRAIG SCHNIEDER: Yeah, that's right. That was... [LB592]

SENATOR LATHROP: Perfect storm. [LB592]

SENATOR ASHFORD: Nineteen ninety-three, wasn't it? [LB592]

CRAIG SCHNIEDER: It was the early '90s, I remember that. I was...like I say, I was aging myself, so. [LB592]

SENATOR ASHFORD: Well, we all are in that boat, Sheriff. Thank you. [LB592]

CRAIG SCHNIEDER: Thank you for your time. [LB592]

SENATOR MCGILL: I was (inaudible). [LB592]

SENATOR LATHROP: You were still in high school. [LB592]

SENATOR ASHFORD: You weren't? Were you really? No, you weren't in high school then. [LB592]

SENATOR MCGILL: When was this? Nineteen...? [LB592]

SENATOR ASHFORD: Were you in high school in 1990? [LB592]

SENATOR LATHROP: No, no, no. I got out in '75. [LB592]

SENATOR ASHFORD: Do we have any other proponents of this measure? Any opponents? Neutral? Okay. Thanks, Brent. Do you have anything else you'd like to add, or...? [LB592]

BRENT SMOYER: I think we're okay. I do believe...I'm sorry. I don't necessarily want to add anything other than I believe you'll be receiving a letter from STAN, the State Troopers Association, stating their support for the bill. [LB592]

SENATOR ASHFORD: Okay. Thank you. Senator McGill. [LB319]

SENATOR MCGILL: Good afternoon, colleagues. I'm State Senator Amanda McGill, M-c-G-i-l-l, and I'm here to introduce LB319, a bill designed to clarify a provision of law regarding concealed handgun permitholders. Under current state law, a concealed

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handgun permit holder cannot carry a concealed handgun in certain locations, including detention facilities, courthouses, public body meeting places, schools, places of worship, hospitals, and some other locations. Prior to 2012, a permit could be revoked for carrying a concealed handgun into one of these places. In 2012, the Legislature enacted LB807 to provide that a permit could not be revoked for a first offense under this statute unless the offense occurred on property owned by the state or any political subdivision. This bill adds that a permit can be revoked if a violation occurs on property owned or leased by the state or any political subdivision. In short, this bill provides that carrying a handgun on state or local property is treated the same whether the property is owned or leased. This bill was brought to me by the League of Municipalities and is seen as an oversight last year when we went to change the law on this. Thank you for your consideration. [LB319]

SENATOR ASHFORD: Senator Seiler. [LB319]

SENATOR SEILER: Would this bill apply to the Games and Parks' leased property where you're out there hunting and you're carrying a sidearm? [LB319]

SENATOR MCGILL: I don't know the answer to that, and...well, I certainly wouldn't, but that's for the purpose of hunting in the Game and Parks. [LB319]

SENATOR SEILER: Yeah, but you'd be carrying a concealed weapon. You may have a coat on over a pistol. [LB319]

SENATOR MCGILL: Well, I'd have to look at if in any of these locations included parks, because the law specifically lays out the types of places, and like I said, meeting places, courthouses. I don't think parks. [LB319]

SENATOR SEILER: Okay. I'll take a look at it. [LB319]

SENATOR MCGILL: Yeah. So I'd have to take a look at that comprehensive list. I'm sorry that I don't know the answer to that. And the League may know behind me. [LB319]

SENATOR ASHFORD: Senator Christensen. [LB319]

SENATOR CHRISTENSEN: Thank you, Chairman. Like what area are we trying to get involved in this? [LB319]

SENATOR MCGILL: For instance, at public meetings, if one of these public body meeting places is not a place that is owned by the state but they have permanent...not state but like a city and they lease the building and it's still being used for that government purpose. It's seen as kind of a technicality in what we did last year. [LB319]

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SENATOR CHRISTENSEN: So this wouldn't be like if we go out and have an interim study and just... [LB319]

SENATOR MCGILL: Oh, no. And borrow...rented a room, rented a room. [LB319]

SENATOR CHRISTENSEN: ...lease a little spot. You're talking a complete leased building like if we didn't own Assurity but leased the whole building. That's what you're... [LB319]

SENATOR MCGILL: Like the city of Lincoln and Lancaster County, for instance, rent some building spaces in strip malls, you know, and they don't own that building, but it's still being used by them, leased by them for that public purpose. [LB319]

