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Floor Debate  
January 25, 2016

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[LB47 LB176 LB276 LB289 LB505A LB560 LB665 LB666 LB667 LB716 LB738 LB747  
LB926 LR421 LR422]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE THIRTEENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS REVEREND JEFFREY BLOOM OF THE IMMANUEL LUTHERAN CHURCH IN LINCOLN, NEBRASKA, SENATOR COASH'S DISTRICT. PLEASE RISE.

REVEREND BLOOM: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, REVEREND BLOOM. I CALL TO ORDER THE THIRTEENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB176 AS CORRECTLY ENGROSSED. I HAVE A SERIES OF APPOINTMENT LETTERS, MR. PRESIDENT: THE GOVERNOR OFFERS APPOINTMENTS TO THE COMMISSION FOR THE DEAF AND HARD OF HEARING, FOR THE PUBLIC EMPLOYEES RETIREMENT BOARD, AND THE COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION. THOSE WILL ALL BE REFERRED TO REFERENCE. LIKewise, AN APPOINTMENT FROM THE SECRETARY OF STATE TO THE ACCOUNTABILITY AND DISCLOSURE COMMISSION LIKewise WILL BE REFERRED TO THE REFERENCE COMMITTEE. AND SENATOR KOLOWSKI OFFERS LR421, MR. PRESIDENT. THAT

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WILL BE LAID OVER AT THIS TIME. AND THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 401-404.) [LB176 LR421]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE'LL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, LEGISLATIVE CONFIRMATION REPORTS. MR. CLERK.

CLERK: MR. PRESIDENT, SENATOR SCHILZ AS CHAIR OF NATURAL RESOURCES REPORTS ON THE APPOINTMENT OF JAMES HAWKS TO THE ENVIRONMENTAL QUALITY COUNCIL. (LEGISLATIVE JOURNAL PAGE 379.)

PRESIDENT FOLEY: SENATOR SCHILZ, YOU'RE WELCOME TO OPEN ON THE CONFIRMATION REPORT.

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. GOOD MORNING. TODAY I BRING YOU JAMES HAWKS. HE'S FROM NORTH PLATTE. HE'S GOING TO BE A NEW APPOINTEE ON THE ENVIRONMENTAL QUALITY COUNCIL. HE REPRESENTS MUNICIPAL GOVERNMENT, AND HE IS CURRENTLY THE CITY ADMINISTRATOR FOR THE CITY OF NORTH PLATTE. HE HAD A HEARING BEFORE US JANUARY 20, AND THE COMMITTEE RECOMMENDED APPROVAL OF JAMES HAWKS BY A VOTE OF 7 FOR AND 1 ABSENT. AND WITH THAT, I WOULD ASK FOR YOUR SUPPORT FOR MR. HAWKS. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. SEEING NO SENATORS WISHING TO SPEAK, SENATOR SCHILZ, DID YOU WANT TO...HE'LL WAIVE CLOSING. THE QUESTION IS THE ADOPTION OF CONFIRMATION REPORT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 405.) 34 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE CONFIRMATION REPORT.

PRESIDENT FOLEY: THE REPORT IS ADOPTED. (VISITORS INTRODUCED.) MR. CLERK.

CLERK: MR. PRESIDENT, THE SECOND CONFIRMATION REPORT FROM THE NATURAL RESOURCES COMMITTEE INVOLVING THE APPOINTMENT OF RICHARD BELL TO THE GAME AND PARKS COMMISSION. (LEGISLATIVE JOURNAL PAGE 379.)

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PRESIDENT FOLEY: SENATOR SCHILZ, YOU'RE WELCOME TO OPEN ON THE REPORT.

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. RICHARD BELL WAS NOMINATED TO THE GAME AND PARKS COMMISSION. HE'S FROM OMAHA. HE HAD A HEARING ON JANUARY 20. HE IS A REAPPOINTMENT THAT REPRESENTS DISTRICT 2. AND HE IS RETIRED, OBVIOUSLY FORMER CHAIRMAN AND CEO OF HDR, INC. AND ONCE AGAIN, THAT VOTE WAS UNANIMOUS WITH 7 FOR AND 1 ABSENT. AND WITH THAT, I WOULD ASK FOR MR. BELL'S CONFIRMATION. THANK YOU VERY MUCH.

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. SEEING NO SENATORS WISHING TO SPEAK, SENATOR SCHILZ WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE CONFIRMATION REPORT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 405-406.) 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE CONFIRMATION REPORT.

PRESIDENT FOLEY: THE CONFIRMATION REPORT IS ADOPTED. RETURNING TO THE AGENDA, GENERAL FILE, REVISOR BILLS. MR. CLERK.

CLERK: MR. PRESIDENT, THE FIRST REVISOR BILL OF THE YEAR, SENATOR KRIST AS CHAIR OF THE EXECUTIVE BOARD OFFERS LB665. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 6 AND REFERRED DIRECTLY TO GENERAL FILE. [LB665]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. (VISITORS INTRODUCED.) SENATOR KRIST, YOU'RE RECOGNIZED TO OPEN ON LB665. [LB665]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. AS YOU MAY RECALL, REVISOR BILLS ARE TECHNICAL CORRECTION BILLS PREPARED BY OUR REVISOR OF STATUTES OFFICE. PURSUANT TO OUR RULES--RULE 5, SECTION 3--THEY'RE INTRODUCED BY THE CHAIRPERSON OF THE EXEC BOARD AND REFERRED DIRECTLY TO GENERAL FILE. REVISOR BILLS INCLUDE SUCH THING AS: (1) THE REPEAL OF STATUTES OR PARTS OF STATUTES THAT HAVE BECOME OBSOLETE, (2) CORRECTING INTERNAL REFERENCES, AND (3) HARMONIZING PROVISIONS. THIS

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YEAR THERE ARE THREE SUCH BILLS. ALL THREE BILLS REPEAL OBSOLETE PROVISIONS. LB665 IS CURRENTLY THE BILL WE ARE VOTING ON. IT OUTRIGHT REPEALS TWO SECTIONS RELATING TO THE 2012 AND 2013 TRANSFER OF FUNDS TO THE WATER RESOURCES CASH FUND. I'D APPRECIATE YOUR SUPPORT IN MOVING LB665 TO SELECT FILE. PLEASE VOTE GREEN. [LB665]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. DEBATE IS NOW OPEN ON LB665. SEEING NO SENATORS WISHING TO SPEAK, SENATOR KRIST WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB665 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB665]

CLERK: 34 AYES 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB665. [LB665]

PRESIDENT FOLEY: LB665 ADVANCES. (DOCTOR OF THE DAY INTRODUCED.) MR. CLERK. [LB665]

CLERK: LB666, THE SECOND REVISOR BILL OFFERED BY SENATOR KRIST AS CHAIRPERSON OF THE EXECUTIVE BOARD. (TITLE READ.) [LB666]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR KRIST, YOU'RE WELCOME TO OPEN ON LB666. [LB666]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. LB666 ELIMINATES OBSOLETE LANGUAGE IN SEVERAL SECTIONS OF LAW PERTAINING TO THE DEPARTMENT OF MOTOR VEHICLES. THE LANGUAGE REFERS TO DATES THAT HAVE SINCE PAST. THE BILL ALSO HARMONIZES SECTIONS THAT REFER TO THE OBSOLETE LANGUAGE. I WOULD WELCOME A GREEN VOTE ON LB666. [LB666]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. DEBATE IS NOW OPEN ON LB666. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB666]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THIS PARTICULAR NUMBER GAINED FAME BY BEING EXPRESSED IN THE FOLLOWING WAY: HIS NUMBER SHALL BE SIX HUNDRED THREE SCORE AND SIX. AND WHEN PEOPLE SEE THAT, THEY TREMBLE IN THEIR BOOTS, IF

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THEY HAVE ANY BOOTS. BUT I'D LIKE TO ASK SENATOR KRIST A QUESTION IN VIEW OF THE FACT THAT THIS NUMBER INVITES A BIT OF DEVILTRY. [LB666]

PRESIDENT FOLEY: SENATOR KRIST, WOULD YOU ENTERTAIN A QUESTION? [LB666]

SENATOR KRIST: ABSOLUTELY. [LB666]

SENATOR CHAMBERS: SENATOR KRIST, THE ONE-LINER SAYS: TO ELIMINATE OBSOLETE PROVISIONS RELATING TO THE DEPARTMENT OF MOTOR VEHICLES. INCLUDED IN THAT TERM "OBSOLETE" WOULD IT BE THE PROVISIONS OF LB47 RELATING TO ORGAN DONATIONS AND THAT, THAT WE'VE BEEN DISCUSSING AND THIS IS A WAY TO SLIP IT ACROSS, BY ANY CHANCE? [LB666 LB47]

SENATOR KRIST: I WOULD NEVER DREAM OF DOING THAT, SENATOR. [LB666]

SENATOR CHAMBERS: THANK YOU, MORPHEUS. (LAUGH) THAT'S ALL THAT I HAVE. [LB666]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR KRIST, YOU'RE RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB666 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB666]

CLERK: 35 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB666. [LB666]

PRESIDENT FOLEY: LB666 ADVANCES. MR. CLERK. [LB666]

CLERK: LB667, A BILL OFFERED BY SENATOR KRIST AS CHAIR OF THE (EXECUTIVE) BOARD. (TITLE READ.) [LB667]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR KRIST, YOU'RE WELCOME TO OPEN ON LB667. [LB667]

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SENATOR KRIST: THANK YOU, MR. PRESIDENT, COLLEAGUES, AND GOOD MORNING, NEBRASKA, FOR THE LAST TIME THIS MORNING. LB667 ELIMINATES OBSOLETE PROVISIONS IN THE INTERNATIONAL FUEL TAX AGREEMENT ACT THAT REFER TO AN IMPLEMENTATION DATE THAT HAS PASSED--JANUARY 1, 2015. I'D APPRECIATE YOUR GREEN VOTE ON LB667. [LB667]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. DEBATE IS NOW OPEN ON LB667. SEEING NO SENATORS WISHING TO SPEAK, SENATOR KRIST WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB667 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB667]

CLERK: 37 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB667. [LB667]

PRESIDENT FOLEY: LB667 ADVANCES. MOVING ON TO AGENDA, GENERAL FILE, 2016 SENATOR PRIORITY BILL. MR. CLERK. [LB667]

CLERK: MR. PRESIDENT, LB289, A BILL INTRODUCED BY SENATOR EBKE. (READ TITLE.) INTRODUCED ON JANUARY 15 OF LAST YEAR, SENATOR EBKE PRESENTED THE BILL TO THE BODY ON FRIDAY AFTERNOON. I DO HAVE A MOTION PENDING FROM SENATOR CHAMBERS TO RECOMMIT THE BILL TO COMMITTEE. [LB289]

PRESIDENT FOLEY: SENATOR EBKE, WOULD YOU LIKE TO JUST TAKE A HALF-MINUTE OR SO JUST TO REFRESH US ON WHERE WE LEFT OFF WITH THE BILL? [LB289]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. I THINK WE ALL KNOW WHAT THIS BILL IS ALL ABOUT. WHAT IT WOULD SEEK TO DO IS TO CREATE STANDARD FIREARM POSSESSION LAWS THROUGHOUT THE STATE. I BELIEVE IT IS NOT ONLY A SECOND AMENDMENT CONCERN BUT ALSO AN ARTICLE I, SECTION 1 OF THE NEBRASKA CONSTITUTION CONCERN. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR EBKE. MR. CLERK. [LB289]

CLERK: MR. PRESIDENT, WHEN THE LEGISLATURE LEFT THE ISSUE, SENATOR CHAMBERS HAD PENDING A MOTION TO RECOMMIT LB289 TO THE JUDICIARY COMMITTEE. (LEGISLATIVE JOURNAL PAGE 397.) [LB289]

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PRESIDENT FOLEY: SENATOR KINTNER, YOU'RE RECOGNIZED. EXCUSE ME, SENATOR KINTNER. SENATOR CHAMBERS, WOULD YOU LIKE TO TAKE 30 SECONDS OR MAYBE A MINUTE OR SO JUST TO REFRESH US ON THE MOTION? [LB289]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, AS I STATED THE OTHER DAY, THIS IS A BILL THAT WAS HASTILY ADVANCED BY THE JUDICIARY COMMITTEE AT AN EXEC SESSION WHERE I WAS ABSENT. HAD I BEEN THERE, I THINK I COULD HAVE PREVENTED THAT. AND THERE HAVE BEEN, IN THE MEANTIME, SEVERAL MEMBERS OF THE COMMITTEE WHO FEEL THAT THERE WAS NOT ADEQUATE CONSIDERATION GIVEN AND THE BILL SHOULD BE RETURNED TO THE JUDICIARY COMMITTEE. BASED ON THE KIND OF DISCUSSION THAT IS GOING FORWARD, WE CAN TAKE THE FULL SIX HOURS HERE OR THE BILL CAN BE RETURNED TO THE JUDICIARY COMMITTEE PURSUANT TO MY MOTION. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB289]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, I REALLY APPRECIATE THIS BILL, AND I APPRECIATE THE HARD WORK THAT SENATOR EBKE HAS PUT INTO THIS BILL. THIS MORNING IN MY OFFICE, I HAD TWO GROUPS OF PEOPLE COME DOWN TO SEE ME, SOME PEOPLE FROM NFOA, THE NEBRASKA FIREARMS OWNERS ASSOCIATION. I WAS HAPPY TO SEE THEM. AND WE HAD SOME PEOPLE FROM ABATE STOP DOWN IN MY OFFICE TO SAY HELLO. AND WE'VE GOT TWO GROUPS HERE; BOTH SIMPLY WANT FREEDOM. THEY'RE NOT COMING TO ASK FOR A NEW PROGRAM. THEY'RE NOT COMING TO ASK FOR ANY MONEY. THEY'RE NOT COMING TO ASK US TO DO ANYTHING OTHER THAN TO GIVE THEM FREEDOM AND REAFFIRM THEIR LIBERTY THAT'S IN OUR CONSTITUTION. AND I WANT TO TAKE MY HATS OFF TO THE ABATE PEOPLE THAT ARE HERE, AND I SEE SOME UP HERE IN THE BALCONY AND THE PEOPLE WHO ARE WALKING THE HALLS ON THIS BILL THAT WE'RE TALKING ABOUT, NFOA. ONE THING THAT WE TALKED ABOUT ON FRIDAY, I THINK IT'S IMPORTANT, IS THAT WE'RE TALKING ABOUT A FUNDAMENTAL RIGHT HERE, AND THAT WE HAVE NOT EVER SEEN IT RIGHT OR FIT TO ALLOW THE FIRST AMENDMENT TO BE ABRIDGED, TO BE RESTRICTED. NOW, SENATOR CHAMBERS SAID YES, WE... YOU CAN'T GO OUT IN THE MIDDLE OF THE NIGHT AND SCREAM AND YELL AND USE YOUR FIRST AMENDMENT RIGHT TO DISTURB PEOPLE. THAT IS CORRECT. BUT WE DO NOT RESTRICT WHAT YOU CAN SAY. AND THAT'S THE FUNDAMENTAL PART OF THE FIRST AMENDMENT IS WHAT YOU CAN SAY. THE SECOND

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AMENDMENT, THE FUNDAMENTAL RIGHT IS TO HAVE A FIREARM, AND REALLY WHAT WE'RE TALKING ABOUT HERE IS JUST UNIFORM RULES ON THAT FIREARM ACROSS THE STATE. WE'RE NOT SAYING THERE SHOULDN'T BE ANY RESTRICTIONS. WE'RE JUST SAYING THAT THEY SHOULD BE UNIFORM ACROSS THE STATE. AND THAT'S ALL THIS BILL IS ABOUT. I APPRECIATE SENATOR EBKE'S HARD WORK ON THIS AND I FULLY SUPPORT IT. AND I'D LIKE TO YIELD THE REMAINDER OF MY TIME TO SENATOR EBKE. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR EBKE, 3:00. [LB289]

SENATOR EBKE: THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR KINTNER, FOR YIELDING TO ME. I HAVE A NUMBER OF THINGS THAT I WANT TO TALK ABOUT TODAY. AND AS WE DISCUSS THIS PARTICULAR PIECE OF LEGISLATION--AND I'LL TRY TO GET AS MUCH OF IT AS I CAN IN, IN THE NEXT FEW MINUTES--LET ME MAKE IT VERY CLEAR THAT AT THIS PARTICULAR MOMENT IN TIME, AND I AM WILLING TO DISCUSS, BUT I AM IN OPPOSITION TO THE RECOMMIT MOTION. I WONDER IF SENATOR CHAMBERS WOULD YIELD TO A VERY BRIEF QUESTION. [LB289]

PRESIDENT FOLEY: SENATOR CHAMBERS, WILL YOU YIELD, PLEASE? [LB289]

SENATOR CHAMBERS: YES, I WILL. [LB289]

SENATOR EBKE: SENATOR CHAMBERS, IS THERE ANY WAY THAT THIS BILL COULD BE AMENDED WHICH WOULD CAUSE YOU TO SUPPORT IT? [LB289]

SENATOR CHAMBERS: YES. [LB289]

SENATOR EBKE: WOULD YOU LIKE TO TELL ME HOW? [LB289]

SENATOR CHAMBERS: IF WE WOULD TAKE THE PROVISIONS IN THE OMAHA RULES AND REGULATIONS AND SUBSTITUTE THEM FOR THIS BILL, THAT WOULD THEN BE UNIFORM ACROSS THE STATE. SO YOU WOULD GET WHAT YOU WANT IN TERMS OF UNIFORMITY; I WOULD GET WHAT I WANT IN TERMS OF REASONABLE, RATIONAL REGULATION. [LB289]

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SENATOR EBKE: SO IF GUN REGISTRATION WERE STATEWIDE, YOU WOULD APPROVE OF THIS BILL? [LB289]

SENATOR CHAMBERS: THERE'S MORE THAN JUST THAT... [LB289]