SENATOR CHRISTENSEN: Any other examples you know...I'm just trying to think... [LB319]

SENATOR MCGILL: Not off the top of my head, but the League of Municipalities is here and so they probably have some more examples to offer. [LB319]

SENATOR CHRISTENSEN: All right. Thank you. [LB319]

SENATOR ASHFORD: Thanks, Amanda. I don't see any other questions. Okay. Do we have any testifiers for the bill? The League of Municipalities is here. [LB319]

JIM PESCHONG: (Exhibit 4) Senator Ashford and members of the Judiciary Committee, my name is Jim Peschong. I appear today in support of LB319 which amends the Concealed Handgun Permit Act to allow for the revocation of a permit when a person is convicted for violating the act on leased government property. I would like to thank the committee for the opportunity to testify. And I want to thank Senator McGill, as well, for introducing this important bill. Prior to 2012 legislative session, a permit could potentially be revoked if a permitholder was convicted of violating the Concealed Handgun Permit Act. This included any violation occurring at a police station, polling place, meeting of a government body, or any properly posted government property. Last year, the Legislature voted to allow for a revocation only after a second or subsequent conviction for violating the act. However, it left the ability to revoke a permit after the first conviction where the violation occurred on property owned by the government. I note that many local governments do not have the ability and/or the need to own every piece of property that they occupy. Renting from local property owners afford local governments the flexibility to change as the community changes. Renting may also be preferable to satisfy temporary needs. The city of Lincoln has a number of contractual leases on buildings used daily for various city departments. The most notable of these is the Lincoln Police Department's northeast team station. This is a long-term lease. LPD also

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has several small substations spread throughout the city for the convenience of the community and to provide efficiencies in response time and convenient office space for interviews and report writing. Under the current law, violations at the northeast team station or these small substations would be treated differently than a violation at LPD's main station. The city also leases space for other departments, as well, including the Aging Division, Health Department, the fire department. The city also leases space for public meetings, whether it is a joint city council meeting or a controversial zoning issue. Additionally, the city often has to lease space during renovations of government-owned buildings. If handguns are prohibited, the city ensures that adequate signage is provided. LB319 ensures that all government buildings are treated in the same manner regardless of whether the space is owned or leased by the government. We respectfully submit that there is no reason to treat such places differently for the purpose of revocation and would therefore ask that you advance LB319 to General File for the full Legislature's consideration. Thank you again for the opportunity to comment on the bill, and I'd be happy to answer any questions that you might have. [LB319]

SENATOR ASHFORD: Any questions of the chief? I don't see any. Thank you, sir. [LB319]

SENATOR CHAMBERS: Just one other comment. [LB319]

SENATOR ASHFORD: Yes. [LB319]

SENATOR CHAMBERS: If every person wearing that uniform and were a sworn officer, were as personable, civilized as you are, I wouldn't mind having them patrol the community where I live. I just thought I'd let you know. [LB319]

JIM PESCHONG: Thank you very much, Senator. [LB319]

SENATOR ASHFORD: Thanks, Chief, very much. [LB319]

JIM PESCHONG: Thank you. [LB319]

GARY KRUMLAND: Senator Ashford and members of the committee, my name is Gary Krumland. It's G-a-r-y K-r-u-m-l-a-n-d, representing the League of Nebraska Municipalities appearing in support of LB319. I won't repeat what was said, but this was an amendment that was adopted on...it was a floor amendment on Select File last year on a bill towards the end of the session, and it did exempt...it was, like, an exemption to the exception where it allowed public buildings to be exempted from the intent of the bill which said that a first offense is no longer grounds for revocation of a concealed carry. And the word "owned" by the public was put in there, and this is a criminal statute so we wanted to make it clear. So the question is, does "owned" include leased? This just makes that clear that it does. The list of facilities where a person with a concealed

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handgun permit cannot carry a handgun is listed in the statute, and this doesn't change that. And parks would not be included in that, so it's just those. But it's of that category there is a subcategory now of buildings owned by the public, and this would make sure that it included buildings leased by the public. So I'll be happy to answer any questions. [LB319]

SENATOR ASHFORD: Senator Chambers. [LB319]

SENATOR CHAMBERS: Who did you say you represent? [LB319]

GARY KRUMLAND: The League of Nebraska Municipalities. [LB319]

SENATOR CHAMBERS: They are the same ones who got my bill locked up in the Revenue Committee, aren't they? [LB319]

GARY KRUMLAND: Well, again we just... [LB319]

SENATOR CHAMBERS: Why would they send you here when I'm on this committee when we had one of our favorite senators, one of my favorite police officers? Everything was collegial and cordial, then here you come. What were they trying to do, antagonize and provoke me? [LB319]

GARY KRUMLAND: I don't now, sir. This is a bill that we were interested in and so we wanted to express our support. [LB319]

SENATOR CHAMBERS: Did you volunteer to come, or you were assigned? [LB319]

GARY KRUMLAND: It was just probably...I don't know if I could answer that. (Laugh) I like to appear before this committee, so I came. [LB319]

SENATOR CHAMBERS: By analogy, are you pleading the Fifth? You might incriminate somebody if you answer that question? [LB319]

GARY KRUMLAND: No, I enjoy appearing before this committee, so I was the one. [LB319]

SENATOR CHAMBERS: Are you paid to represent them? [LB319]

GARY KRUMLAND: Yes, I am. [LB319]

SENATOR CHAMBERS: So you are a working man. [LB319]

GARY KRUMLAND: Yes. [LB319]

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SENATOR CHAMBERS: You're here doing your job. [LB319]

GARY KRUMLAND: Yes. [LB319]

SENATOR CHAMBERS: Do you have a family? [LB319]

GARY KRUMLAND: Yes. [LB319]

SENATOR CHAMBERS: And you support your family with the income you get? [LB319]

GARY KRUMLAND: Yes. [LB319]

SENATOR CHAMBERS: Your family saved you. [LB319]

SENATOR MCGILL: (Laugh) [LB319]

SENATOR ASHFORD: Senator Christensen. [LB319]

SENATOR CHRISTENSEN: Thank you, Chairman. You said parks weren't included. But if there was a building on that park it would be included? I'm just trying to clarify. I'm not trying to pick on this. [LB319]

GARY KRUMLAND: Yeah, no. And I don't have the whole list in front of me. There is a list of types of buildings that almost relate more to function than the type of building that a person with a concealed carry permit cannot carry the weapon into. That includes schools, government body meeting rooms, hospitals, detention facilities. That's the list that is there. And this just applies to those that are owned or, if the bill passes, leased by the government. It's not all government entities. It only modifies that current list. [LB319]

SENATOR CHRISTENSEN: But with that list, that would have included everything that was leased anyway, wouldn't it? [LB319]

GARY KRUMLAND: Well, that's the question, is the exception talks about owned. It doesn't...see, there's two different lists. [LB319]

SENATOR CHRISTENSEN: Right. But I figured with the original list that the state, the schools, and everything that way, that would automatically cover what this bill is trying to do. [LB319]

GARY KRUMLAND: Well, but the exception was written in a way that uses the word "owned" by the state or local governments. And if it had been defined by function, that

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might have been a different situation; but it's already in the statute talking about ownership. [LB319]

SENATOR CHRISTENSEN: Thank you. [LB319]

SENATOR ASHFORD: Thanks, Gary. Any other proponents? Opponents? Neutral? Senator McGill. [LB319]

SENATOR MCGILL: I'll just waive. [LB319]

SENATOR ASHFORD: Mark. Mark has, may I say, the last bill on the last day of our hearings. [LB335]

SENATOR CHRISTENSEN: Is that a good or a bad thing? [LB335]

SENATOR ASHFORD: Sounds like a beginning of a novel of some kind. Sorry. [LB335]

SENATOR CHRISTENSEN: (Exhibit 5) (Laugh) Thank you, Mr. Chairman and members of the Judiciary Committee. I'm Senator Mark Christensen, M-a-r-k C-h-r-i-s-t-e-n-s-e-n. I represent the 44th Legislative District and I'm here to introduce LB335. LB335 seeks to provide clearer guidelines for transportation and storage of firearms in vehicles in publicly accessible parking lots throughout the state of Nebraska. Currently, many firearm owners are subject to the inconsistent rules and the actions by employers regarding the transportation and storage of firearms by employees and customers in private vehicles in parking lots open to the public. LB335 seeks to bring a balance between the property rights of employers and the property rights of employees and the public to legally transport and store firearms in private vehicles for self-defense, hunting, and other legal purposes. LB335 would put us in line with 16 other states that have some form of parking lot law for firearms, along with bringing the state's policy for transportation and storage of all firearms more in line with the Nebraska Concealed Handgun Permit Act in Section 69-2441(3) and (4). I've had several Nebraskans contact my office regarding situations they have found themselves in at work. Some of these were regarding concealed handgun permitholders and some transportation of other firearms. I believe a clearer line can be drawn for both the employer and the employee and the public regarding whether an employer should have the right to reach inside of an employee's or customer's private vehicle and ban the legal possession and transported item which is a right that is specifically guaranteed in both the U.S. and Nebraska Constitutions and which is in a location open to the public. If an employer can prohibit a legally owned, transported, and stored firearm in a privately owned vehicle in a location open to the public, then what other legal items and rights can the employer regulate in your vehicle? I would argue that just because you drive your vehicle onto a parking area owned by a business but is also open to the public, you do not automatically turn over everything in your private vehicle to the owner or employee to