SENATOR EBKE: RIGHT. [LB289]

SENATOR CHAMBERS: ...BUT THOSE RULES AND REGULATIONS THAT ARE IN OMAHA NOW, THEN I WOULD SUPPORT THAT TO BE STATEWIDE. [LB289]

SENATOR EBKE: THANK YOU, SENATOR CHAMBERS. MR. PRESIDENT, I WONDER IF SENATOR SEILER WOULD YIELD FOR ANOTHER BRIEF QUESTION. [LB289]

PRESIDENT FOLEY: SENATOR SEILER, WOULD YOU YIELD, PLEASE? [LB289]

SENATOR SEILER: I WILL. [LB289]

SENATOR EBKE: CHAIRMAN SEILER--AND I HOPE YOUR STAFF PREPARED YOU FOR THIS QUESTION--COULD YOU TELL ME APPROXIMATELY HOW MANY BILLS HAVE BEEN REFERENCED TO THE JUDICIARY COMMITTEE FOR THIS SESSION? [LB289]

SENATOR SEILER: EIGHTY-TWO BILLS. [LB289]

SENATOR EBKE: THANK YOU. AND DO YOU HAVE AN APPROXIMATE NUMBER ON HOW MANY BILLS FROM LAST SESSION ARE STILL BEING HELD IN COMMITTEE WITHOUT ACTION HAVING BEEN TAKEN? [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR EBKE: JUST AN EDUCATED GUESS WOULD BE OKAY. [LB289]

SENATOR SEILER: THIRTY-NINE BILLS, BUT WHEN YOU SAY "NO ACTION BEEN TAKEN," THEY'VE ALL HAD HEARINGS. [LB289]

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SENATOR EBKE: RIGHT, BUT THAT COMMITTEE HAS DONE NOTHING WITH THEM. [LB289]

SENATOR SEILER: THAT IS CORRECT. [LB289]

SENATOR EBKE: THANK YOU. AND ABOUT HOW MANY BILLS WERE ADVANCED FROM THE COMMITTEE LAST YEAR, IF YOU KNOW? [LB289]

SENATOR SEILER: WE SENT 49 BILLS TO GENERAL FILE; 12 BILLS INTRODUCED HAVE BEEN INDEFINITELY POSTPONED. [LB289]

SENATOR EBKE: THANK YOU, SENATOR SEILER. MR. PRESIDENT, I WILL HAVE MORE TO SAY, BUT IT APPEARS THAT MY TIME IS RUNNING SHORT. SO I WILL SAY MORE AS TIME ALLOWS A LITTLE BIT LATER THIS MORNING. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR EBKE. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB289]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I STAND OPPOSED TO THE MOTION TO RECOMMIT. YOU KNOW, WHEN I GOT HERE, WE WENT THROUGH THE ORIENTATION PROCESS AND WE WERE EXPLAINED HOW IMPORTANT THE COMMITTEE WORK WAS IN GETTING OUR BILLS TO THE FLOOR SO THAT THEY WOULD BE READY TO GO. AND SO I FIND IT KIND OF HARD TO BELIEVE THAT NOW THE COMMITTEE DIDN'T DO ITS JOB AND SENT THIS THING FOR THE FLOOR AND IT NOW NEEDS MORE WORK. THERE'S THINGS THAT COULD PROBABLY BE MADE BETTER WITH A FEW AMENDMENTS ON THIS BILL, BUT I THINK OVERALL THE PURPOSE OF THIS BILL IS STILL VALID AND STILL VERY CONCERNING TO ME. I'M IN FAVOR OF SEEING THAT LB289 GETS SENT FURTHER ON. SO I LOOK AT THE COMMITTEE AND WHAT THEY'VE DONE AND NOW THEY'VE HAD A CHANGE OF HEART, AND INSTEAD OF TRYING TO FIX IT IN COMMITTEE OR EVEN KEEP IT THERE, THEY'VE SENT IT TO US AND I THINK WE NEED TO DEAL WITH IT ONE WAY OR ANOTHER. AND I...TO SEND IT BACK TO COMMITTEE FOR SOME MINOR CHANGES OR SOMETHING WHICH WOULD EFFECTIVELY KILL IT BECAUSE THERE ARE SO MANY BILLS WAITING IN COMMITTEE YET THAT BASICALLY WE'RE SAYING WE'RE JUST GOING TO KILL IT, WE'LL DEAL WITH IT SOME OTHER TIME. SO I GUESS IN THE INTEREST OF LOOKING AT HOW IMPORTANT OUR COMMITTEE WORK IS TO US, I'M URGING EVERYONE TO JUST CONTINUE ON WITH THIS AND I THINK THERE WILL BE COMPROMISES COMING BECAUSE I THINK OVERALL I THINK PEOPLE UNDERSTAND THAT WITH ALL THE FILIBUSTERS THAT WE'VE

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DONE, WE ARE RUNNING A LITTLE SHORT OF TIME. BUT THAT'S THE PROCESS, AND I WILL CONTINUE TO TRY AND USE THE PROCESS. AND THEREFORE, I'LL YIELD THE REST OF MY TIME TO SENATOR EBKE. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: SENATOR EBKE, WOULD YOU CARE TO USE 3:30? [LB289]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. I SEE SENATOR MORFELD HAS JUST WALKED IN. I WONDER IF HE WOULD YIELD TO A BRIEF QUESTION. [LB289]

PRESIDENT FOLEY: SENATOR MORFELD, WILL YOU YIELD, PLEASE? [LB289]

SENATOR MORFELD: YES. [LB289]

SENATOR EBKE: SENATOR MORFELD, YOU APPROACHED ME LAST FRIDAY AND SUGGESTED THAT A MAJORITY OF THE JUDICIARY COMMITTEE, WHICH I SIT ON AS WELL, WAS GOING TO SUPPORT THE MOTION TO RECOMMIT, CORRECT? [LB289]

SENATOR MORFELD: I INDICATED TO YOU THAT I THOUGHT THAT A MAJORITY OF THE COMMITTEE WOULD DO THAT, YES. [LB289]

SENATOR EBKE: AND YOU WERE ONE OF THE SIX VOTES THAT MOVED LB289 OUT OF COMMITTEE, CORRECT? [LB289]

SENATOR MORFELD: YES, I WAS. [LB289]

SENATOR EBKE: OKAY. SO I'M WONDERING WHAT IS IT ABOUT THIS BILL, WHICH HASN'T CHANGED IN ANY SUBSTANTIAL...WELL, IT HASN'T CHANGED AT ALL, WHAT IT IS ABOUT THIS BILL THAT NOW IS SO CONCERNING? [LB289]

SENATOR MORFELD: WELL, WHAT'S CONCERNING IS THAT DURING THE COMMITTEE TESTIMONY IN SUPPORT OF THE BILL, IT WAS INDICATED TO US THAT THIS WAS A BILL THAT WOULD SIMPLY HELP SMOOTH OVER RULES AND REGULATIONS WITH ORDINANCES IN THE TRAVEL AND TRANSPORT OF WEAPONS IN BETWEEN CITIES. HOWEVER, BECAUSE CERTAIN ORGANIZATIONS DID NOT COME IN AND TESTIFY WITH THEIR CONCERNS THAT THEY BROUGHT

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UP TO US JUST A FEW WEEKS AGO, WE WERE NOT AWARE THAT IT WOULD PREEMPT ALL CITY ORDINANCES AND TAKE AWAY, FOR INSTANCE, OMAHA'S GUN REGISTRATION ORDINANCE, AN ORDINANCE IN LINCOLN THAT PREVENTS GUNS FROM BEING IN DOMESTIC VIOLENCE SHELTERS, AN ORDINANCE THAT PREVENTS VIOLENT SEX OFFENDERS AND OTHER FOLKS FROM ALSO HAVING GUNS FOR MORE THAN TEN YEARS. SO THE SCOPE OF THIS BILL WAS NOT MADE AWARE TO US UNTIL MUCH FURTHER AFTER WE HAD VOTED IT OUT OF COMMITTEE. AND SO THOSE ARE WHERE THE CONCERNS ARE COMING FROM. I'M PERSONALLY IN SUPPORT OF GETTING LB289 OUT IN SOME FORM THAT WE PROTECT THE TRAVEL AND TRANSPORT OF WEAPONS IN BETWEEN CITIES. BUT THE SCOPE IS A LITTLE BIT TOO BROAD FOR A LOT OF THE INTERESTS IN MANY OF THE LARGER METROPOLITAN AREAS. [LB289]

SENATOR EBKE: SENATOR MORFELD, DO YOU KNOW HOW MANY LAWYERS ARE ON THE JUDICIARY COMMITTEE? [LB289]

SENATOR MORFELD: PROBABLY TOO MANY. [LB289]

SENATOR EBKE: AND DO WE HAVE COMMITTEE COUNSEL? [LB289]

SENATOR MORFELD: YES, WE DO. [LB289]

SENATOR EBKE: AND DOES...WAS LB289 DEALT WITH EARLY IN COMMITTEE OR LATE IN THE SESSION? [LB289]

SENATOR MORFELD: I CAN'T REMEMBER, SENATOR. IT WAS A LONG SESSION. [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR EBKE: INDEED, IT WAS. [LB289]

SENATOR MORFELD: BUT ADMITTEDLY, I DON'T...I WAS NOT AWARE OF THE SCOPE, AND PERHAPS THAT'S AN OVERSIGHT ON MY PART, BUT WE'RE HERE NOW AND TRYING TO DEAL WITH IT. [LB289]

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SENATOR EBKE: OKAY. IS THERE ANY REASON TO BELIEVE THAT WHATEVER AMENDMENTS NEED TO BE DONE COULDN'T BE HASHED OUT VIA FLOOR DEBATE, FLOOR AMENDMENTS? [LB289]

SENATOR MORFELD: I THINK THAT'S CERTAINLY A POSSIBILITY, SENATOR. HOWEVER, I THINK THAT THERE IS A LOT OF CONSIDERATION THAT NEEDS TO BE TAKEN INTO THOSE AMENDMENTS, AND THESE PREEMPTION ISSUES ARE VERY LEGALLY COMPLEX. AND TO MAKE SURE THAT THE BILL IS NARROW ENOUGH BUT YET NOT TOO BROAD IS SOMETHING THAT REQUIRES A LOT MORE TIME AND CONSIDERATION THAN JUST FLOOR AMENDMENTS. BUT... [LB289]

SENATOR EBKE: THANK YOU, SENATOR MORFELD. [LB289]

SENATOR MORFELD: THANK YOU. [LB289]

SENATOR EBKE: MR. PRESIDENT, HOW MUCH TIME DO I HAVE? [LB289]

PRESIDENT FOLEY: 0:08. [LB289]

SENATOR EBKE: OKAY, THEN I WILL BE DONE. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR EBKE. (VISITORS INTRODUCED.) RETURNING NOW TO DEBATE, SENATOR EBKE, YOU'RE RECOGNIZED. [LB289]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. I THOUGHT I MIGHT JUST MAKE A FEW MORE NOTES. WE TALKED TO THE OMAHA POLICE DEPARTMENT THIS MORNING. THEY TELL US THAT IN 2015 THERE WERE 3,198 GUN REGISTRATIONS IN THE CITY OF OMAHA. THERE WERE A TOTAL OF 72 DENIALS LAST YEAR FOR REGISTRATION, THE MAJORITY OF THOSE WERE DUE TO MARIJUANA POSSESSION OF LESS THAN AN OUNCE. SO THIS COMES OUT TO 1 IN EVERY 40 REGISTRATIONS BEING DENIED. AN INTERESTING PIECE OF THAT IS THAT IF THE PERSON APPLYING FOR THE REGISTRATION BRINGS THEIR FIREARM WITH THEM, IF THE REGISTRATION IS DENIED, THEN THEIR FIREARM IS CONFISCATED. SO...AND IF THEY HAVE...IF THEY'RE TRYING TO PURCHASE, THEN THEY UNDOUBTEDLY ALREADY HAVE A PURCHASE PERMIT, AND THEY CAN...INSIDE THE CITY OF OMAHA, THEN IT CAN BE DENIED BECAUSE OF THE SAME THING. MR. PRESIDENT, I WAS WONDERING IF SENATOR HILKEMANN WOULD YIELD FOR JUST A QUICK QUESTION. WE TALKED ABOUT THIS A FEW MINUTES AGO. [LB289]

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PRESIDENT FOLEY: SENATOR HILKEMANN, WOULD YOU YIELD, PLEASE? [LB289]

SENATOR HILKEMANN: YES, I'LL YIELD. [LB289]

SENATOR EBKE: SENATOR HILKEMANN, YOU INDICATED A FEW MINUTES AGO THAT YOU WERE IN GENERAL SUPPORT OF LB289, IS THAT CORRECT? [LB289]

SENATOR HILKEMANN: THAT'S CORRECT. [LB289]

SENATOR EBKE: BUT THAT YOU HAD, LAST FRIDAY, YOU THOUGHT THAT YOU WOULD SUPPORT THE RECOMMIT MOTION, CORRECT? [LB289]

SENATOR HILKEMANN: I THINK THE TERM THAT I USED IS THAT MAYBE THIS WOULD BE A GOOD IDEA, TO SEND IT BACK, BECAUSE OF THE QUESTIONS THAT WERE RAISED. AND WE DID HAVE THE MEMBERSHIP HERE FROM THE COMMITTEE SAYING THAT THEY HAD WISHED THAT IT HAD NOT BEEN BROUGHT FORWARD. I ALSO HAD THE INFORMATION FROM THE OMAHA POLICE OFFICERS ASSOCIATION. THAT'S CORRECT. [LB289]

SENATOR EBKE: SURE. I THINK YOU USED THE TERM NOT QUITE READY FOR PRIME TIME OR SOMETHING LIKE THAT. [LB289]

SENATOR HILKEMANN: NOT QUITE READY, MAYBE IT'S NOT QUITE READY FOR PRIME TIME, YES. [LB289]

SENATOR EBKE: I WOULD ENCOURAGE MY COLLEAGUES TO PULL OUT THEIR COPY OF THEIR DESK CONSTITUTION OF THE NEBRASKA...OF THE NEBRASKA CONSTITUTION AND READ ARTICLE I, SECTION 1. PERHAPS IF LB289 ISN'T QUITE READY FOR PRIME TIME, PERHAPS WE ALSO OUGHT TO CONSIDER WHETHER OR NOT ARTICLE I, SECTION 1 OUGHT TO BE SENT BACK TO THE PUBLIC BY MOTION TO RECOMMIT AND SEE HOW THEY WILL VOTE ON THAT. COLLEAGUES AND CITIZENS WHO ARE WATCHING, I'LL HAVE A LOT MORE TO SAY OVER THE COURSE--THANK YOU, SENATOR HILKEMANN--I'LL HAVE A LOT MORE TO SAY OVER THE COURSE OF THIS DISCUSSION, I'M SURE. FOR NOW, JUST LET ME SAY THAT I HOPE THAT THIS DEBATE IS NOT ABOUT DEMONIZING PEOPLE. WE CAN HAVE HONEST DIFFERENCES OF OPINION ON POLICY WISDOM WITHOUT SUGGESTING THAT PEOPLE WHO WISH TO EXERCISE THEIR CONSTITUTIONAL RIGHTS ARE SOMEHOW EVIL OR LESSER PEOPLE BECAUSE OF THAT. SINCE

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COMING HERE LAST YEAR, I'VE WORKED WITH MANY OF YOU WHO MIGHT BE CONSIDERED MY POLITICAL ADVERSARIES ON ISSUES RELATED TO CONSTITUTIONAL RIGHTS AND CIVIL LIBERTIES. I AM PROBABLY THE ONLY PERSON IN THIS BODY WHO IS SIMULTANEOUSLY WORKING WITH BOTH THE NEBRASKA FIREARMS OWNERS ASSOCIATION AND THE AMERICAN CIVIL LIBERTIES UNION OF NEBRASKA. AND ALTHOUGH SOME OF YOU OR PERHAPS ALL OF YOU MAY THINK I'M A LITTLE CRAZY FOR WORKING WITH ONE OR BOTH OF THE GROUPS, I THINK THAT'S WHAT BEING FAITHFUL TO OUR OATHS OF OFFICE MEANS. WE ALL SWEAR TO SUPPORT THE CONSTITUTION OF THE UNITED STATES AND THE STATE OF NEBRASKA WHEN WE'RE SWORN INTO OFFICE. WE CAN HAVE DIFFERENCES OF OPINION ABOUT WHAT THAT MEANS, BUT WE OUGHT TO DEBATE THOSE QUESTIONS, THESE QUESTIONS OF POLICY, IN TERMS OF HOW THEY ARE RELATED TO OUR CONSTITUTIONAL RESPONSIBILITIES. SO I WANT TO TALK ABOUT RIGHTS. [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. SO I WANT TO TALK A LITTLE BIT ABOUT RIGHTS AS I HAVE THE OPPORTUNITY HERE IN THE NEXT FEW MINUTES, AND IF I'M GIVEN MORE TIME, I WILL TALK ABOUT THAT THEN AS WELL. OUR RIGHTS ARE FOUND IN THE FIRST TEN AMENDMENTS TO THE CONSTITUTION, OF COURSE, KNOWN AS THE BILL OF RIGHTS, AND ALSO IN THE NEBRASKA CONSTITUTION. THIS IS THE LANGUAGE WHICH DISCUSSES THE BILL OF RIGHTS AND ITS HISTORY MORE CONCISELY THAN I COULD. AND LET ME JUST QUICKLY READ THIS DESCRIPTION. QUOTE, THE FIRST TEN AMENDMENTS TO THE CONSTITUTION MAKE UP THE BILL OF RIGHTS WRITTEN BY JAMES MADISON IN RESPONSE TO CALLS FROM SEVERAL STATES FOR GREATER CONSTITUTIONAL PROTECTION FOR INDIVIDUAL LIBERTIES, THE BILL OF RIGHTS LISTS SPECIFIC PROHIBITIONS ON GOVERNMENTAL POWER. THE VIRGINIA DECLARATION OF RIGHTS WRITTEN BY GEORGE MASON STRONGLY INFLUENCED MADISON. ONE OF THE MANY POINTS OF CONTENTION BETWEEN FEDERALISTS AND ANTIFEDERALISTS WAS THE CONSTITUTION'S LACK OF A BILL OF RIGHTS THAT WOULD PLACE SPECIFIC LIMITS ON GOVERNMENT POWER. FEDERAL... [LB289]