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control or regulate. I also believe that a private parking lot is different than a lot open to the public. This is where I think the line should be drawn and the distinction made. This is what I tried to accomplish in LB335. LB335 would not allow an employer to create a policy that prohibits the otherwise legal transportation and storage of firearms in the private motor vehicle or an employee or a customer while the vehicle is in the employer's publicly accessible parking lot. In addition, it allows the civil remedies for employees who are injured in such parking lot while subject to such policies from their employer. It also protects employees from the termination before the employer's policy that prohibits firearms in private motor vehicles in violation of subsection (2) of this bill while also protecting employers from liability from an employer's actions with a firearm in their vehicles. Finally, LB335 provides a list of exemptions on page 4 in subsection (6). This subsection cites current law where the privileges of this bill would not be extended if such laws were violated. After further review and concerns expressed by some employers in the state, I have drafted an amendment which I handed out to the committee to clarify that my intent to apply this law only to parking areas open to the public. Thank you for consideration of LB335. [LB335]

SENATOR ASHFORD: Yes, Senator Chambers. [LB335]

SENATOR CHAMBERS: Senator Christensen, during my time back, I've come to know you better than I did when I left. I have to ask you, what is the origin of this bill? You didn't create this language. [LB335]

SENATOR CHRISTENSEN: Well, I actually introduced this a couple years ago. I've had a number of people ask me about it, so then I talked to my staff. And I'd have to ask him. I'd be glad to get back to you because I worked with my staff and I don't know if they... [LB335]

SENATOR CHAMBERS: How many states did you... [LB335]

SENATOR CHRISTENSEN: ...conversed with... [LB335]

SENATOR CHAMBERS: Did you say how many states had this kind of bill...legislation? [LB335]

SENATOR CHRISTENSEN: I believe 16. [LB335]

SENATOR CHAMBERS: How many? [LB335]

SENATOR CHRISTENSEN: Sixteen, I believe. [LB335]

SENATOR CHAMBERS: So then there's somebody trying to get this done. Was it ALEC, the Cato Institute, the NRA? [LB335]

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SENATOR CHRISTENSEN: This was actually people that approached me and asked. Now I don't know who Dan Wiles reached out to in gathering information... [LB335]

SENATOR CHAMBERS: Okay. [LB335]

SENATOR CHRISTENSEN: ...when I brought the idea, but I'll find out for you. [LB335]

SENATOR CHAMBERS: Well, let me look at a couple of things with you, because I see you have a copy of the bill. On page 2, "A person who is injured or incurs damages, or the survivors of a person killed, as a result of a violation of subsection (2) of this" bill. What does subsection (2) say? [LB335]

SENATOR CHRISTENSEN: Well, basically if you are prohibited from carrying into that parking lot, then you can pursue civil damages, which I believe you can currently do anyway. [LB335]

SENATOR CHAMBERS: Here...we're going to go on now. I just wanted you to say what that relates to. "A violation of subsection (2) of this section may bring a civil action against any business...owner, manager, or legal possessor of the real" estate, "of real property, or public or private employer who committed or caused such violation." Now a person is killed as a result of a person who owns the property saying you can't bring a gun here. And then that person who is told you can't bring a gun here is killed somewhere. Then the person who owned the property is responsible for that person being killed? [LB335]

SENATOR CHRISTENSEN: Because they denied them the right that this law would say you have. [LB335]

SENATOR CHAMBERS: And you think that's all right? You either do or don't. You think it's all right. Then I'll ask you like this: You think it's all right, don't you? [LB335]

SENATOR CHRISTENSEN: Yeah. [LB335]