PRESIDENT FOLEY: TIME. [LB289]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. [LB289]

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PRESIDENT FOLEY: THANK YOU, SENATOR EBKE. SENATOR CHAMBERS TO BE FOLLOWED BY SENATOR SCHILZ, SENATOR KINTNER, SENATOR SCHNOOR, SENATOR HANSEN, AND SEVERAL OTHERS. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB289]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I WOULD LIKE TO ASK SENATOR EBKE A QUESTION OR TWO. [LB289]

PRESIDENT FOLEY: SENATOR EBKE, WOULD YOU YIELD, PLEASE? [LB289]

SENATOR EBKE: CERTAINLY. [LB289]

SENATOR CHAMBERS: SENATOR EBKE, SOMEBODY WHO ASKS A LOT OF QUESTIONS CAN BE CALLED A QUESTIONER, AN INTERLOCUTOR, AN INTERROGATOR, AN INQUISITOR. I DON'T KNOW WHAT LABEL WOULD BE APPLIED TO THE METHOD I'M UNDERTAKING. WERE YOU ASSISTED IN PUTTING TOGETHER THE QUESTIONS BY THE LOBBYISTS FOR THE NRA? [LB289]

SENATOR EBKE: I WAS NOT. [LB289]

SENATOR CHAMBERS: WERE YOU TALKED TO BY ANYBODY FROM JON BRUNING'S OPERATION? [LB289]

SENATOR EBKE: THEY HAVE TALKED WITH ME AT DIFFERENT TIMES BUT NOT ABOUT MY PRESENTATION TODAY. [LB289]

SENATOR CHAMBERS: AND HE IS THE LOBBYIST FOR THE NRA, CORRECT? [LB289]

SENATOR EBKE: I THINK HIS ORGANIZATION IS NOW. [LB289]

SENATOR CHAMBERS: YEAH, I ASSURE YOU HE IS. NOW, SENATOR, THIS BILL WAS INTRODUCED BY YOU BECAUSE YOUR NAME IS ON IT, CORRECT? [LB289]

SENATOR EBKE: CORRECT. [LB289]

SENATOR CHAMBERS: YOU DID NOT PRIORITIZE IT, DID YOU? [LB289]

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SENATOR EBKE: I DID NOT. [LB289]

SENATOR CHAMBERS: YOU DIDN'T THINK IT WAS IMPORTANT ENOUGH TO BE PRIORITIZED BY YOU LAST SESSION, DID YOU? [LB289]

SENATOR EBKE: FRANKLY, I DIDN'T THINK IT WOULD GET OUT OF COMMITTEE. [LB289]

SENATOR CHAMBERS: BUT YOU DIDN'T THINK IT WAS IMPORTANT ENOUGH TO RISK PRIORITIZING IT BECAUSE YOU THOUGHT IT MIGHT NOT GET OUT OF COMMITTEE, IS THAT CORRECT? [LB289]

SENATOR EBKE: SURE, YES. [LB289]

SENATOR CHAMBERS: THAT'S ALL THAT I WILL ASK YOU. MEMBERS OF THE LEGISLATURE, PEOPLE CAN TALK ABOUT THE CONSTITUTION ALL THEY PLEASE TO TRY TO OBSCURE WHAT WE'RE REALLY DEALING WITH HERE. THIS IS NOT A MATTER OF THE CONSTITUTION. SENATOR EBKE HAS READ ENOUGH, IF NOT IN CASE LAW, IN LEARNED JOURNALS AND THE WRITINGS OF PEOPLE WHOM SHE PROBABLY WOULD RESPECT THAT THE SECOND AMENDMENT DOES NOT GIVE BLANKET AUTHORITY FOR PEOPLE TO CARRY ANY GUN THEY WANT ANYTIME THEY WANT ANY PLACE THEY CHOOSE. THERE CAN BE REGULATION, AND THE U.S. SUPREME COURT HAS REFUSED TO DISTURB CERTAIN REGULATIONS OF GUNS AND GUN OWNERSHIP BY CERTAIN CITIES WHOSE CASES CAME BEFORE THE U.S. SUPREME COURT. SO THIS IS NOT JUST CARTE BLANCHE DO WHATEVER YOU WANT TO. AND THE FACT THAT THERE ARE PEOPLE ON THIS FLOOR WHO KNOW BETTER, WHO ARE SAYING THINGS LIKE THAT ARE DELIBERATELY MISLEADING THE PUBLIC BECAUSE THEY KNOW BETTER. I WOULDN'T EVEN ENGAGE SENATOR KINTNER IN HIS ATTEMPT TO COMPARE THE SECOND AMENDMENT TO THE RIGHT OF FREEDOM OF RELIGION. IF HE CANNOT DISTINGUISH THE DIFFERENCE BETWEEN THOSE TWO IDEAS, IT WOULD BE LIKE TALKING TO THAT WALL, SO I WON'T WASTE MY TIME. BUT I WANTED TO MAKE A COMMENT SO THAT PEOPLE WHO ARE, AS SENATOR EBKE POINTED OUT, WATCHING US WOULD KNOW THAT SOMEBODY ON THIS FLOOR HAS SENSE ENOUGH TO REALIZE THAT WHEN THESE KINDS OF FOOLISH COMPARISONS ARE MADE THEY NEED TO BE DEALT WITH. AND THERE WAS A PERSON, I WON'T TELL YOU WHO HE WAS OR WHAT PARTY HE BELONGED TO BECAUSE YOU'D FALL OUT OF YOUR SEATS. BUT HE SAID REVOLUTIONS ARE NOT CONDUCTED WITH SILK GLOVES. NOW, WE ARE IN A LEGISLATURE DEALING WITH VERY IMPORTANT

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ISSUES. WE'RE ALL ADULTS. AND I'M NOT GOING TO MITIGATE ANYTHING I SAY WHEN WE'RE TALKING ABOUT LETHAL WEAPONS WHOSE INTENT AND DESIGN AND PURPOSE ARE TO KILL OTHER HUMAN BEINGS OR SERIOUSLY WOUND OR MAIM THEM. IF ANYBODY STANDS ON THIS FLOOR AND SAY THAT THE ONLY PURPOSE OF THESE PISTOLS IS TO TARGET PRACTICE, THEY WOULD BE LAUGHED AT EVEN BY THE GUN NUTS. THESE ARE LETHAL WEAPONS. THERE IS NOTHING IN THE FIRST AMENDMENT THAT DEALS WITH A LETHAL WEAPON IN THE WAY THAT PEOPLE WANT US TO DEAL WITH THIS ON THE FLOOR OF THE LEGISLATURE. BUT IF SENATOR EBKE AND THOSE WHO SUPPORT HER WANT TO TAKE THE SIX HOURS, I'M GOING TO BE HERE ANYWAY. [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR CHAMBERS: BUT ON THE OCCASIONS WHEN I HAVE THE OPPORTUNITY TO SPEAK, I WILL SAY WHAT I INTEND TO SAY. I'M SORRY THAT SENATOR GARRETT IS NOT HERE BECAUSE HE WAS IN THE MILITARY. AND HE KNOWS THAT WHEN PEOPLE TAKE UP ARMS TO FRUSTRATE THE WILL OF THE FEDERAL GOVERNMENT THAT EQUATES TO TREASON. BUT THESE LAW-ABIDING WHITE CHRISTIANS OUT IN OREGON ARE DOING THAT VERY THING AND NOBODY ON THIS FLOOR OTHER THAN MYSELF WILL EVEN COMMENT ON IT. BUT THERE ARE OTHER THINGS I WILL DISCUSS IN THE WAY SENATOR EBKE IS DISCUSSING OTHER THINGS TOO. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB289]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. YOU KNOW, AS I SIT HERE AND LISTEN TO SENATOR MORFELD AND OTHERS DISCUSS THE RECOMMITMENT OF THIS BILL...AND, YOU KNOW, IN THE PAST WHEN WE HAVE ISSUES LIKE THIS WHERE IT LOOKS LIKE THERE COULD BE COMPROMISE AND POSSIBLY FIND OUT A WAY TO MOVE FORWARD, A LOT OF TIMES WHAT HAPPENS IS WE'LL VOTE IT FORWARD ON GENERAL FILE AND FIX IT IN BETWEEN GENERAL AND SELECT. AND THEN YOU DON'T HAVE TO GO THROUGH THE WHOLE THING OF TAKING IT ALL BACK AND REDOING IT ALL OVER, AND YOU CAN EVEN HAVE A HEARING ON THE NEW AMENDMENT ONCE YOU GET IT DONE. SO, I MEAN, WE'VE DONE THAT IN THE PAST SO THAT EVERYBODY'S COMFORTABLE AND CAN GET THEIR SAY. BUT I DON'T SEE ANY REASON TO MOVE LB289 BACK TO COMMITTEE, SO I WILL OPPOSE THAT. AND WITH THAT, I WOULD LIKE TO GIVE MY TIME TO SENATOR EBKE. [LB289]

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PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. SENATOR EBKE, 3:50. [LB289]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. I APPRECIATE THE CONCERN THAT WE ARE SOMEHOW GOING TO TURN INTO A WILD WEST WITH NO GUN REGULATIONS AT ALL. AND I READ ON THE FLOOR THE OTHER DAY A NUMBER OF EXISTING STATE STATUTES, NOT LOCAL STATUTES BUT STATE REGULATIONS, ON GUN OWNERSHIP. AND THOSE SHOULD BE ON YOUR DESK. IT'S A PIECE OF PAPER TITLED LB289. AND LET ME JUST NOTE AGAIN, STATE LAW ALREADY PROHIBITS THE TRANSPORTATION OR POSSESSION OF ANYTHING THAT WOULD BE CONSIDERED AN AUTOMATIC WEAPON, A MACHINE GUN. IT IS UNLAWFUL FOR MINORS TO POSSESS A HANDGUN OR FOR SOMEONE TO TRANSFER POSSESSION OF A FIREARM TO A PERSON UNDER 18 YEARS OF AGE. IT'S ALSO UNLAWFUL FOR A PERSON PREVIOUSLY CONVICTED OF A FELONY TO POSSESS A DEADLY WEAPON. IT'S ILLEGAL TO KNOWINGLY POSSESS OR SELL A FIREARM THAT HAS HAD THE MANUFACTURER'S IDENTIFICATION MARK OR SERIAL NUMBER REMOVED. ON AND ON, THERE ARE ALL SORTS OF LAWS THAT ARE ALREADY IN PLACE AT THE STATE LEVEL. AND SOME WOULD ARGUE THAT THOSE IN AND OF THEMSELVES MAY BE TOO EXTREME. I'M NOT ARGUING THAT HERE TODAY. WHAT I'M SAYING IS THAT THE STATE OUGHT TO BE THE DETERMINER SO THAT THOSE ALL OVER THE STATE CAN FEEL CONFIDENT IN KNOWING THAT THEY ARE OBEYING THE LAW IF THEY ARE IN POSSESSION OF A HANDGUN, AND OF COURSE THE CONCEALED HANDGUN PERMIT ACT CHANGES RULES AS WELL. I WAS READING EARLIER FROM A QUOTE FROM THE BILL OF RIGHTS INSTITUTE. AND THEY WERE TALKING ABOUT THE HISTORY OF THE BILL OF RIGHTS. AND FEDERALISTS ARGUED THAT THE CONSTITUTION DIDN'T NEED A BILL OF RIGHTS BECAUSE THE PEOPLE AND THE STATES KEPT THE POWERS NOT GIVEN TO THE GOVERNMENT, BUT ANTIFEDERALISTS HELD THAT A BILL OF RIGHTS WAS NECESSARY TO SAFEGUARD INDIVIDUAL LIBERTY. THAT'S WHAT THE FIRST TEN AMENDMENTS OF THE CONSTITUTION WERE FOR. THAT'S WHAT THE BILL OF RIGHTS IS FOR, IS TO PROTECT INDIVIDUAL LIBERTY, NOT TO SAY WHAT GOVERNMENT CAN AND CAN'T DO. JAMES MADISON, WHO WAS THEN A MEMBER OF THE HOUSE OF REPRESENTATIVES, WENT THROUGH THE CONSTITUTION ITSELF MAKING CHANGES WHERE HE THOUGHT MOST APPROPRIATE. BUT SEVERAL OBJECTED TO THAT, AND THEY ACTUALLY ADDED THOSE AS ACTUAL AMENDMENTS. THE HOUSE APPROVED 17 AMENDMENTS. OF THOSE 17, THE SENATE APPROVED 12. THOSE 12 WERE SENT TO THE STATES FOR APPROVAL IN AUGUST OF 1789. AND OF THOSE 12, 10 WERE QUICKLY APPROVED OR RATIFIED. VIRGINIA'S LEGISLATURE BECAME THE LAST TO RATIFY THE AMENDMENTS ON DECEMBER 15, 1791. [LB289]

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PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. THE BILL OF RIGHTS, MY FRIENDS, IS A LIMIT...IS A LIST OF LIMITS ON GOVERNMENT POWER. WHETHER IT'S THE U.S. CONSTITUTION OR WHETHER IT'S THE STATE OF NEBRASKA'S CONSTITUTION, THE BILL OF RIGHTS IS A LIST OF LIMITS ON GOVERNMENTAL ACTION, NOT ON INDIVIDUAL ACTION. I CERTAINLY DON'T BELIEVE THAT THOSE RIGHTS ARE WITHOUT LIMIT. I JUST READ YOU THE EXISTING FIREARMS REGULATIONS. AND I UNDERSTAND THE McDONALD AND THE HELLER CASES, AT SOME LEVEL, ANYHOW. SO THE QUESTION IS, YOU KNOW, WHAT ARE WE WILLING TO GIVE UP IN TERMS OF LIBERTY? SHOULD CITIZENS BE REQUIRED TO REGISTER THEIR FIREARMS, FOR INSTANCE? IS THAT UNREASONABLE? [LB289]

PRESIDENT FOLEY: TIME, SENATOR. [LB289]

SENATOR EBKE: THANK YOU. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR EBKE. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB289]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, WE'RE TALKING ABOUT RECOMMITTING THIS TO COMMITTEE. WE'RE TALKING ABOUT MAYBE FIXING THE BILL. NOTHING IN THIS BILL NEEDS TO BE FIXED. IT'S A VERY SIMPLE, STRAIGHTFORWARD BILL. YOU KNOW, WHY DON'T WE INSTEAD OF TRYING TO RECOMMIT THIS TO COMMITTEE, WHY DON'T WE RECOMMIT OURSELVES TO OUR STATE CONSTITUTION? WHY DON'T WE RECOMMIT OURSELVES TO UPHOLDING OUR NATIONAL CONSTITUTION? WHY DON'T WE RECOMMIT OURSELVES TO OUR OWN OATH OF OFFICE? AND WHY DON'T WE RECOMMIT OURSELVES TO RIGHTS OF THE CITIZENS OF OUR GREAT STATE? IF SENATOR EBKE WOULD YIELD FOR A COUPLE OF QUESTIONS, I WOULD APPRECIATE IT. [LB289]

PRESIDENT FOLEY: SENATOR EBKE, WOULD YOU YIELD, PLEASE? [LB289]

SENATOR EBKE: CERTAINLY. [LB289]

SENATOR KINTNER: SENATOR EBKE, I HEARD SOMETHING AND IT DIDN'T MAKE SENSE TO ME. A SENATOR EARLIER SAID THAT THIS WOULD STOP, IF I HEARD IT

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RIGHT, WOULD STOP BATTERED WOMEN SHELTERS FROM BANNING FIREARMS. I DON'T UNDERSTAND HOW THAT COULD BE. AND SINCE YOU GOT A Ph.D. IN POLITICAL SCIENCE, YOU PROBABLY UNDERSTAND THESE THINGS. COULD YOU EXPLAIN THAT TO ME? [LB289]

SENATOR EBKE: I'M NOT SURE WHERE THEY'VE COME UP WITH THAT BECAUSE, OF COURSE, PRIVATE BUSINESSES, PRIVATE ORGANIZATIONS CAN ALREADY BAN THE CARRYING OF HANDGUNS INTO THEIR LOCALITIES. [LB289]

SENATOR KINTNER: SO YOU'RE TRYING TO TELL ME THAT THEY'RE MAKING A FALSE ISSUE HERE TO MAKE A POLITICAL POINT THAT DOESN'T MAKE ANY SENSE? IS THAT WHAT'S GOING ON HERE? [LB289]

SENATOR EBKE: I DON'T WANT TO ATTRIBUTE THAT TO ANYBODY, BUT I THINK THAT THEY ARE MAYBE MISINFORMED. [LB289]

SENATOR KINTNER: YOU ARE IN A GENEROUS MOOD TODAY. COULD YOU EXPLAIN THE DIFFERENCE BETWEEN RIGHTS AND CONTROL, AND HOW LB289 PROTECTS RIGHTS? [LB289]

SENATOR EBKE: WELL, WHAT LB289 ATTEMPTS TO DO IS TO MAKE SURE THAT CITIZENS OF NEBRASKA ARE ABLE TO BE WELL INFORMED OF WHAT THEIR RIGHTS AS A CITIZEN ARE IN TERMS OF KEEPING AND BEARING ARMS. AND AGAIN, WE DON'T HAVE OPEN SEASON. WE DON'T HAVE UNLIMITED CARRYING OF GUNS ALREADY. WHAT LB289 WOULD ENSURE IS THAT WE DON'T HAVE THIS PATCHWORK OF LAWS THROUGHOUT THE STATE THROUGH CITY ORDINANCES. [LB289]