SENATOR CHAMBERS: Okay. Now let's go over here to page 3. If an employee violates the requirement of the employer and brings the gun on the property anyway and is terminated, then that employee can bring a civil action against the employer, get reimbursed for any time he or she was off work, would be reinstated, is given all benefits that that person would have had, compensation--whatever that terms means, plus lawyer fees and whatever other expenses. Is that true? [LB335]

SENATOR CHRISTENSEN: Yes. [LB335]

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SENATOR CHAMBERS: And you think that's all right? [LB335]

SENATOR CHRISTENSEN: Well, if they have violated it. This isn't...this is somebody not following the law, so. [LB335]

SENATOR CHAMBERS: Let me ask you a question. If I'm hiring somebody and I say under no circumstances can you bring a gun on this property, then that employee looks at this law and says, aha, and brings a gun in his or her car and says, oh, by the way, boss, I've got a gun in my car, and I say then you're fired, then I've violated this law, haven't I? [LB335]

SENATOR CHRISTENSEN: Yes. [LB335]

SENATOR CHAMBERS: And that person would get their job back, huh? [LB335]

SENATOR CHRISTENSEN: Yes. [LB335]

SENATOR CHAMBERS: And they can get all those other things that I mentioned. [LB335]

SENATOR CHRISTENSEN: Well, if they have missed it, yes. [LB335]

SENATOR CHAMBERS: Which takes away my right as an employer to set standards that my employees must meet, correct? [LB335]

SENATOR CHRISTENSEN: Well, they can...well, in that parking lot, yes. [LB335]

SENATOR CHAMBERS: Okay. And as the owner and legal possessor of that property, I cannot do with it what I want to as far as determining what people can bring onto my property. [LB335]

SENATOR CHRISTENSEN: But it's also in a private vehicle. [LB335]

SENATOR CHAMBERS: But here's all I'm saying. I think the answer to the question is yes but I want to get it from you. My right to determine how other people are going to use my property is taken away from me by this bill because if I tell them on my property nobody can bring a gun, period, I don't have the right to do that if this were law, would I? [LB335]

SENATOR CHRISTENSEN: As long as that gun was in that private vehicle, no. [LB335]

SENATOR CHAMBERS: Okay. So it's taking away my right to do with my property what I please. Isn't that true? [LB335]

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SENATOR CHRISTENSEN: True. And it's also if you... [LB335]

SENATOR CHAMBERS: Now you've answered that part. Now let me ask another question. We have two rights which are clashing here. [LB335]

SENATOR CHRISTENSEN: Correct. [LB335]

SENATOR CHAMBERS: And you want to create a right for a gun owner with this bill. Isn't that true? [LB335]

SENATOR CHRISTENSEN: Because the right is the other way without it. [LB335]

SENATOR CHAMBERS: But wait a minute. I'm trying to ask the question simply without making it compound. You, by this statute, are creating a right for a gun owner that the gun owner doesn't have now. [LB335]

SENATOR CHRISTENSEN: Correct. [LB335]

SENATOR CHAMBERS: So you're creating it. And I already, as a landowner, a property owner, have rights that extend all the way back to England and under the common law. So the right that you're creating today is going to trump the traditional rights of a property owner. Isn't that correct? [LB335]

SENATOR CHRISTENSEN: As long as it's in that car, yes. [LB335]

SENATOR CHAMBERS: Okay, that's all I would have. Thank you. [LB335]

SENATOR LATHROP: Thank you. [LB335]

SENATOR CHAMBERS: I'm through, Senator Ashford. I've asked him all I wanted to ask him. [LB335]

SENATOR LATHROP: Oh, I'm sorry. I didn't realize you got up and left. I didn't even know you left. I'm sleeping on the job. [LB335]

SENATOR ASHFORD: I thought...I had left and I thought everybody just stopped and like we're all... [LB335]

SENATOR LATHROP: We did. I was... [LB335]

SENATOR ASHFORD: ...like this, and then there was silence and...thanks, Mark. [LB335]

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SENATOR CHRISTENSEN: (Exhibit 7) I've got one more amendment if you've got it here. [LB335]

SENATOR CHAMBERS: He's not through yet. [LB335]