SENATOR KINTNER: OKAY, THANK YOU. I'VE GOT ANOTHER QUESTION. BY THE WAY, I'M DRINKING COFFEE OUT OF MY NFOA MUG, WHICH IS ONE OF MY FAVORITE MUGS AFTER MY RONALD REAGAN MUG. TALK ABOUT HOW THIS IS ABOUT RECOGNIZING THE RIGHTS OF NEBRASKANS IN OUR STATE CONSTITUTION. [LB289]

SENATOR EBKE: SURE. AS I NOTED EARLIER, NEBRASKA'S CONSTITUTION IS QUITE SPECIFIC. AND YOU SHOULD ALL HAVE A COPY OF THE CONSTITUTION IN A BLACK BINDER IN ONE OF YOUR DRAWERS. AND IF YOU READ ARTICLE I, SECTION 1 IT IS QUITE CLEAR. THAT PORTION OF THE CONSTITUTION WAS

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APPROVED BY THE CITIZENS OF THE STATE IN 1988. SO I DON'T...IT WAS FAIRLY RECENT. THEY SEEMED TO HAVE KNOWN WHAT THEY WERE TALKING ABOUT WHEN THEY DECIDED TO VOTE FOR IT. NEBRASKA'S CONSTITUTION, OF COURSE, IS AMENDABLE. AND IF THERE IS SIGNIFICANT SENTIMENT OUT THERE TO REPEAL OR TO AMEND THAT PORTION OF THE CONSTITUTION, CERTAINLY THE CITIZENS HAVE THE RIGHT TO ENGAGE IN THAT. BUT AT THIS POINT BASED ON THE FOLKS THAT I'VE TALKED TO IN MY DISTRICT AND AROUND THE STATE, I DON'T KNOW THAT THERE IS THAT SENTIMENT. [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR KINTNER: SENATOR EBKE, WHERE DID YOU GET THE IDEA TO INTRODUCE THIS BILL? DID SOMEONE BRING IT TO YOU OR DID YOU COME UP WITH IT OR WHAT WAS THE GENESIS OF THIS WHOLE THING? [LB289]

SENATOR EBKE: SURE. I HAD READ ABOUT THIS CONCEPT ON SEVERAL OCCASIONS OVER THE COURSE OF THE LAST FIVE YEARS OR SO AND HAD SEEN IT REFERENCED. I CAN'T REMEMBER, HONESTLY, WHICH FIREARMS GROUP BROUGHT IT, WHETHER IT WAS NFOA OR THE NRA OF...BROUGHT THE LANGUAGE TO ME. BUT IT WAS CERTAINLY MODEL LANGUAGE AS USED IN OTHER STATES. [LB289]

SENATOR KINTNER: AND LAST QUESTION, DID YOU GET ANY MONEY FROM THE NRA? [LB289]

SENATOR EBKE: I'D HAVE TO GO BACK AND CHECK, BUT I DON'T BELIEVE SO. [LB289]

SENATOR KINTNER: OKAY. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATORS KINTNER AND EBKE. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB289]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. THIS WAS THE BILL THAT I PRIORITIZED AT THE REQUEST OF SENATOR EBKE, AND I AM A STRONG BELIEVER IN OUR SECOND AMENDMENT RIGHTS. I DO OWN SEVERAL WEAPONS. I DO HAVE A CONCEALED CARRY PERMIT. AND I DO CARRY THAT WEAPON OFTEN. AND THAT'S MY RIGHT UNDER THE LAWS AND UNDER OUR

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CONSTITUTION. SENATOR EBKE TALKED ABOUT ARTICLE I, SECTION 1, AND I WANT TO READ THE PORTION OF IT ABOUT THE RIGHT TO KEEP AND BEAR ARMS. IT SAYS: 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. AND I GUESS THAT'S WHAT WE'RE TALKING ABOUT. NOW, MY INTENT WITH THIS BILL WAS TO NEVER TAKE LOCAL CONTROL AWAY FROM MUNICIPALITIES. MY INTENT WAS FOR THE LAW-ABIDING CITIZEN, THAT HE WAS NOT UNKNOWINGLY BREAKING THE LAW GOING FROM LINCOLN TO OMAHA OR ANYWHERE IN BETWEEN. THAT WAS THE INTENT. AND DID YOU KNOW THAT ARTICLE III, SECTION 18 OF OUR CONSTITUTION, IT SPECIFIES WHAT LOCAL OR SPECIAL LAWS ARE PROHIBITED. SO THERE IS LOCAL CONTROL THAT IS TAKEN AWAY. THERE'S AN ENTIRE PAGE OF AREAS THAT LOCAL LEGISLATION CANNOT BE ENACTED. SO IT IS ALREADY BEING DONE IN MANY AREAS, BUT MY INTENT WAS TO PROTECT THE LAW-ABIDING CITIZEN, TO NOT PROTECT CRIMINALS BUT PROTECT THOSE THAT COULD BE UNKNOWINGLY BREAKING THE LAW. AND WITH THAT, I WILL YIELD THE REST OF MY TIME TO SENATOR EBKE. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHNOOR. SENATOR EBKE, 2:30. [LB289]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR SCHNOOR. I'M GOING TO RETURN US TO A BRIEF DISCUSSION ABOUT THE BILL OF RIGHTS, BECAUSE I THINK THAT IT'S IMPORTANT FOR US TO REMEMBER WHAT THE PURPOSE OF THE BILL OF RIGHTS WAS AND TO REMEMBER THAT IT LIMITS OUR AUTHORITY AS A GOVERNMENT. RIGHTS ARE FOUND BOTH IN THE U.S. CONSTITUTION AND THE NEBRASKA CONSTITUTION. THESE RIGHTS ARE NOT GIVEN TO THE PEOPLE BY THE GOVERNMENT BUT RATHER ACKNOWLEDGED RIGHTS, WHICH PLACE LIMITS ON THE ABILITY OF GOVERNMENT TO INFRINGE UPON THOSE RIGHTS. A GOVERNMENT WHICH CAN GIVE RIGHTS CAN ALSO TAKE RIGHTS AWAY. AND THE GOAL OF OUR CONSTITUTION AND SPECIFICALLY THE BILL OF RIGHTS WAS NOT TO MAKE SURE THAT EVERYONE WAS COMFORTABLE ALL THE TIME. THE GOAL OF THE BILL OF RIGHTS WAS TO PROTECT US FROM GOVERNMENT INTERFERENCE. AND, YES, I KNOW THAT THOSE RIGHTS ARE NOT ABSOLUTE. WE CANNOT YELL "FIRE" IN A CROWDED THEATER. THERE ARE PLENTY OF THINGS LIKE THAT. BUT YOU KNOW, LAST WEEK THE JUDICIARY COMMITTEE HELD A HEARING ON MY SO-CALLED STINGRAY BILL, LB738, HAVING TO DO WITH CELL SITE IMITATORS WHICH TAKE OUT CELL PHONES...WHICH FAKE OUT CELL PHONES AND COULD ALLOW

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GOVERNMENT TO INTERCEPT PRIVATE DATA FROM OUR CELL PHONES WITHOUT A WARRANT. THAT RAISES FOURTH AMENDMENT ISSUES. AND I'M PROUD THAT SENATOR MORFELD AND SENATOR CHAMBERS AS WELL AS SENATOR WATERMEIER HAVE DECIDED TO SIGN ON TO WITH ME. [LB289 LB738]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR EBKE: THIS SHOWS A REAL COMMITMENT TO PROTECTING THE NATURAL RIGHTS OF CITIZENS, ACKNOWLEDGING THAT PRIVACY INTERESTS AND PROTECTING THE LONGSTANDING PRINCIPLE THAT LAW ENFORCEMENT SHOULDN'T JUST BE ABLE TO GO ON EVIDENCE FISHING TRIPS BUT RATHER NEED TO BE ABLE TO SPECIFY WHO THEY'RE TARGETING AND WHY THEY'RE TARGETING PEOPLE FOR INVESTIGATION. IF THERE ARE TECHNICAL CHANGES TO THIS BILL, I WILL BE HAPPY TO DISCUSS THEM ON THE FLOOR. I WILL BE HAPPY, AS SENATOR SCHILZ SUGGESTED, TO DISCUSS THEM BEFORE SELECT FILE. BUT I REMAIN OPPOSED TO THE MOTION TO RECOMMIT BECAUSE, FRANKLY, A MOTION TO RECOMMIT WITH 47 DAYS LEFT IN THE SESSION IS A MOTION TO KILL. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR EBKE. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB289]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I HAD ALREADY PLANNED MY REMARKS, BUT JUST A FEW MINUTES AGO SOMEONE CHALLENGED US TO RECOMMIT TO THE CONSTITUTION OF THE STATE OF NEBRASKA. SO I'VE DECIDED TO HIGHLIGHT THE TWO MOST UNCONSTITUTIONAL SECTIONS OF THE LAW AS IT'S CURRENTLY BEEN PROPOSED IS, AND THUS, WHY I WOULD SUPPORT A RECOMMIT TO COMMITTEE. ARTICLE III, SECTION 18 OF OUR CONSTITUTION PROHIBITS THE LEGISLATURE FROM PASSING SPECIAL LAWS INCLUDING GRANTING ANY CORPORATION, ASSOCIATION, OR INDIVIDUAL ANY SPECIAL, EXCLUSIVE PRIVILEGES, IMMUNITY, OR FRANCHISE WHATSOEVER. IN THIS BILL, LB289, STARTING ON PAGE 16, LINE 8, WE GRANT SPECIAL RIGHTS TO INTRODUCE A LAWSUIT TO: A MEMBERSHIP ORGANIZATION THAT INCLUDES TWO OR MORE INDIVIDUALS DESCRIBED IN THIS SECTION, IS DEDICATED IN WHOLE OR IN PART TO PROTECTING THE RIGHTS OF--(LINE) 12--PERSONS WHO POSSESS, OWN, OR USE FIREARMS FOR COMPETITIVE, SPORTING, DEFENSIVE, OR OTHER LAWFUL PURPOSES. I'M GOING TO HAVE TO SAY THAT'S GETTING INTO TROUBLE WITH SPECIAL LEGISLATION. WHY ARE WE LIMITING IT GROUPS THAT ADVOCATE FOR MORE THAN 12 (SIC) INDIVIDUALS? WHY COULD A GROUP OF FIVE PEOPLE BE

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PROHIBITED FROM A LAWSUIT? AS WELL AS, WE'RE LIMITING TO GROUPS, WHO IN THEIR DEFINED PURPOSE, ARE SPECIFICALLY AT RELATIVE FIREARMS. WHY COULD NOT A NEIGHBORHOOD ORGANIZATION THAT FELT PUSHED UPON BY THE LOCAL ORDINANCE BE ALLOWED TO PUSH? JUST RIGHT THERE THERE'S AN ISSUE WITH SPECIAL LEGISLATION. AND WHILE THAT MAY NOT STRIKE DOWN THE WHOLE BILL, IT CERTAINLY WOULD STRIKE DOWN THAT SECTION, AND I WOULD BE HAPPY TO INTRODUCE AN AMENDMENT ADDRESSING THAT. BUT AGAIN, THAT WILL BE AT LEAST THE THIRD OR FOURTH SERIOUS AMENDMENT ON THE FLOOR THAT WE HAVE TO ADDRESS FOR THIS BILL. FURTHER, THERE IS AN ELEMENT IN OUR LAW WHERE WE EXPLICITLY PROHIBIT PUNITIVE DAMAGES IN THE STATE OF NEBRASKA. I'M GOING TO CITE NEBRASKA SUPREME COURT CASE, MILLER V. KINGSLEY, WHICH IS A 1975 NEBRASKA SUPREME COURT CASE WHERE THEY SAID: IT IS A FUNDAMENTAL RULE OF LAW IN THIS STATE THAT PUNITIVE, VINDICTIVE, OR EXEMPLARY DAMAGES ARE NOT ALLOWED. THE MEASURE OF RECOVERY IN ALL CIVIL CASES IS COMPENSATION FOR THE INJURY SUSTAINED. HOWEVER, IN THIS BILL ON I BELIEVE PAGE 15, LINE 16, WE ALLOW FOR A PLAINTIFF IN THE LAWSUIT I WAS TALKING ABOUT EARLIER TO RECOVER THE GREATER OF ACTUAL DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES OR LIQUIDATED DAMAGES OF THREE TIMES THE PLAINTIFF'S ATTORNEY'S FEES. WE'RE ALLOWING FOR GREATER DAMAGES TO BE RECOVERED THAN ACTUAL DAMAGES OCCURRED BY THE PLAINTIFF. WELL, THAT'S GOING TO BE STRUCK DOWN FOR BEING PUNITIVE DAMAGES. NOW, AGAIN, THAT MIGHT NOT INVALIDATE THE WHOLE LAW. I SUSPECT IT HAS A CHANCE OF DOING THAT. BUT AGAIN, WE'RE RUNNING INTO THIS ISSUE WHERE BURIED IN THE END OF THE BILL THERE'S A LOT OF TECHNICAL CONCERNS, THERE'S A LOT OF MOVING COMPONENTS THAT I DON'T KNOW IF I'VE HEARD A SINGLE PERSON ADDRESS. YOU KNOW, IT'S BEEN SAID THIS IS A VERY STRAIGHTFORWARD BILL. I DON'T THINK IT'S VERY STRAIGHTFORWARD. I CAN UNDERSTAND THE INTENT TO PROTECT FIREARM OWNERS FROM DRIVING DOWN THE INTERSTATE, PASSING THROUGH THREE OR FOUR CITIES AND NOT GETTING STOPPED BY THE LOCAL PD IN EACH ONE. I UNDERSTAND THAT CONCERN. I THINK THAT WOULD BE A REASONABLE IDEA TO DISCUSS. HOWEVER, WE'RE TALKING ABOUT ALLOWING GROUPS TO SUE OUR CITIES FOR EXORBITANT AMOUNT OF DAMAGES. THAT MAY NOT BE SOMETHING SENATOR EBKE IS DIEHARD SET ON INCLUDING IN HER BILL THAT. THAT MAY BE WELL AN AMENDMENT SHE IS...WOULD ACCEPT AS A FRIENDLY AMENDMENT. BUT NONETHELESS, THAT IS AN IDEA WE'RE GOING TO HAVE TO TALK ABOUT, BE IT NOW, BE IT AFTER WE PASS THIS BILL AND THERE'S A SUPREME COURT CASE. BUT AT SOME POINT IN THE LINE THAT'S GOING TO HAVE TO BE ADDRESSED. SO I DON'T THINK ANYBODY SPEAKING IN SUPPORT OF

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THE RECONSIDERATION MOTION...RECOMMIT MOTION IS INHERENTLY JUST FLUFFING, FILIBUSTERING, WORKING IT OVER. [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. THERE'S ACTUALLY LEGITIMATE TECHNICAL CONCERNS IN HERE THAT I THINK WE'RE GOING TO HAVE TO ADDRESS AT SOME POINT, BE IT NOW, BE IT WHEN SOMEONE SUES THE STATE OF NEBRASKA, BUT AT SOME POINT WE ARE. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR HANSEN. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB289]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE AGAIN IN SUPPORT OF THE MOTION TO RECOMMIT TO COMMITTEE. I WANT TO JUST BRIEFLY TOUCH ON THE COMMENTS BY SENATOR EBKE ABOUT THE STINGRAY BILL. I, TOO, SIGNED ONTO THAT BILL BECAUSE I THINK IT'S SO IMPORT TO GUARD AGAINST UNREASONABLE SEARCH AND SEIZURES BY LAW ENFORCEMENT. BUT THIS BILL DEALS WITH A CONSTITUTIONAL RIGHT, TOO, AS SHE SUGGESTED--THE RIGHT TO BEAR ARMS. AND AGAIN, I KEEP REPEATING, BUT JUSTICE SCALIA, A CONSERVATIVE JUSTICE ON OUR U.S. SUPREME COURT, SAID, NOT EVERY GUN IN EVERY PLACE AT EVERY TIME. I BELIEVE THAT COMMUNITIES HAVE THE PREROGATIVE TO DETERMINE FOR THEIR COMMUNITIES WHICH GUN AT WHICH PLACE AT WHICH TIME. AND WITH THAT, I JUST WANT...I WILL GIVE THE REST OF MY TIME TO SENATOR MELLO. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. SENATOR MELLO, 4:00. [LB289]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I KNOW MOST OF YOU WEREN'T HERE ON FRIDAY WHEN WE STARTED THIS DEBATE. AND SO AS I MENTIONED, I DISCUSSED THIS ISSUE WITH SENATOR EBKE LAST WEEK PREEMPTIVELY TO LET HER KNOW THE CONCERNS THAT WERE COMING FROM THE CITY OF OMAHA IN REGARDS TO LAW ENFORCEMENT'S CONCERNS ABOUT ELIMINATING THE HANDGUN REGISTRATION ORDINANCE. AND AS YOU SHOULD SEE, THERE'S A LETTER FROM THE OMAHA POLICE OFFICERS ASSOCIATION IN OPPOSITION TO LB289 AS IT'S CURRENTLY DRAFTED BECAUSE IT WOULD ESSENTIALLY PREEMPT A LONGSTANDING, LOCAL CITY OF