_____: Well, I didn't know you guys wanted it before the hearing. That's why (inaudible). I will run and get it. [LB335]

SENATOR CHRISTENSEN: Okay. Well, I had another amendment. It just took care of the little clause that...right now, you have historic people who come in and do reenactment of Civil War and things in schools. And they literally call and get permission to do that, but legally I don't think they can. And I've got an amendment that was offered to me to see if we'd be willing to put it into statute with permission of the school they'd have the right to bring, like, historic guns for historic reenactment in. And so I'll get that handed out to the committee, because it's in the same section (inaudible) opened. [LB335]

SENATOR CHAMBERS: So this is like Old McDonald, except they're gun owners: Here a gun, there a gun, everywhere a gun, gun. These gun-toters want to be everywhere, don't they? And even when it means abrogating or taking away rights that other people already have, they somehow think that because they're toting a gun, they have a superior right to everybody in this society. That's what they want, isn't it? And you're going to give it to them, aren't you? [LB335]

SENATOR CHRISTENSEN: I don't totally agree with you, but yes, that's...with what you're saying, yes. [LB335]

SENATOR CHAMBERS: Okay, partner. Now the lines have been drawn. Thank you. [LB335]

SENATOR SEILER: Senator. [LB335]

SENATOR ASHFORD: Yes, Senator Seiler. [LB335]

SENATOR SEILER: Rather than ask you a question, the amendment that he's talking about is an amendment from me that I was having my birthday party with the retired professor of theater at Hastings College, and he was telling me about all the requests they were getting to go to schools and put on their reenactment and explain the guns and explain the cannons and explain the clothing. And I said, how are you doing that and why aren't you in jail? And his eyes got about that big. And I said I'd try and get an amendment passed so the superintendent can give them permission to come on the school grounds. So that's why this amendment is coming. [LB335]

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SENATOR CHAMBERS: And you picked this to carry something like that? [LB335]

SENATOR SEILER: It was the only bill left. (Laughter) It was the only bill left, Senator. [LB335]

SENATOR ASHFORD: Maybe the university appropriations bill (inaudible). Put it on there. Put it in the budget. Thank you, Mark. Okay. Any proponents? Opponents? Wait, those who are for the bill? Okay, come on up. [LB335]

GEORGE LEVY: Chairman Ashford, members of the committee, George Levy, Auburn, Nebraska. I think I'm in favor of it, and the reason I am is you can take a business like 7-Eleven where someone who, from the previous bill, you know, is a victim of domestic violence and, you know...I mean, they don't live at the store; they live somewhere else and they commute there. And the 7-Eleven or Casey's posts a sign: No guns on the premises. Well, they can still leave the gun in their car and go to work, and then when they come out...because they're probably not a victim of domestic violence when they're working with other people in public. Okay, now, you know, and you've got to resort back...I mean, I don't think anyone is violating any property rights, okay. They have the right to post a sign: No guns on the property. As long as it's in the car and the guy, the person, is qualified...you know, he's already done the background checks, the sheriff's thing, security and the legal, got the purchase of gun legally, registered, may have a CCW, may not, they've gone through extensive background checks, I don't think they feel they're anything superior to anyone else, you know. But they do want to protect themselves and they have the right to protect themselves. The one thing I would want to clarify or point out to you, the nuclear power plants, like Cooper, right at the entrance going into the parking lot it says no guns. And I believe that may be part of the NRC security. So there may be places like that. But, you know, if someone was dealing with violent people and had someone...or threatened, and they went to visit somebody like at the jail in Tecumseh, okay, they...you know, there's no reason why they can't leave the gun in their car. They're not taking it inside of the facility. That's it. [LB335]

SENATOR ASHFORD: Any questions of George? Now, your family has been in Auburn for quite a while, hasn't it? And you've been..what's your business there? I've met you before. What business do you have? [LB335]

GEORGE LEVY: I'm a retired engineer. I used to work at Cooper. I've only been there 14 years, 15 years. [LB335]

SENATOR ASHFORD: Okay. I thought you might have been from Auburn. Okay. [LB335]

GEORGE LEVY: I haven't been there that long. [LB335]

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SENATOR ASHFORD: Okay. Well, that's all right too. I was just trying to remember where I met you. [LB335]

GEORGE LEVY: I'm a... [LB335]

SENATOR ASHFORD: Okay, thank you very much. [LB335]

GEORGE LEVY: Okay, yeah. [LB335]

SENATOR ASHFORD: Thanks for your comments. Anyone else wish to testify in favor of this bill? Opposed? [LB335]

SENATOR CHAMBERS: Not so fast. [LB335]

SENATOR LATHROP: We may need a drum roll. [LB335]

SENATOR MCGILL: (Laugh) [LB335]

SENATOR CHAMBERS: (Exhibit 6) Mr. Chairman and members of the committee, my name is Ernie Chambers. I waited till the last bill on the last day of the hearings to do this. I don't usually speak against bills but we've had so much bad legislation brought to us by these gun-toters, that I'm sick of it. However, they have the right to come here. And when they can persuade somebody to bring one of those atrocious bills, we are compelled to give it a hearing. Those of us who take our work seriously will come here and sit through that over and over and over. And what particularly teed me off was when we had all these so-called law-abiding citizens engaging in outbursts but they "outbursted" only when a black man spoke. They think that because there are bunches of them I'm going to take that and swallow it. I was getting ready to respond when Senator Ashford, who knows what my predilections are, said: Ernie, wait a minute, wait a minute; let me handle this--or words to that effect. Because nobody needs to defend me. And when those nuts come here and are going to carry on like that, they need to know that I'm not intimidated. I don't need the state troopers here for me. And if any one of them wants to confront me, my office is 1114; and there are no cops there, no Red Coats. But I will be there. So here's the amendment that I'm offering because it shows my attitude toward them and this kind of bill. Insert a new section, "Sections 1 and 2" of this bill that we just heard "of this act shall be known and may be cited as the Subordination, Trampling, and Nullification of Nebraska Property Owners' Rights in Order to Accommodate the Irrational Demands of Gun-Toters Act." Now that's an official part of the record. That's an amendment I'm offering. And if you will add this amendment to that bill, I will help you get it passed, because it will be truth in labeling, for once. People are terrified of these gun-toters. They terrorize people in Congress. They terrorize senators. They bring that trash legislation to us. We have to sit here and

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listen to people saying that a state law trumps the constitution and federal law, and act like we don't know that that is insane. Well, I know what it is and I'm giving my testimony here today, and as a citizen of the United States of America enjoying the rights given to me under the First Amendment to the constitution. And they say the constitution doesn't give you rights. Well, the constitution does give you the right to free speech. It's not an inborn right, because there are countries that don't allow that. So not everything in the constitution which is designated as a right is something that you were born with. There are rights which you have because they are bestowed by the government, and the government will say these activities are deemed to be so important and such an integral element of a representative democracy that nobody shall be allowed to prevent you from engaging in this kind of conduct; and those are those rights that are bestowed. And the rest of the people in the Legislature or anywhere else can pretend that they take seriously this kind of stuff that is brought to us, such as federal law cannot be enforced within Nebraska. I'm a lawmaker in Nebraska and I know that is tripe. And when that sheriff and the other sheriff with him talked about they're going to arrest federal agents enforcing the law, you know what happened? And I'm testifying so I can say this. He'd go up to the person in charge of operation and say: Say, partner; you're under arrest. And the man would look at him and he'd say to his partner: Do you see this; do you hear this fool? Get him out of my face. And the sheriff would say: But I want to give you a ticket. Give me a ticket? You'll go to jail without passing go. Lock him up. And you know what I'm most regretful of? The fact that there are people who are not white who live in the communities where those guys are the sheriffs, where they don't acknowledge the supremacy of the law laid down by the U.S. Constitution, which means they can trample the rights of people; and there is no recourse, no place to go. And then you've got a sheriff who's going to arrest federal agents who has a part-time deputy one day a month named Barney Fife and he'll call him and say: We are under full rigor of...full alert, and I need you here immediately. And Barney says: Well, Sheriff, your voice sounds kind of urgent; what's going on? Well, I've got some federal agents here who say they're going to enforce the federal law and I want you to get right over here because we're going to put them in jail. And Barney says: Sheriff, I hate to tell you this but I'd put you in jail first. That's my testimony. If anybody has any questions, I'd be delighted to answer them. I guess not. [LB335]

SENATOR ASHFORD: Are you glad to be back? [LB335]

SENATOR CHAMBERS: I am deliriously happy. [LB335]

SENATOR MCGILL: (Laugh) [LB335]

SENATOR ASHFORD: (See also Exhibits 3 and 8) Well, that concludes all of the hearings for the year. And thank you all, to the committee and to Kyle and Phoebe and all the staff for all your hard work. Happy birthday, Senator McGill. [LB335]