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OMAHA ORDINANCE THAT ADDRESSES HANDGUN REGISTRATION. AS YOU READ THROUGH THE LETTER, IT'S NOT AN ISSUE OF GUN OWNERS' RIGHTS; IT'S AN ISSUE OF PUBLIC SAFETY. AND I HAVE YET TO HEAR ANYONE THROUGH THE DEBATE THIS MORNING DISCUSS THIS ISSUE FROM A LAW ENFORCEMENT PERSPECTIVE OF THE CONCERNS ABOUT TAKING THIS VALUABLE TOOL AWAY FROM THE CITY OF OMAHA'S LAW ENFORCEMENT AGENCY. AS I MENTIONED ON FRIDAY, I'M NOT HERE TO FILIBUSTER LB289. I WANT TO SEE A COMPROMISE MADE. SENATOR EBKE KNOWS THAT. I EXPRESSED TO HER ON THE MIKE AND OFF THE MIKE THAT I THINK IF THERE IS THE ISSUE OF INTRASTATE TRANSPORTATION OF FIREARMS BETWEEN A COMMUNITY LIKE NORTH PLATTE-- THAT DOESN'T HAVE A HANDGUN REGISTRATION ORDINANCE--AND THEY'RE COMING THROUGH THE CITY OF OMAHA OR LINCOLN WHERE THE CITY DOES HAVE ONE, THAT WE CAN CRAFT A BILL TO PROTECT THAT RESPONSIBLE GUN OWNER. COLLEAGUES, THAT'S WHAT I'M URGING US TO CONSIDER DOING, BECAUSE OMAHA HAS SIGNIFICANT GUN VIOLENCE ISSUES. AND I'M CONCERNED THAT NO ONE ON THE FLOOR HAS YET, BESIDES SENATOR CHAMBERS, SENATOR COOK, AND SENATOR KRIST HAS EVEN ACKNOWLEDGED THAT, THAT WE HAD 50 HOMICIDES LAST YEAR IN THE CITY OF OMAHA DEALING WITH GUNS, THE LARGEST NUMBER OF HOMICIDE SINCE 1967. YET FOR SOME REASON OR ANOTHER WE'RE GETTING IN A PHILOSOPHICAL DEBATE TODAY IN REGARDS TO THE CONSTITUTION AND GUN OWNER RIGHTS, WHICH IF THESE ORDINANCES WERE UNCONSTITUTIONAL THEY WOULD HAVE BEEN FOUND UNCONSTITUTIONAL YEARS AGO. I'VE SUPPORTED GUN RIGHTS LEGISLATION MY SEVEN YEARS DOWN HERE IN THE LEGISLATURE. BUT, COLLEAGUES, THIS BILL AS IT'S DRAFTED NOW RAISES SIGNIFICANT CONCERNS THAT IF WE WANT TO WORK IT OUT ON THE FLOOR OVER THE NEXT SIX HOURS I'M WILLING TO ENTERTAIN AMENDMENTS; I'M TRYING TO GET SOME THINGS DRAFTED. BUT I THINK SENATOR CHAMBERS, WHILE HE MAY BE OPPOSED TO THE OVERALL BILL IN ITS ENTIRETY, IS RECOMMITTING IT TO COMMITTEE TO GIVE THE JUDICIARY COMMITTEE THE ABILITY TO WORK WITH THEIR LEGAL COUNSEL TO SOLVE THIS ISSUE. I'VE YET TO SEE A SCENARIO WHERE ALMOST A MAJORITY OF THE MEMBERS OF THAT COMMITTEE COME FORWARD AFTER VOTING FOR THE BILL, TWO OF THEM AT LEAST, OF SAYING THEY MADE A MISTAKE AND THEY WANT TO BRING THE BILL BACK AND SO THEY CAN FIX IT. COLLEAGUES, I DON'T THINK RECOMMITTING THIS BILL TO COMMITTEE KILLS THE BILL. SPEAKER HADLEY INFORMED ME AND I INFORMED SENATOR EBKE AND SENATOR SCHNOOR THE BILL WOULD KEEP ITS PRIORITY DESIGNATION. THE JUDICIARY COMMITTEE WORKS ON ADDRESSING THIS INTRASTATE ISSUE OF TRANSPORTING FIREARMS INTRASTATE AND THEN THEY CAN KICK THE BILL BACK OUT WITH SOLVING THAT ONE ISSUE. AND IT STILL KEEPS ITS PRIORITY DESIGNATION THAT WILL

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GET BROUGHT UP THIS YEAR. COLLEAGUES, I THINK THAT'S A COMPROMISE I KNOW I CAN LIVE WITH BECAUSE IT ADDRESSES... [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR MELLO: ...WHAT WE HEARD ARE CONCERNS REGARDING THE CITY OF OMAHA, AND I KNOW OTHERS HAVE RAISED IT REGARDING THE CITY OF LINCOLN. YOU DON'T NEED TO TAKE MY WORD FOR IT. YOU CAN READ IT FROM THE POLICE OFFICERS IN OMAHA WHO SAID THIS BILL IS NOT GOOD FOR PUBLIC SAFETY. IT'S NOT GOOD FOR ADDRESSING RECORD-YEAR GUN VIOLENCE LAST YEAR IN THE CITY OF OMAHA. WE CAN FIND A COMPROMISE ON A BILL LIKE THIS, COLLEAGUES. IT'S GOING TO BE A MATTER OF WHETHER OR NOT YOU TRUST SENATOR SEILER, YOU TRUST THE MEMBERS OF THE JUDICIARY COMMITTEE TO WORK THROUGH THIS AND KICK A BILL BACK OUT FOR US TO BE ABLE TO ADDRESS THE INTRASTATE ISSUES THAT I'VE HEARD SO MUCH ABOUT. WITH THAT, I'D URGE THE BODY TO STRONGLY CONSIDER RECOMMITTING THIS BILL TO COMMITTEE AND LET THE COMMITTEE PROCESS WORK ITS WAY THROUGH AGAIN ON THIS IMPORTANT MATTER. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATOR GROENE, YOU'RE RECOGNIZED. [LB289]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I ALWAYS ADMIRE WHEN I GO BACK ON OUR STATE CONSTITUTION AND OUR ORIGINAL CONSTITUTION BEFORE LEGAL JARGON GOT INVOLVED. I CAN UNDERSTAND THIS. ALL PERSONS ARE BY NATURE FREE AND INDEPENDENT AND HAVE CERTAIN INHERENT AND INALIENABLE RIGHTS. AMONG THESE ARE LIFE, LIBERTY, THE PURSUIT OF HAPPINESS, AND THE RIGHT TO KEEP AND BEAR ARMS FOR SECURITY OF DEFENSE, OF SELF, FAMILY, HOME, AND OTHERS, AND FOR LAWFUL COMMON DEFENSE, HUNTING, RECREATIONAL USE, AND ALL OTHER LAWFUL PURPOSES. I'M STRUGGLING WHY ANYBODY OR ANY LOCAL AUTHORITY HAS THE RIGHT TO LIMIT THE USE AND THE OWNERSHIP OF HANDGUNS. AND, QUITE FRANKLY, IT ISN'T THE GOVERNMENT'S BUSINESS WHY YOU OWN IT. NINETY-NINE PERCENT OF GUN OWNERS ARE LAW ABIDING. YOU RESTRICT LAW-ABIDING INDIVIDUALS WITH LAWS, BURDENSOME LAWS, WHEN THEY'VE DONE NOTHING WRONG. I ALWAYS SIDE WITH THE 99 PERCENT. I DON'T WANT TO RESTRICT THEM BECAUSE YOU THINK YOU CAN CONTROL THE 1 PERCENT OR LESS. I'M CONFUSED NOW. I MIGHT HAVE BEEN BREAKING THE LAW IN THE PAST IN LINCOLN SINCE I'VE

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BEEN A STATE SENATOR. SO IF I GO HUNTING FOR SNOW GEESE ON THE WAY DOWN HERE, STOP WITH SOME FRIENDS ALONG THE WAY IN KEARNEY OR SOMETHING ON A SUNDAY, AND HAVE A SHOTGUN IN THE BACK OF MY TRUNK-- TO ME, I GREW UP, THAT'S A TOOL, YOU KNOW, YOU HAD IT WITH YOU IN CASE A VARMINT CAME ALONG OR YOU HAD A SHOVEL, WHATEVER YOU HAD HANDY, OR TO HUNT--SO IF I HAVE THAT IN MY TRUNK AND IT'S CONCEALED AND I'M HERE MORE THAN 24 HOURS, HAVE I BEEN BREAKING THE LAW, A STATE SENATOR BREAKING THE LAW? I DID THAT? SOMEBODY NEEDS TO STRAIGHTEN ME OUT ON THAT. OR AM I SUPPOSED TO LAY IT ON MY DASH SO THAT 1 PERCENT CAN SEE IT AND BREAK THE WINDSHIELD AND TAKE IT? THIRTY-THREE TO FIFTY HOMICIDES, DEATH PENALTY ISN'T A DETERRENT, RIGHT? THEY WERE TOLD THAT THEY DON'T HAVE TO WORRY ABOUT IT. YOU CAN BREAK INTO YOUR NEIGHBOR'S, STEAL THE COLOR TELEVISION, AND IT'S A FELONY. BREAK INTO YOUR NEIGHBOR AND MURDER THEM, IT'S JUST A FELONY. OF THOSE 50 VICTIMS OF 50 MURDERERS, 50 VICTIMS--I KNOW THERE WAS SOME MULTIPLE MURDERS, SO 40 MURDERERS--WERE ANY OF THEM OWNED A HANDGUN OR A GUN THAT THEY REGISTERED? WAS ANY CONCEALED CARRY PERMIT OWNER INVOLVED IN A MURDER, VICTIM OR MURDERER? WE'RE TALKING ABOUT LAW-ABIDING CITIZENS HERE THAT YOU WANT TO RESTRICT. SENATOR EBKE'S AND SENATOR SCHNOOR'S PRIORITY BILL WOULD NOT PUT BURDEN ON THE LAW ABIDING THAT HAVE NO WISH TO HARM ANYBODY, THEY JUST WANT TO PROTECT THEMSELVES. FIFTY MURDERS, MOST SINCE 1967. DOESN'T OMAHA HAVE A REGISTRY? STOPPED A LOT OF MURDERS, DIDN'T IT? DID IT HELP SOLVE ANY? OR DID IT, AFTER THE FACT, MAYBE SOLVE THAT A LAW-ABIDING CITIZEN HAD REGISTERED THE GUN AND PUT IT ON THE DASH, BECAUSE THEY COULDN'T CONCEAL IT, AND SOMEBODY BROKE THE WINDSHIELD, TOOK THE GUN, AND COMMITTED A MURDER--UNINTENDED CONSEQUENCES OF DENYING INDIVIDUALS' RIGHTS. IF I HAVE A GUN, IT'S A TOOL TO ME, AND I'M DRIVING THROUGH OMAHA AND I DECIDE TO SPEND A COUPLE OF DAYS, I DON'T WANT TO BE BURDENED WITH THE FACT THAT NOW ALL OF A SUDDEN I BROKE A LOCAL ORDINANCE THAT'S AGAINST OUR CONSTITUTION, OUR STATE CONSTITUTION, WHICH OUR STATE CONSTITUTION GOES A LOT FURTHER THAN OUR FEDERAL ONE ABOUT WHAT OUR RIGHTS ARE AS GUN OWNERS. [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR GROENE: YOU'RE BURDENING THE LAW ABIDING. YOUR FEELINGS ON THE DEATH PENALTY, ON GUN RIGHTS TRUMP THE CONSTITUTION, BECAUSE YOU FEEL, YOU FEEL YOU DID SOMETHING. IT SAYS HERE: DERIVE THEIR JUST

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POWERS FROM THE CONSENT OF THE GOVERNED. NOT OF THE PUBLIC EMPLOYEE, NOT AT THE CONSENT OF THE POLICE UNION IN OMAHA; THEY ARE PUBLIC EMPLOYEES. IF THEY WANT TO VOICE THEIR OPINION AS ONE OF THE GOVERNED, AS A CITIZEN, FINE. BUT, PLEASE, WHEN YOU'RE A EMPLOYEE YOU'RE TOLD WHAT TO DO; YOU DON'T TELL US. SO, THANK YOU, AND I ENCOURAGE YOU TO SUPPORT LB289. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR COOK, YOU'RE RECOGNIZED. [LB289]

SENATOR COOK: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. I RISE IN STRONG SUPPORT OF THE RECOMMIT TO COMMITTEE MOTION AND IN OPPOSITION TO LB289 IN ITS CURRENT FORM. WHAT THE FACT IS, IS THAT WE DO NOT KNOW HOW MANY MURDERS AND GUN ASSAULTS AND THREATS TO LIFE WERE AVOIDED DUE TO THE GUN ORDINANCES AND THE ENFORCEMENT OF THE GUN ORDINANCES IN OMAHA, NEBRASKA. WHEN SOMETHING DOESN'T HAPPEN THERE'S NO WAY TO COUNT IT. THAT IS WITH OR WITHOUT THE DEATH PENALTY, WHICH WAS STILL ON THE BOOKS LAST YEAR AND SINCE OUR VOTE, WHICH WE WERE SENT HERE TO FULFILL THROUGH OUR REPRESENTATIVES, THAT VOTE HAS BEEN SUSPENDED. CLEARLY, THE THREAT OF THE DEATH PENALTY DID NOT PREVENT 50 MURDERS, SO I'LL GO AHEAD AND READ THE INFORMATION THAT I GOT REGARDING WHAT IS CURRENTLY ON THE BOOKS IN OMAHA, NEBRASKA, TO ADDRESS GUN VIOLENCE, WHETHER THAT IS IN THE CONTEXT OF A HOME IN THE CASE OF DOMESTIC VIOLENCE, IN THE CONTEXT OF A NEIGHBORHOOD WITH GANG VIOLENCE OR GUN VIOLENCE. INDIVIDUALS, ACCORDING TO OMAHA'S GUN REGISTRATION GUIDELINES, MUST BE A UNITED STATES CITIZEN OR A PERMANENT RESIDENT; BE MORE THAN 21 YEARS OF AGE; HAVE NEVER BEEN CONVICTED OF A FELONY; NOT CURRENTLY BE THE SUBJECT OF AN ACTIVE PROTECTION ORDER. I'LL STOP HERE TO MENTION THAT I HAVE FILED TWO AMENDMENTS TO LB289 JUST IN CASE THERE'S NO MORE DIALOGUE THAT SENATOR MELLO MADE REFERENCE TO. I'D LIKE TO REMIND PEOPLE THAT A HUNTING WEAPON FOR HUNTING IS NEVER OUR CONCERN. A HUNTING WEAPON OR A HANDGUN TO THREATEN ANOTHER HUMAN BEING, PARTICULARLY IN THE CASE OF DOMESTIC VIOLENCE IN WHICH AN ORDER OF PROTECTION MIGHT HAVE BEEN ENTERED, IS A GREAT CONCERN THAT I HAVE. AND THAT'S SOMETHING THAT HAPPENS ALL OVER THE STATE EVERY DAY. TO CONTINUE, SOMEONE IN OMAHA WHO IS REGISTERING FOR A HANDGUN PERMIT CANNOT HAVE PROVIDED FALSE INFORMATION ON THE REGISTRATION REQUEST; NOT HAVE ANY PREVIOUS CONVICTION FOR CARRYING CONCEALED WEAPONS OR CONVICTIONS FOR BEING A MINOR IN POSSESSION OF

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A FIREARM; NOT HAVE ANY CONVICTIONS WITHIN THE PAST FIVE YEARS OF ASSAULT--AND THAT WOULD INCLUDE DOMESTIC ASSAULT--CHILD ABUSE; OR VIOLATION OF ANY PROVISIONS OF CHAPTER 20, ARTICLE VII OF THE OMAHA MUNICIPAL CODE; NOT HAVE ANY CONVICTION FOR A CHARGE OF DOMESTIC VIOLENCE, INCLUDING STALKING OR HARASSMENT; NOT HAVE BEEN ADJUDICATED IN THE PREVIOUS TEN YEARS TO BE MENTALLY ILL OR DANGEROUS; NOT BE A FUGITIVE FROM JUSTICE, ON PAROLE, PROBATION, HOUSE ARREST OR WORK RELEASE; NOT HAVE BEEN DISHONORABLY DISCHARGED... [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR COOK: THANK YOU, MR. PRESIDENT...NOT HAVE BEEN DISHONORABLY DISCHARGED FROM THE UNITED STATES ARMED FORCES; NOT BE A USER OF OR ADDICTED TO UNLAWFUL CONTROLLED SUBSTANCES OR HAVE CONVICTIONS RELATED TO CONTROLLED SUBSTANCES, INCLUDING POSSESSION OF MARIJUANA LESS THAN ONE OUNCE OR POSSESSION OF DRUG PARAPHERNALIA IN THE PAST TEN YEARS. I HIGHLIGHT EACH OF THESE TO REMIND EVERYONE THAT UNLESS, AS WE DISCUSSED EARLIER IN AN EXCHANGE BETWEEN SENATORS CHAMBERS AND EBKE, UNLESS THE STATE OF NEBRASKA WANTS TO RAISE THE BAR ON GUN OWNERSHIP, LAWFUL GUN OWNERSHIP, LAWFUL USE OF THEM, WE ARE GOING TO REMAIN OPPOSED TO THIS PROPOSAL IN THE CURRENT FORM. WITH THAT, I WOULD YIELD THE BALANCE OF MY TIME TO THE CHAIR. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR COOK. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB289]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. LIKE MANY OF YOU, I WAS AT HOME YESTERDAY WATCHING A RATHER SPECTACULAR FOOTBALL GAME, THE BRONCOS VERSES THE PATRIOTS. GOOD GAME, FUN TO WATCH. AND I WAS ALSO WORKING ON MY NADC REPORT. MY QUIET SERENITY WAS DISTURBED BY A ROBOCALL. AND THE CONTENTS OF THE ROBOCALL WERE: DID YOU KNOW THAT SENATOR JOHN McCOLLISTER, WHO VOTED WITH ERNIE CHAMBERS TO REPEAL THE DEATH PENALTY, IS NOW THINKING OF TAKING AWAY YOUR RIGHTS TO CARRY GUNS IN THE STATE OF NEBRASKA? HOW DID THAT COME ABOUT? HOLY SMOKES. AND FROM WHAT I UNDERSTAND, THERE ARE A NUMBER OF SENATORS IN THE BODY THAT HAD THAT SAME EXPERIENCE. WHAT IS SO DARNED SURPRISING ABOUT THIS...AND

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I'M AN NRA MEMBER, SUPPORTED BY THE NRA LAST YEAR AND NOR I HAVEN'T EXPRESSED AN OPINION ON THIS PARTICULAR BILL. WHERE DID THIS COME FROM? I'M NOT SURE I APPRECIATE THIS BARE-KNUCKLE APPROACH DURING THE DEBATE. YOU EXPECT IT DURING CAMPAIGNS, BUT NOT DURING THE DEBATE ABOUT A BILL THAT IS JUST BEGINNING ITS PROCESS THROUGH THE BODY. SO WITH THAT, I WILL YIELD THE BALANCE OF MY TIME TO SENATOR ADAM MORFELD. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOLLISTER. SENATOR MORFELD, 3:30. [LB289]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR McCOLLISTER. I WANT TO REITERATE MY POSITION ON THE BILL. WHEN THIS WAS BROUGHT BEFORE US IN THE COMMITTEE, IT WAS GENERALLY PRESENTED TO US AS A BILL THAT WOULD MAKE SURE THAT WE DID NOT INHIBIT THE TRANSPORT OF WEAPONS FROM CITY TO CITY WITHIN THE STATE. AND AS A GUN OWNER MYSELF AND SOMEBODY THAT OFTEN GOES BACKCOUNTRY CAMPING AND CARRIES A FIREARM TO MANY DIFFERENT STATES, STOPPING IN MANY DIFFERENT COMMUNITIES WHERE I'M NOT QUITE SURE OF THE LOCAL ORDINANCES I UNDERSTAND THAT CONCERN, AND THAT'S WHY I VOTED THE BILL OUT OF COMMITTEE. NOW, MAYBE IT'S JUST BECAUSE I WAS A FIRST-YEAR SENATOR. I SHOULD HAVE READ THE BILL A LITTLE BIT MORE CAREFULLY AND UNDERSTOOD THE ISSUE A LITTLE BIT BETTER, BUT THAT WAS NOT BROUGHT TO LIGHT TO US UNTIL JUST A FEW WEEKS AGO. AND SO MY CONCERN IS MAKING SURE THAT WE PROTECT LAW-ABIDING GUN OWNERS, SUCH AS MYSELF, WHEN THEY ARE TRAVELING TO COMMUNITIES AND LOCALES FROM ONE PLACE TO ANOTHER. AND I'VE TOLD SENATOR EBKE...AND I'M WORKING ON AN AMENDMENT RIGHT NOW WITH THE JUDICIARY LEGAL COUNSEL THAT WOULD PROTECT JUST THAT WHILE MAKING SURE THAT WE HAVE LOCAL CONTROL IN CERTAIN COMMUNITIES, PARTICULARLY LINCOLN AND OMAHA WHICH HAS VERY DIFFERENT GUN ISSUES THAN IN OTHER COMMUNITIES. THAT FACT IS UNDENIABLE. THE REALITIES THAT EXIST IN HYANNIS IS NOT THE REALITIES THAT EXIST IN NORTHEAST LINCOLN, THAT HAS ONE OF THE HIGHEST GUN CRIME RATES IN THE CITY AND THE STATE, AND NOT TO MENTION NORTH OMAHA. SO I AM WORKING ON DRAFTING AN AMENDMENT THAT WOULD ENSURE THE LAWFUL TRANSPORT OF FIREARMS FROM ONE COMMUNITY TO ANOTHER WITHIN THE STATE OF NEBRASKA. SO AS LONG AS AN INDIVIDUAL IS FOLLOWING STATE LAW THEY CANNOT BE IMPEDED BY LOCAL ORDINANCES, WHICH I THINK GOES TO THE INTENT OF THE LEGISLATION AS IT WAS ORIGINALLY INTRODUCED IN THE COMMITTEE. THANK YOU. [LB289]

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PRESIDENT FOLEY: THANK YOU, SENATOR MORFELD. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB289]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT, COLLEAGUES. LB289 DEFINITELY HAS SOME POSITIVE POINTS AND SOME NEGATIVE POINTS, AND IT APPEARS THEY WERE NOT ALL...THEY DID NOT ALL SURFACE LAST YEAR IN THE COMMITTEE HEARING. AND THE PART THAT DID SURFACE I DEFINITELY AM SUPPORTIVE OF THAT, BUT I DO UNDERSTAND THE CONCERNS THAT HAVE BEEN RAISED WITH THE UNDERLYING ISSUE, THE DEVIL IN THE DETAILS. I DO BELIEVE IN THE COMMITTEE PROCESS. I THINK THERE SHOULD BE DUE DILIGENCE IN PRESENTATION OF THE TESTIMONY AND ALSO THE QUESTIONING PERIOD. SO I WOULD HOPE THAT WE CAN GET LB289 TO A POSITION WHERE WE CAN SUPPORT IT AT LEAST TO GET IT OUT THROUGH GENERAL FILE AND WORK ON SOME AMENDMENTS, IF NOTHING ELSE, AS WE GET TO THE SELECT FILE. I DO HAVE A COUPLE QUESTIONS, OR A QUESTION I GUESS, THAT I'D LIKE TO ASK SENATOR CHAMBERS IF HE WOULD YIELD. [LB289]

PRESIDENT FOLEY: SENATOR CHAMBERS, WOULD YOU YIELD, PLEASE? [LB289]

SENATOR CHAMBERS: YES. [LB289]

SENATOR JOHNSON: YOU COMMENTED THAT YOU WERE ABSENT DURING THE EXEC SESSION ON THIS BILL AND ALSO, I BELIEVE, COMMENTED THAT HAD YOU BEEN THERE AND THAT IT MIGHT NOT HAVE COME OUT OF COMMITTEE OR MIGHT NOT COME OUT OF COMMITTEE AS IT IS. I SIT ON TWO COMMITTEES WITH YOU AND I APPRECIATE THAT AND I THINK WE'VE HAD GOOD DIALOGUE. MY QUESTION IS--AND MAYBE IT'S MY OBSERVATION AND I WOULD LIKE YOU TO RESPOND IF I'M WRONG--IT SEEMS LIKE IN THE COMMITTEES I'M ON AND MAYBE IN OTHER COMMITTEES THAT YOU'RE QUITE OFTEN ABSENT FOR EXEC COMMITTEE ACTION. IS THERE AN ISSUE WITH PROPER NOTIFICATION THAT THERE'S GOING TO BE AN EXEC SESSION ON CERTAIN BILLS? IS THERE SOMETHING WE NEED TO CHANGE IN OUR PROCESS AS WE GO THROUGH ON EXEC SESSION? [LB289]

SENATOR CHAMBERS: NO. [LB289]

SENATOR JOHNSON: THANK YOU. THANK YOU, MR. SPEAKER. [LB289]

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PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. SENATOR FOX, YOU'RE RECOGNIZED. [LB289]

SENATOR FOX: THANK YOU, MR. PRESIDENT. I JUST WANT TO BE ON RECORD THAT I OPPOSE THE RECOMMITMENT OF LB289 BACK TO THE JUDICIARY COMMITTEE. I COMMEND SENATOR EBKE FOR HER HARD WORK ON THIS ISSUE. WHY DO I SUPPORT LB289? I HAVE THREE REASONS: FIRST, I SUPPORT OUR SECOND AMENDMENT RIGHTS. SECONDLY, THERE NEEDS TO BE CONSISTENCY AND UNIFORMITY IN GUN LAWS IN OUR STATE TO AVOID CONFUSION BY LAW-ABIDING CITIZENS. AND THIRDLY, CRIMINALS WILL ALWAYS FIND A WAY TO GET GUNS REGARDLESS OF WHAT LAWS EXIST. PUTTING UP ROADBLOCKS TO LB289 IS NOT PROTECTING INNOCENT, LAW-ABIDING NEBRASKANS. PUTTING UP ROADBLOCKS TO LB289 ONLY MAKES IT MORE DIFFICULT FOR LAW-ABIDING CITIZENS TO ATTAIN THE FIREARMS THAT THEY NEED TO DEFEND THEMSELVES. I NOW YIELD THE REST OF MY TIME TO SENATOR EBKE. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR FOX. SENATOR EBKE, ABOUT 3:49. SENATOR EBKE WAIVES THE USE OF THAT TIME. SENATOR KRIST, YOU'RE RECOGNIZED. [LB289]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. GOOD MORNING, NEBRASKA. A FEW THINGS I'D LIKE TO PUT ON THE RECORD AS WELL. SENATOR FOX VERY ELOQUENTLY JUST SAID, IT'S A CONSTITUTIONAL ISSUE. WE ALL HAVE THE CONSTITUTIONAL RIGHT TO DO PRETTY MUCH ANYTHING WE WANT TO DO AS LONG AS IT'S THERE, AS LONG AS WE DON'T IMPINGE OR DISTURB ANYBODY ELSE'S RIGHT FROM DOING WHAT THEY NEED TO DO. SO, SENATOR FOX, YOU'RE GOING TO LEARN IN THIS BODY, IF YOU HAVEN'T ALREADY, THAT THE KEY WORDS ARE, IS IT CONSTITUTIONAL? AND IF IT'S NOT, I CAN TRY TO KILL IT ON THE FLOOR RIGHT HERE. DO I HAVE 33 VOTES FOR CLOTURE? AND IF NOT, I SHOULD START COMPROMISING, WHICH IS I THINK WHAT SENATOR EBKE NEEDS TO DO AT THIS POINT. AND THE THIRD ONE I THINK WHICH IS MORE IMPORTANT AND I'VE HEARD OVER AND OVER AND OVER AGAIN: LOCAL CONTROL. WHAT WORKS IN FREMONT DOESN'T WORK IN OMAHA. WHAT WORKS IN SCOTTSBLUFF DOESN'T WORK IN CHADRON. IF YOUR LOCAL CONTROL THINKS IT'S IMPORTANT THAT THE GUN BARREL ONLY BE FOUR INCHES...BE AT LEAST FOUR INCHES LONG AND NOT ANY SHORTER, THERE MIGHT BE A REASON. IF YOUR LOCAL GUN CONTROL SAYS YOU CAN'T HAVE A MAGAZINE CLIP THAT ALLOWS MORE THAN X NUMBER OF BULLETS, THERE MIGHT BE A GOOD REASON. IF YOUR LOCAL CONTROL SAYS WE WANT ALL HANDGUNS REGISTERED, IS THAT AN INFRINGEMENT UPON MY

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CONSTITUTIONAL RIGHT? NO. I'M GOING TO REGISTER IT. I'M GOING TO CARRY, OPEN CARRY. I'LL CARRY A CONCEALED CARRY IF I'M AUTHORIZED TO DO THAT. BUT IF THAT LOCAL CONTROL DEEMS IT TO BE A SAFETY ISSUE FOR THE PEOPLE WHO LIVE IN THAT AREA, THEN WHO ARE WE TO SAY, NOPE, YOU CAN'T HAVE LOCAL CONTROL? IN THE SEVEN YEARS THAT I'VE BEEN PART OF THIS LEGISLATURE I HAVE SEEN AS WE WOULD REFER TO AS A PIECE OF LEGISLATION, A SAUSAGE. AND THE SAUSAGE THAT IS MADE IS KIND OF DIFFICULT TO PUT TOGETHER, AND THE CASING GETS AROUND IT. THIS ONE DOES NOT NEED TO BE UNCASSED AND REBUILT ON THIS FLOOR, BECAUSE THERE WILL BE UNINTENDED CONSEQUENCES. I HAVE GIVEN MY WORD TO SENATOR EBKE, TO THE CHAIR OF THE COMMITTEE, AND TO EVERYONE ELSE I'VE TALKED TO IT. IF IT GOES BACK INTO COMMITTEE AND THERE'S AN AMENDMENT PUT ON THAT DOES NOT HAVE UNINTENDED CONSEQUENCES AS MUCH AS POSSIBLE, I'LL KICK IT BACK OUT, AND THE SPEAKER HAS GUARANTEED SENATOR EBKE AND SENATOR SCHNOOR HE'LL BRING IT BACK THIS SESSION, THIS SHORT SESSION. WHAT MORE GUARANTEES DO YOU WANT? YOU WANT TO TALK ABOUT THIS FOR THE NEXT SIX HOURS AND THEN THE NEXT FOUR AND THEN THE NEXT TWO? WE CAN DO THAT, BECAUSE THIS IS A BAD BILL IN ITS PRESENT FORM. IT NEEDS TO GO BACK TO COMMITTEE AND IT NEEDS TO BE FIXED. I APOLOGIZED ON THIS FLOOR FOR MY HASTY VOTE TO GET IT OUT OF COMMITTEE. AND I'LL TELL YOU THE INSIDE BASEBALL ON THIS ONE, THE NRA WAS REPRESENTED BY ONE LOBBY LAST YEAR AND ANOTHER LOBBY THIS YEAR. AND I HAD A VERBAL GUARANTEE THERE WAS GOING TO BE AN AMENDMENT THAT WOULD SOLVE SOME OF MY ISSUES FROM LAST YEAR WHEN I KICKED IT OUT. I'LL NEVER DO THAT AGAIN. HOW MANY OF YOU HAVE ACTUALLY DONE THAT? SHOW OF HANDS, YEAH. ADMIT THAT YOU TOOK THE LOBBY'S WORD OR THE SENATOR'S WORD FOR SOMETHING THAT WAS GOING TO HAPPEN. SENATOR MORFELD HAS GIVEN ME HIS ASSURANCE THAT HE HAS WHAT HE THINKS IS AN AMENDMENT THAT WILL SOLVE MOST OF THE PROBLEMS. AND THE FIRST QUESTION I ASKED HIM HE DID NOT HAVE AN ANSWER TO. AND I RESPECT SENATOR MORFELD'S ATTEMPT TO TRY TO FIX IT ON THE FLOOR. [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. BUT THE INTENT TO FIX IT ON THE FLOOR IN THIS PARTICULAR CASE, I DON'T THINK SO. I THINK THE SURGEON NEEDS TO CLOSE UP THIS PATIENT, PUT HIM ON LIFE SUPPORT, BRING HIM BACK WHEN HE'S READY TO ACTUALLY--HE OR SHE--IS READY ACTUALLY TO SAVE THIS PATIENT'S LIFE. LB289 IS IMPORTANT. IT IS IMPORTANT THAT WE DO THINGS ACROSS THE STATE THE SAME WAY AND NOT INFRINGE UPON RIGHTS. THIS IS

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NOT THE BILL. SUPPORT THE RECOMMIT AND LET THE JUDICIARY COMMITTEE DO SOME MAGIC. AND, BY THE WAY, IF ROBOCALLS BOTHER YOU, YOU'RE IN THE WRONG BUSINESS. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB289]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, HAVING BEEN IN THE LEGISLATURE AS LONG AS I HAVE, HAD I NOT LEARNED SOMETHING THEN SOMETHING WOULD BE WRONG WITH ME. THIS BILL IS NOT CONTROLLED BY THOSE OF US ON THE FLOOR. PEOPLE HAVE TO RUN OUT AND GET THEIR INSTRUCTIONS, SO I'M NOT GOING TO WASTE MY TIME TRYING TO GIVE RATIONAL ARGUMENTS THAT MIGHT PERSUADE PEOPLE WHOSE MINDS ARE OPEN. WHEN SOMEBODY COMES IN TALKING ONLY ABOUT THE CONSTITUTION, SOMETHING LIKE YOU WOULD DO ACADEMICALLY, ABSTRACTLY, AND IN A WAY THAT MIGHT WORK FOR 1789, THEN THE ISSUE THAT'S BEFORE US IS NOT GOING TO BE DISCUSSED. I DON'T LIKE THE BILL. I WISH ONE OF MY COLLEAGUES, AND I WON'T CALL HIM BY NAME, HAD NOT CALLED ATTENTION TO SOME OF THE VERY SERIOUS CONSTITUTIONAL FLAWS IN THIS BILL. THAT'S WHY THEY HAVE COURTS, BECAUSE PEOPLE ON THIS FLOOR...SENATOR KINTNER LIKES TO EXPOUND ON MANY THINGS. THEY DON'T KNOW WHAT THEY'RE TALKING ABOUT. AND IF THE LAW WAS ONLY WHAT THE LEGISLATURE PUTS OUT THERE, THERE WOULD BE TOTAL CHAOS AND ANARCHY IN THIS COUNTRY AND EVEN IN THIS STATE, AS BACKWARD AS IT CAN BE IN A LOT OF REGARDS. I HAVE SHIELDED PEOPLE IN THIS STATE FROM A LOT OF VERY BAD THINGS HAPPENING TO THEM BY KILLING BAD LEGISLATION. I WANT TO KILL THIS BILL. I DON'T MIND IF THE SESSION IS KILLED. THE REST OF YOU ALL HAVE THINGS YOU WANT TO GET. I EXPECT THAT I CAN GET REELECTED. SO I HAVE FOUR MORE YEARS TO WORK AND THE PEOPLE IN MY DISTRICT HAVE SEEN THAT WITH THE KIND OF ISSUES THAT I DEAL WITH, I HAVE TO DO IT INCREMENTALLY. WERE I LIKE THAT HIPPOPOTAMUS THAT I DREW ON ONE OF MY RHYMES TO REPRESENT THE SPONGING, MOOCHING, LUNCH-HUNTING LEGISLATORS, THEN I COULD SWALLOW A LOT IN ONE GULP. BUT I CAN'T DO THAT. I CAN'T EVEN SWALLOW AN APPLE, ANALOGIZING TO THE KIND OF LEGISLATION THAT I BRING, IN ONE GULP. SO I DO THINGS INCREMENTALLY. SENATOR GROENE STILL HAS A BURR UNDER HIS SADDLE BECAUSE WE VOTED TO ABOLISH THE DEATH PENALTY. THE FIRST THING I HAD DONE, BEFORE THE U.S. SUPREME COURT FOLLOWED SUIT YEARS LATER, WAS TO PROHIBIT THE EXECUTION OF SOMEBODY WHOSE CRIME WAS COMMITTED BEFORE THAT PERSON WAS 18 YEARS OLD. MANY YEARS AGO THAT WAS DONE. PEOPLE HERE

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DON'T KNOW THAT. THEY DON'T KNOW THE HISTORY OF WHAT HAS HAPPENED IN THIS STATE AND HOW IT LED THE U.S. SUPREME COURT. THE REQUIREMENT THAT A PERSON WHO HAS MENTAL ILLNESS--THERE ARE VARIOUS TERMS THAT ARE USED, SOME INSULTING--COULD NOT BE EXECUTED. THE SUPREME COURT FOLLOWED SUIT. I'M THE ONE WHO GOT CORPORAL PUNISHMENT OUT OF THE PUBLIC SCHOOLS. AND IT TAKES TIME AND EFFORT. SO, I'M PREPARED TO STAY SIX HOURS ON THIS BILL, BUT I'M NOT GOING TO WASTE MY TIME WHEN I KNOW THAT THE PEOPLE IN THE LOBBY HAVE THEIR AGENDA. SENATOR EBKE DID NOT HAVE TO DO A LOT OF WORK ON THIS BILL. I DON'T BELIEVE SHE WORKED ON IT AT ALL. THIS BILL IS SO ATROCIOUS SHE WOULD NOT HAVE DONE THE WORK. ALL SHE HAD TO DO WAS AGREE TO INTRODUCE IT, AND THAT DOESN'T TAKE ANY WORK. NOW, SHE CAN CORRECT ME AND POINT OUT HOW MUCH WORK SHE HAS DONE. SENATOR FOX SAYS SHE DID A LOT OF WORK. OTHERS THANKED HER FOR DOING A LOT OF WORK. SINCE SHE'S BEEN INTERROGATING AND QUESTIONING PEOPLE, I'D LIKE HER TO TELL US ALL THIS WORK THAT SHE DID ON THIS BILL. I DON'T BELIEVE IT TOOK WORK TO INTRODUCE SOMETHING LIKE THIS. IT WOULD HAVE TAKEN WORK TO CORRECT IT. IF SOMEBODY HANDED ME THIS BILL RIGHT NOW AND TOLD ME, FORGET THAT I'M OPPOSED TO IT AS I AM NOW,... [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR CHAMBERS: ...BUT HOW WOULD I REWRITE IT TO DO WHAT THOSE WHO CLAIM IS THEIR GOAL SHOULD WRITE IT TO ACHIEVE THEIR GOAL AND ONLY THAT GOAL? I COULD DO IT BECAUSE MOST OF WHAT'S IN THIS BILL WOULD BE THROWN OUT RIGHT AWAY. ONE THING THAT A LOT OF THESE PEOPLE ON THE FLOOR TALKING AND YAPPING AND BEATING THEIR GUMS DON'T UNDERSTAND IS THAT THE CURRENT LAWS THAT YOU ALL ARE TRYING TO REPEAL WERE PUT IN THE STATUTE BY THIS LEGISLATURE DURING SANER TIMES WHEN THEY KNEW WHAT IT WOULD TAKE FOR A CITY TO CONTROL AND DEAL WITH THE PROBLEMS THAT CITY FACED. YOU'RE NOT REPEALING ORDINANCES HERE. YOU'RE REPEALING A STATUTE WHICH WAS PUT IN PLACE BY THE LEGISLATURE GRANTING CITIES THE AUTHORITY TO ENACT THE KIND OF ORDINANCES THEY HAVE. WERE THOSE ORDINANCES UNCONSTITUTIONAL, THEY WOULD HAVE BEEN CHALLENGED AND THROWN OUT. SO A LOT OF PEOPLE DON'T EVEN KNOW WHAT WE'RE TALKING ABOUT, AND I WON'T WASTE MY TIME TRYING TO UPDATE THEM. [LB289]

PRESIDENT FOLEY: TIME, SENATOR. [LB289]

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SENATOR CHAMBERS: BUT I WANT SOME THINGS ON THE RECORD. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR MELLO, YOU'RE RECOGNIZED. [LB289]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. A COUPLE POINTS: ONE, I BELIEVE I HEARD A SENATOR WHO REPRESENTS A PORTION OF THE AREA I REPRESENT SAYING THAT THIS WAS AN INFRINGEMENT ON THEIR CONSTITUTIONAL RIGHTS, AND TO SOME EXTENT, THERE'S PLEASANT DISAGREEMENT I THINK AMONGST A NUMBER OF US. BUT I CAN TELL YOU REPRESENTING ONE OF THE AREAS OF THE CITY OF OMAHA THAT HAS SIGNIFICANT GUN VIOLENCE NEXT TO WHAT WE SEE IN SENATOR CHAMBERS' AND SENATOR COOK'S DISTRICTS, I DO HAVE CONSTITUENTS WHO ARE VERY CONCERNED ABOUT TRYING TO GET RID OF HANDGUN REGISTRATIONS BECAUSE THE REALITY IS, IT'S NOT OVERBURDENSOME AND "OVERSOME" TO INDIVIDUALS WHO ARE TRYING TO LEGALLY USE THEIR GUNS. SO I'M GOING TO TAKE EXCEPTION TO THAT IN REGARDS TO WHETHER OR NOT THIS IS BURDENSOME IN THE SENSE THAT THE REALITY IS IS I'VE GOT A COUPLE CONSTITUENTS WHO WANT TO GET RID OF EVERYTHING. BUT OUTSIDE OF THAT, I'VE HAD A NUMBER OF PEOPLE SAY IT'S REASONABLE. AND THE REALITY IS THIS, IF YOU'RE A LAW-ABIDING CITIZEN IT SHOULDN'T BE A PROBLEM. THE BIGGER ISSUE THOUGH, I WANT TO RAISE OUTSIDE OF YET TO WHAT I'VE HEARD FROM ANYONE DISCUSS THE CONCERNS OF LAW ENFORCEMENT IN REGARDS TO GETTING RID OF THE CITY OF OMAHA'S AND THE CITY OF LINCOLN'S HANDGUN REGISTRATION ORDINANCES WITH THIS BILL, IS THAT I CAN APPRECIATE THE CONVERSATIONS THAT SENATOR KRIST, MYSELF, SENATOR MORFELD, AND OTHERS HAVE BEEN HAVING WITH SENATOR EBKE IN THE SENSE OF TRYING TO FIND A WAY TO BUILD A COMPROMISE ON THIS. BUT IF THERE ARE SOME SENATORS WHO DO NOT BELIEVE IN NEGOTIATION OR COMPROMISE, IF THEY BELIEVE IT'S THEIR WAY OR NO WAY AND THEY SIMPLY WANT TO TAKE A VOTE ON A BILL FOR POLITICAL REASONS SO THAT THEY CAN INCITE OUTSIDE ORGANIZATIONS TO IMPACT THE WILL OF LEGISLATORS WHEN IT COMES ELECTION TIME, COLLEAGUES, THAT'S NOT GOOD PUBLIC POLICYMAKING, THAT'S NOT GOOD GOVERNING. AND I REALLY HOPE THOSE OF YOU WHO WILL BE COMING BACK, YOU TALK TO MEMBERS WHO TALK THAT WAY, THAT YOU REACH OUT TO SENATORS WHO BELIEVE IN THAT PERSPECTIVE THAT THAT KIND OF POLITICS IS GOOD FOR THIS LEGISLATURE AND IT'S GOOD FOR THE STATE, BECAUSE I CAN TELL YOU WHAT, IT'S NOT. THAT INCIVILITY, THAT DESIRE TO WIN AT ALL COST, TO TRY TO USE EVERY OUNCE OF POLITICAL ACTIVITY THEY

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CAN TO MAKE SOMEONE TAKE A VOTE INSTEAD OF TRYING TO WORK AND NEGOTIATE, OF PROTECTING REASONABLE GUN-OWNERS' RIGHTS. COLLEAGUES, I'M CONCERNED THAT THAT'S THE MENTALITY SOME OF US IN THIS BODY HAVE RIGHT NOW. AND MY HOPE IS THAT SENATOR EBKE WILL BE WILLING TO SIT DOWN AND FIND A WAY TO ADDRESS THOSE OF US IN OMAHA WHO HAVE CONCERNS ABOUT TAKING OMAHA OUT OF THIS BILL, OF TRYING TO ADDRESS THE REAL ISSUE OF INTRASTATE TRANSPORTATION OF FIREARMS AND NOT FALL VICTIM TO THOSE IN THIS BODY THAT SIMPLY WANT TO USE THIS AS A POLITICAL ISSUE SO THEY CAN TRY TO GET PEOPLE UNELECTED. I'VE SPOKEN WITH THE NRA. THEY APPRECIATE THE FACT WE'RE TRYING TO FIND A COMPROMISE ON THIS. I'VE SPOKEN WITH THE PEOPLE WHO OPPOSE THIS BILL. THEY APPRECIATE WE'RE TRYING TO FIND A COMPROMISE ON THIS, BECAUSE IF THE ISSUE REALLY IS INTRASTATE TRANSPORTATION OF FIREARMS, WE CAN FIND A WAY TO SOLVE THAT WITHOUT THROWING THE BABY OUT WITH THE BATHWATER, WHICH IS WHAT I'M HEARING FROM LAW ENFORCEMENT IN OMAHA. I'M SURE THERE ARE SOME SENATORS ON THE FLOOR WHO WANT TO LOOK AT THIS AND SIMPLY DISCOUNT LAW ENFORCEMENT. SO UNLESS THOSE OF YOU WHO HAVE SPOKEN OUT IN SUPPORT OF THE BILL WORK FOR A LAW ENFORCEMENT AGENCY, I HAVE TO TELL YOU, I'M GOING TO TRUST THEM A LOT MORE THAN I'M GOING TO TRUST YOU ON THIS ISSUE RIGHT NOW, BECAUSE THEY DEAL WITH GUN VIOLENCE IN NORTH OMAHA AND SOUTH OMAHA EVERY SINGLE DAY. IT'S NOT A PERIPHERAL ISSUE THEY DEAL WITH IN NORTH PLATTE OR PAPPILLION OR ANY OTHER PORTION OF THE STATE. THEY'RE DEALING WITH IT EVERY SINGLE DAY. AND FOR PEOPLE TO GET ON THE FLOOR AND MAKE OUTLANDISH CLAIMS TO BACK UP A PHILOSOPHICAL ARGUMENT, COLLEAGUES, THAT DOESN'T DO US ANY FAVORS WHEN WE'RE TRYING TO REALLY SOLVE A PROBLEM. SENATOR EBKE KNOWS WE'RE TRYING TO SOLVE THE PROBLEM OF PROTECTING REASONABLE, THOUGHTFUL POLICY WHEN GUN OWNERS ARE TRAVELING ACROSS THE STATE AND TRYING TO GIVE THEM SOME ASSURANCE THAT WHEN THEY'RE COMING FROM A COMMUNITY THAT DOES NOT HAVE LOCAL GUN REGISTRATION ORDINANCES THAT THEY DO NOT FALL UNDER ANOTHER CITY'S GUN REGISTRATION ORDINANCES,... [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR MELLO: ...THAT DON'T GET THEIR FIREARM CONFISCATED, THEY DON'T GET HAULED TO THE POLICE DEPARTMENT, THEY DON'T GET A FINE. WE'RE TRYING TO WORK THROUGH THAT. BUT DIVISIVE RHETORIC OF TRYING TO SIMPLY USE THIS ISSUE AS A WAY TO TRY TO GET SOME OF YOU UNELECTED, COLLEAGUES, THAT SHOULD BE CONCERNING TO ALL OF US. THAT'S WHAT THE

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FUTURE OF THE LEGISLATURE IS STARTING TO LOOK LIKE, THAT REASONABLE PEOPLE TRYING TO SOLVE A PROBLEM ARE FALLING VICTIM TO OUTSIDE POLITICAL INFLUENCE AND DIVISIVE RHETORIC. I'D URGE THE BODY TO STRONGLY CONSIDER FINDING A WAY FOR US TO EITHER RECOMMIT IT TO COMMITTEE...I'VE GOT AN AMENDMENT COMING FORWARD, IF NOT, THAT WILL EXEMPT OMAHA AND LINCOLN FROM THE BILL AND MY CONCERNS ARE TAKEN CARE OF THEN. BUT MY HOPE IS THAT ENOUGH OF YOU WILL KEEP AN OPEN MIND TO HELP SOLVE THE PROBLEM AND NOT FALL VICTIM TO THE POLITICAL INFLUENCE THAT SOME OF US IN THIS BODY ARE TRYING TO EXERT THROUGH THE BILL. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATOR KUEHN, YOU'RE RECOGNIZED. [LB289]

SENATOR KUEHN: QUESTION. [LB289]

PRESIDENT FOLEY: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR OF CEASING DEBATE VOTE AYE; THOSE OPPOSED VOTE NAY. [LB289]

SENATOR KUEHN: CALL OF THE HOUSE, PLEASE. [LB289]

PRESIDENT FOLEY: THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. ALL THOSE IN FAVOR OF PLACING THE HOUSE UNDER CALL VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB289]

ASSISTANT CLERK: 31 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR BOLZ, IF YOU COULD PLEASE RETURN TO THE CHAMBER AND CHECK IN, THE HOUSE IS UNDER CALL. ALL SENATORS ARE PRESENT. SENATOR KUEHN, DO I UNDERSTAND YOU WANTED A ROLL CALL VOTE? [LB289]

SENATOR KUEHN: ROLL CALL VOTE, REGULAR ORDER, PLEASE. [LB289]

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PRESIDENT FOLEY: MR. CLERK, PLEASE CALL THE ROLL. [LB289]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 406-407.) 10  
AYES, 31 NAYS TO CEASE DEBATE, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THE MOTION TO CEASE DEBATE FAILS. DEBATE SHALL  
CONTINUE. I RAISE THE CALL. SENATOR BAKER, YOU'RE RECOGNIZED. [LB289]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. I'LL TELL YOU MY MAIN  
INTEREST. MY WIFE AND I HAVE A SON WHO HAPPENS TO BE A FORMER ARMY  
SPECIAL FORCES MEMBER. HE LIVES IN ARIZONA. CHRISTMAS TIME HE DRIVES  
HOME THROUGH ARIZONA, NEW MEXICO, COLORADO, AND NEBRASKA. WHAT I  
WOULD LIKE IS ASSURANCE THAT MY SON WILL NOT BE BREAKING THE LAW AS  
HE CROSSES COUNTY LINES AND DRIVES THROUGH CITIES. THAT IS MY  
INTEREST FOR MY SON AS WELL AS ANYONE ELSE CROSSING NEBRASKA NOT  
GET CAUGHT UP IN BREAKING THE LAW. I YIELD THE REST OF MY TIME BACK TO  
THE CHAIR. THANK YOU. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR BAKER. SENATOR CHAMBERS, YOU'RE  
RECOGNIZED. THIS IS YOUR THIRD OPPORTUNITY, SENATOR. [LB289]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE  
LEGISLATURE, LET OMAHA AND LINCOLN GO. (SINGING) LET MY PEOPLE GO.  
AND THEN LET THESE RURAL PEOPLE DO WHATEVER THEY WANT TO DO IN  
THEIR AREAS. THEIR ARGUMENTS ARE EXACTLY THE REASON WHY THESE  
LARGER CITIES HAVE TO BE ALLOWED TO TAILOR THEIR ORDINANCES TO THE  
CONDITIONS THERE. THE RURAL PEOPLE DON'T SEE THESE THINGS HAPPENING,  
SO THEY DON'T EXIST. SOME OF MY COLLEAGUES CANNOT EVEN SEE AS FAR AS  
THE DISTANCE BETWEEN THE SURFACE OF THEIR EYEBALL AND THE INNER  
SURFACE OF THEIR EYELID. SO WHY TRY TO REASON WITH THEM? WHEN YOU  
VOTED AGAINST CALLING THE QUESTION, I APPRECIATED THAT. IT MAKES MY  
WORK EASY. WE'RE STILL ON MY MOTION. I WANT TO KILL THE BILL. WE CAN  
STAY ON IT FOR ALL THE TIME THAT YOU WANT TO STAY ON IT. THE LOBBYISTS  
DON'T REALLY CARE BECAUSE THEY ARE MAKING THEIR MONEY. NOW,  
SENATOR GROENE TALKS ABOUT THINGS THAT MAYBE WORKED IN 18-  
WHATEVER, BUT THEY DON'T OBTAIN NOW. AND DO YOU KNOW WHY THE NRA  
WANTS TO GET LEGISLATION? BECAUSE LOBBYISTS CAN FEED YOU ALL AND  
INFLUENCE YOU AND GET YOU TO DO THINGS THAT ARE DETRIMENTAL TO THE  
PEOPLE IN THIS STATE. BUT THEY DON'T HAVE THAT SAME KIND OF CLOUT WITH

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THE CITY COUNCILS, BECAUSE THOSE COUNCILMEMBERS ARE MORE DIRECTLY RESPONSIBLE TO THE PEOPLE IN THE CITY BECAUSE THE PEOPLE WILL KNOW WHAT THEY'RE DOING. A LOT OF YOU HAVE PEOPLE WHO ARE IN YOUR DISTRICT AND THEY DON'T EVEN KNOW YOU REPRESENT THEM. THEY DON'T KNOW THE NAMES OF THE SENATORS. I BET MY NAME IS BETTER KNOWN IN THIS STATE THAN ANY OTHER PERSON IN THE LEGISLATURE OR WHO HAS EVER BEEN HERE. IN THE CITY, PEOPLE KNOW WHO THEIR REPRESENTATIVES ARE, SO THE NRA'S NOT GOING TO WASTE A LOT OF TIME GOING TO THE CITY COUNCIL AND SAYING, YOU ALL CHANGE THESE RULES, CHANGE THESE REGULATIONS, CHANGE THESE REQUIREMENTS. NO, THEY SAY WE'LL GO DOWN TO LEGISLATURE WHERE THEY DON'T KNOW ANYTHING. THEY DON'T STUDY ANYTHING. THEY DON'T KNOW THE CONSTITUTION. PEOPLE ON THIS FLOOR WOULDN'T EVEN KNOW THE MEANING OF THE TERM "POLICE POWERS" AND I'M NOT TALKING ABOUT THE LOCAL OR COUNTY OR STATE CONSTABULARY. THERE'S A REALM OF STATE ACTION EMBRACED BY THE TERM "POLICE POWERS" AND YOU ALL NEED TO KNOW THOSE THINGS, BUT YOU DON'T. YOU DON'T INFORM YOURSELVES. WHEN YOU TALK, YOU SHOW YOUR IGNORANCE, IGNORANCE IN THE SENSE OF LACK OF KNOWLEDGE, BECAUSE LOBBYISTS FEED YOU STUFF ON A PIECE OF PAPER AND YOU READ IT. AND YOU DON'T EVEN UNDERSTAND WHAT YOU'RE READING. SO HERE'S WHERE I INVOKE CHAUCER: HE, LIKE THE PARROT, WAS REALLY QUITE DENSE. HE REPEATED THE WORDS, BUT HE DIDN'T GET THE SENSE. CHAUCER WROTE THE CANTERBURY TALES. THAT'S WHAT HE'S FAMOUS FOR. HIS FIRST NAME WAS GEOFFREY AND HE SPELLED G-E-O NOT J-E-F-F. YOU ALL DON'T EVEN KNOW YOUR OWN LITERATURE THAT IS TAUGHT IN THE SCHOOLS. BUT IT'S NOT YOUR LITERATURE; IT'S ENGLISH LITERATURE, NOT AMERICAN LITERATURE. YOU DON'T KNOW WHAT THE CONSTITUTION MEANS. YOU DON'T KNOW HOW A CONSTITUTION FUNCTIONS, AND YOU DON'T REALIZE THAT THERE IS NOTHING IN THE CONSTITUTION THAT IS AN ABSOLUTE, NOTHING. THE THING THAT CAME CLOSEST TO APPROACHING AN ABSOLUTE WAS A PROVISION IN THE U.S. CONSTITUTION--AND IT'S STILL THERE NOW THERE BUT IT HAS BEEN DONE AWAY WITH; IT'S INOPERATIVE--IT SAID THAT THE SLAVE TRADE COULD NOT BE TOUCHED FOR A CERTAIN NUMBER OF YEARS. YOU COULD CHANGE THE METHOD OF GOVERNING THE COUNTRY, YOU COULD CHANGE FROM A PRESIDENT TO A KING, YOU COULD CHANGE FROM A LEGISLATURE TO A PARLIAMENT, ANYTHING IN THE CONSTITUTION COULD BE CHANGED EXCEPT THE BUYING AND SELLING AND SEXUAL ABUSE OF BLACK PEOPLE. [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

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SENATOR CHAMBERS: THAT'S IN THE CONSTITUTION RIGHT NOW. SO WHEN SENATOR EBKE AND OTHER PEOPLE TALK ABOUT BEING FREE, THEY'RE TALKING ABOUT WHITE PEOPLE. THIS CONSTITUTION, WHEN THEY PUT THE TEN AMENDMENTS THAT ARE KNOWN AS THE BILL OF RIGHTS IN PLACE, THEY DIDN'T PROHIBIT SLAVERY. THEY DIDN'T PROHIBIT MY PEOPLE BEING TREATED LIKE COWS, PIGS, AND CHICKENS OR WORSE BECAUSE THERE WERE RULES AGAINST CRUELTY TO ANIMALS BUT NOT TO BLACK PEOPLE. SO YOU ALL NEED TO REMEMBER WHO IS AMONG YOUR MIDST. SO LET'S CARRY THE DISCUSSION ON. I'M PLEASED TO CARRY IT THE SIX HOURS. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB289]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I WANTED TO JUST INTRODUCE THIS INTO THE RECORD, PRIMARILY BECAUSE I KNOW SEVERAL PEOPLE HAVE REFERENCED THIS OR A NEED FOR THIS OR WHAT HAVE YOU, INCLUDING MOST RECENTLY SENATOR BAKER'S COMMENTS LOOKING FOR SOMEONE WHO, SAY, IS GOING HUNTING IN COLORADO AND IS COMING THROUGH NEBRASKA ON THEIR WAY TO IOWA, NOT VIOLATING EVERY MUNICIPAL ORDINANCE ON THE WAY THROUGH. AND I UNDERSTAND THE CONCERN AND I UNDERSTAND WHY AN INDIVIDUAL WOULD FEEL THAT CONCERN. BUT I'M GOING TO READ THE SECTION OF THE FEDERAL LAW, THE FIREARM OWNERS' PROTECTION ACT. IT'S 18 U.S. CODE 926A - THE INTERSTATE TRANSPORTATION OF FIREARMS: NOTWITHSTANDING ANY OTHER PROVISION OF ANY LAW OR ANY RULE OR REGULATION OF A STATE OR ANY POLITICAL SUBDIVISION THEREOF, ANY PERSON WHO IS NOT OTHERWISE PROHIBITED IN THIS CHAPTER FROM TRANSPORTING, SHIPPING, OR RECEIVING A FIREARM SHALL BE ENTITLED TO TRANSPORT A FIREARM FOR ANY LAWFUL PURPOSE FROM ANY PLACE WHERE HE MAY LAWFULLY POSSESS AND CARRY SUCH A FIREARM TO ANY OTHER PLACE WHERE HE MAY LAWFULLY POSSESS AND CARRY SUCH A FIREARM IF, DURING SUCH TRANSPORTATION THE FIREARM IS UNLOADED, AND NEITHER THE FIREARM NOR ANY AMMUNITION BEING TRANSPORTED IS READILY ACCESSIBLE OR IS DIRECTLY ACCESSIBLE FROM THE PASSENGER COMPARTMENT OF SUCH TRANSPORTING VEHICLE: PROVIDED, THAT IN THE CASE OF A VEHICLE WITHOUT A COMPARTMENT SEPARATE FROM THE DRIVER'S COMPARTMENT THE FIREARM OR AMMUNITION SHALL BE LOCKED IN A CONTAINER OTHER THAN THE GLOVE COMPARTMENT OR CONSOLE. NOW THAT WAS A HEALTHY AMOUNT OF LEGALESE TO WRAP UP DEBATE FOR THE END OF TODAY, BUT WHAT THAT IS IS OUR FEDERAL LAW PROVIDING CLARITY TO A LOT

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OF THESE CONCERNS. IF I OR A CONSTITUENT OF MINE IS LEAVING LINCOLN AND WANTS TO DRIVE I-80 ALL THE WAY TO COLORADO AND THEY'RE GOING TO PASS THROUGH HOW MANY COUNTIES AND CITIES AND ACROSS STATE LINES TO GO HUNT SOMEWHERE IN COLORADO, FEDERAL LAW GUARANTEES THAT AS LONG AS THEIR GUN IS RESPONSIBLY STORED IN THEIR CAR, MEANING IT'S NOT LYING LOADED WITHIN ARM'S REACH--AND YOU CAN UNDERSTAND THE OBVIOUSLY LAW ENFORCEMENT CONCERNS--THAT THEY'RE ALLOWED TO. I THINK THAT'S THE CLARITY IN A LOT OF CONCERN THAT PEOPLE ALREADY WANT, AND SO I WOULD VERY APPRECIATE SENATOR MORFELD'S EFFORTS TO SEEMINGLY PROVIDE SIMILAR PROVISIONS TO NEBRASKA STATE LAW SUCH THAT AN INDIVIDUAL WHO IS DRIVING ACROSS THE STATE HAS SIMILAR PROTECTIONS. I UNDERSTAND THAT. I'M JUST GOING TO ADD KIND OF MY OWN PERSONAL OPINION. I UNDERSTAND THE CONCERNS AND FEARS, BUT I'VE YET TO SEE WHEN WE'RE TALKING ABOUT THE TRANSPORTATION ISSUE, THE...REALLY ANY PROOF THAT THIS IS SOMETHING THAT'S HAPPENING. SENATOR GROENE WAS TALKING ABOUT MAYBE HE VIOLATED LAW BY HAVING HIS GUN IN HIS TRUNK. AS MY READING OF FEDERAL LAW, HE HASN'T. SO THAT'S SOMETHING I WANTED TO BRING TO THE ATTENTION OF THE BODY. THERE'S ALREADY MULTIPLE LAYERS OF STATUTES. WE'RE TALKING ABOUT OUR STATE STATUTES. WE'RE TALKING ABOUT LOCAL ORDINANCES. WE'RE TALKING ABOUT FEDERAL LAW, AND FEDERAL LAW HERE PROVIDES FOR RESPONSIBLE TRANSPORTATION OF GUNS FOR RESPONSIBLE FIREARM OWNERS. AND I DON'T NECESSARILY THINK THAT'S SOMETHING THAT WE NEED TO THEN ABOLISH ALL LOCAL ORDINANCES, ABOLISH ALL LOCAL CONTROL JUST SO PEOPLE AREN'T GETTING INTO THESE ISSUES AND THESE REPERCUSSIONS. WITH THAT, I DO SAY I APPRECIATE ALL THE EFFORTS OF THOSE WHO HAVE SPOKE ON THE MIKE IN THE EFFORT OF COMPROMISE. I DO THINK SOME COMPROMISE AND CLARITY HERE CAN BE DONE AND CAN BE VERY WELL NEEDED. I WOULD URGE THE BODY TO, WHEN WE EVENTUALLY GET TO A VOTE ON THE RECOMMIT TO COMMITTEE, TO VOTE IT BACK TO JUDICIARY COMMITTEE SO CONCERNS SUCH AS THIS, CONCERNS AS THE TRANSPORT, CONCERNS ABOUT THE CONSTITUTIONALITY OF THE LAWSUIT PROVISIONS THAT I'VE ALREADY RAISED, BE IT SPECIAL LEGISLATION OR BE IT... [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR HANSEN: ...PUNITIVE DAMAGES--THANK YOU, MR. PRESIDENT--CAN BE ADDRESSED AS WELL AS ANY OTHER CONCERNS THAT CAN BE RAISED. THANK YOU, MR. PRESIDENT. [LB289]

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PRESIDENT FOLEY: THANK YOU, SENATOR HANSEN. SENATOR GROENE, YOU'RE RECOGNIZED. [LB289]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. SENATOR CHAMBERS, WOULD YOU YIELD TO A QUESTION? [LB289]

PRESIDENT FOLEY: SENATOR CHAMBERS, WOULD YOU YIELD, PLEASE? [LB289]

SENATOR CHAMBERS: YES. [LB289]

SENATOR GROENE: IF THIS BILL WAS RECOMMITTED TO COMMITTEE, RETURNED TO COMMITTEE AND THEY MADE SOME CHANGES ABOUT LOCAL CONTROL ON REGISTRATION AND IT CAME BACK TO THE FLOOR, WOULD YOU FILIBUSTER IT? [LB289]

SENATOR CHAMBERS: I WOULD HAVE TO KNOW WHAT THE CHANGES ARE THAT THEY MAKE BECAUSE I MAY NOT VIEW WHAT THEY'RE...HERE'S WHAT I TOLD SENATOR EBKE. TAKE THE RULES, THE REQUIREMENTS THAT ARE IN OMAHA RIGHT NOW, PUT THEM IN STATE LAW. THEN YOU HAVE UNIFORMITY ACROSS THE STATE, AND I WOULD SUPPORT THAT. [LB289]

SENATOR GROENE: SO I DON'T THINK THAT'S WHAT SENATOR EBKE WOULD AGREE TO. SO AS FAR AS WASTING TIME AND BRINGING IT BACK TO THE FLOOR, I DON'T THINK THAT WOULD HAPPEN. WE'VE ALREADY GONE THREE HOURS HERE. WE NEED TO KNOW IF MOST OF US IN THIS BODY AGREE THAT OUR CONSTITUTION TRUMPS LOCAL CONTROL. I WON'T GO INTO THE SLAVERY ISSUE, BUT THAT ARGUMENT WAS LOCAL CONTROL, TOO, OVER THE CONSTITUTION. SO SOMETIMES IT'S AN AMAZING SYSTEM WE LIVE UNDER. CONSTITUTION IS THERE SO THAT LOCAL GOVERNMENT BIAS TOWARDS ONE CULTURE OR ANOTHER DOESN'T TRUMP THE MINORITY. AND TO SENATOR HANSEN, I BELIEVE I'M A RESIDENT OF LINCOLN NOW BECAUSE I OWN A PLACE HERE AND I SPEND AT LEAST 59 NIGHTS HERE, HOPEFULLY LESS IF I CAN GET OUT OF HERE. THANKS TO SENATOR HADLEY, I ONLY DID 88 LAST YEAR, BECAUSE WE CUT THE SESSION SHORT ONE DAY. BUT I OWN A PLACE, I PARK OUTSIDE OF IT, AND IF I HAVE MY SHOTGUN IN THE TRUNK, APPARENTLY, I JUST LEARNED I'M BREAKING THE LAW. NOT THE CONSTITUTION, BECAUSE THE CONSTITUTION OF THE STATE OF NEBRASKA SAYS I HAVE A RIGHT TO HAVE THAT. TO BE COMPLETELY LEGAL, IF I HAD THAT SHOTGUN IN MY TRUNK I'M SUPPOSED TO LAY IT ON MY DASH SO IT ISN'T CONCEALED. THAT'S HOW INANE SOMETIMES WE BECOME WHEN WE

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BECOME PARANOID AND WE FEAR SOMEBODY ELSE'S RIGHTS. IT'S A GREAT COUNTRY AND PART OF THAT REASON IS BECAUSE OF THE SECOND AMENDMENT. GOVERNMENT CAN'T BE A TYRANT. LOCAL OFFICIALS CAN'T BE TYRANTS, BECAUSE IT'S BALANCED. AND I'M A BIG SUPPORTER OF THE POLICE. THEY KNOW THAT--THE STATE PATROL, MY LOCAL SHERIFF, MY LOCAL POLICE DEPARTMENT. BY THE WAY, THEY'RE NOT CALLING ME ON THIS. I STOOD WITH THEM AND PROTECTED THEM ON THE DEATH PENALTY. THEY KNOW THAT. BUT IT'S THE STATE CONSTITUTION AND WE'RE CITIZENS OF THE STATE. I LOVE...I LIKE TO QUOTE A LOT TO SENATOR CHAMBERS. HE'S TAUGHT ME A LOT. THE STATES OF THIS COUNTRY FORMED THE UNITED STATES. THAT'S WHY WE GET STATES' RIGHTS. LOCAL GOVERNMENTS WERE FORMED BY THE STATE. IN THAT SAME CONSTITUTION, THE CITY OF OMAHA EXISTS AND ITS GOVERNING BODY EXISTS THROUGH THE CONSTITUTION BY THIS BODY PUT INTO PLACE BY THE CITIZENS IN THIS BODY. IT'S NOT THE OTHER WAY AROUND, AND THE CONSTITUTION OF THE STATE TRUMPS ALL CITY ORDINANCES, ALL CITY ORDINANCES. I'VE YET TO FIND ANYBODY DEFEND THE FACT THAT 50 MURDERS IN OMAHA HAD ANYTHING TO DO WITH A REGISTRY OF HANDGUNS, HOW IT STOPPED A MURDER, HOW IT STOPPED A CRIME. IT'S JUST TO FIND THE WEAPON, WHO OWNED THE WEAPON ORIGINALLY AND HOW IT GOT STOLEN OR... [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR GROENE: BUT IT DOESN'T STOP A CRIME. IT JUST PUTS BIG BROTHER IN CHARGE OF THINGS THAT YOU HAVE A CONSTITUTIONAL RIGHT TO OWN. YOU DON'T HAVE TO DEFEND WHY YOU OWN IT. YOU HAVE A RIGHT TO FOR SELF-PROTECTION, FOR WHATEVER REASON YOU BELIEVE YOU NEED IT. IT'S FREEDOM. MORE AND MORE PEOPLE WITH THEIR SECOND AMENDMENT RIGHTS ARE HAVING TO DEFEND WHY THEY NEED ONE. SHOULDN'T HAVE TO. IT'S THERE. MAKES AMERICA GREAT. WE STAND AS INDIVIDUALS WHO CAN PROTECT THEMSELVES WHEN NEEDED. IT'S RARE IN THIS COUNTRY AND THIS WORLD, BUT YET THERE ARE THOSE WHO LIVE IN FEAR OF EVERYTHING AND WANT TO TAKE THE RIGHTS AWAY FROM THEIR NEIGHBOR BECAUSE THEY FEAR. THANK YOU. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. ITEMS FOR THE RECORD, MR. CLERK. [LB289]

CLERK: MR. PRESIDENT, A NEW A BILL. (READ LB505A BY TITLE FOR THE FIRST TIME.) SENATOR BURKE HARR WOULD LIKE TO WITHDRAW LB926. THAT WILL BE

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LAID OVER. SENATOR MELLO, AMENDMENT TO LB560; SENATOR COOK TO LB289 TO BE PRINTED. A SERIES OF HEARING NOTICES: BANKING, COMMERCE AND INSURANCE; EDUCATION COMMITTEE; APPROPRIATIONS; THE EXECUTIVE BOARD; BUSINESS AND LABOR. NEW RESOLUTIONS, SENATOR CAMPBELL, LR422. THAT WILL BE LAID OVER. AN ANNOUNCEMENT: JUDICIARY WILL MEET IN EXEC SESSION AT 1:00 IN ROOM 2022; JUDICIARY AT 1:00 IN 2022. NAME ADDS: SENATOR COASH, LB276; SENATOR MELLO, LB716. (NEBRASKA RETIREMENT SYSTEMS REPORTS LB747 TO GENERAL FILE. LEGISLATIVE JOURNAL PAGES 407-413.) [LB505A LB926 LB560 LB289 LR422 LB276 LB716 LB747]

SENATOR BOLZ WOULD MOVE TO ADJOURN THE BODY UNTIL TUESDAY MORNING, JANUARY 26, AT 9:00 A.M.

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. WE ARE ADJOURNED.