

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

**KELLY:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-sixth day of the One Hundred Eighth Legislature, First Session. Our chaplain today is Father Lawrence Stoley, St. Michael Church, Lincoln, Nebraska. That's in Senator Brandt's district. Please rise.

**FATHER LAWRENCE STOLEY:** As sisters and brothers of our Heavenly Father, let us pray together the prayer that Jesus taught us. Our Father, who art in Heaven, hallowed be thy name. Thy kingdom come, thy will be done, on Earth as it is in Heaven. Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For thine is the kingdom, the power and the glory, now and forever. Amen. I'd like to conclude with a little blessing. To each invocation, you're welcome to respond "Amen." May the Lord be with you to protect you. Amen. May he guide you and give you strength. Amen. May he watch over you, keep you in his care and bless you with his peace. Amen. And may the blessing of Almighty God, the Father and the Son and the Holy Spirit, descend upon you and remain with you forever. Amen. Have a great day.

**KELLY:** I recognize Senator Brewer for the Pledge of Allegiance.

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

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

**CLERK:** There's a quorum present, Mr. President.

**KELLY:** Thank you. Are there any corrections for the Journal?

**CLERK:** I have no corrections this morning.

**KELLY:** Are there any messages, reports or announcements?

**CLERK:** I do, Mr. President. New resolution from Senator Jacobson recognizing March 2023 as Multiple Sclerosis Awareness Month in Nebraska. That'll be laid over. Additionally, LR51, recognizing the work of Christy Warner and Kimball County Transit Services that have done to meet the transit needs of the Panhandle. That'll be laid over

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Floor Debate March 1, 2023

as well. And an announcement, the General Affairs Committee will meet in Executive-- in an Executive Session today under the north balcony at 9:30; General Affairs, under the north balcony at 9:30. That's all I have this time, Mr. President.

**KELLY:** Thank you, Mr. Clerk. Senator Geist would like to recognize the physician of the day, Dr. George Voigtlander of Lincoln, Nebraska. Please stand and be recognized by your Nebraska Legislature. First item, Mr. Clerk.

**CLERK:** Mr. President, LB77, introduced by Senator Brewer. It's a bill for an act relating to firearms; amends several sections within Chapter 14, 15, 16, 17, 18, 69 and 28; prohibits the regulation of weapons by cities, villages and counties; provides for the carrying of a concealed handgun without a permit; changes provisions relating to other concealed weapons; provides for requirements, limits and offenses relating to carrying a concealed handgun; provides an affirmative defense; changes provisions in Concealed Handgun Permit Act; provides penalties; changes, provides and eliminates definitions; harmonize provisions; and repeals the original section. Bill was read for the first time on January 5 of this year and referred to the Judiciary Committee. That committee placed the bill on General File. There are no committee amendments. I do have additional amendments, Mr. President.

**KELLY:** Senator Brewer, you're recognized to open.

**BREWER:** Thank you, Mr. President. Good morning, colleagues. I will explain this bill and the amendment on my next time on the microphone. Thank you, Mr. President.

**KELLY:** Mr. Clerk for an amendment.

**CLERK:** Mr. President, I've got AM55 from Senator Brewer with a note that he wishes to withdraw and substitute AM640.

**KELLY:** There's an objection from Senator Raybould. Senator Brewer, for what purpose do you rise?

**BREWER:** Mr. President, I move to withdraw AM55 and substitute with AM640.

**KELLY:** Senators, the mo-- motion is to withdraw and substitute. Senator Brewer, you're recognized to open.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

**BREWER:** Thank you, Mr. President. I want everyone to remember that-- this is not just my priority bill this year, but this has been my priority bill for the last few years. Even before that, Senator Clements was good enough to give me a priority three years ago. In the seven sessions that I've been in the Legislature, four of them I've in-- introduced constitutional carry. In 2021, we had LB236, which was constitutional carry. My thought was that if we couldn't make all of Nebraska more free, that we would at least try and make most of it free. So we had a proposal that was a county constitutional carry. It would authorize county boards to adopt constitutional carry by passing local ordinances. This was a time when, in the United States and in Nebraska, counties were passing these Second Amendment sanctuary county resolutions. Nebraska passed 91 of the 93 counties as a part of that movement. There was just one problem. The Nebraska Constitution does not allow us as a Legislature to delegate to local governments the decision-making authority on matters statewide. Attorney General Doug Peterson helpfully reminded us of that the night before I was to go and open on LB236. Now, there's a copy of the AG's Opinion that should be part of the paperwork that you have at your desk, but just shortly I'll read through. It says that LB236 addresses a topic, the carrying of concealed weapons, that is a matter of statewide, rather than local, concern and cannot be delegated to counties. So our attempt to do a carve-out failed; and because of that, we were forced to gut the bill and incorporate some important Second Amendment protections in other bills for Senators Clements, Bostelman and Ben Hansen. That night, I made a pledge on the floor that I would come back in 2022 and bring back constitutional carry. We did that in LB773. I prior-- prioritized the bill day one, hour one, and it went to the Judiciary Committee. We briefed early in the committee process, and it was never allowed to come out of committee. We were forced to pull it. That pull motion was filibustered. We were successful in the pull motion. It came up before the board-- the floor, and we did an eight-hour filibuster in the first round; came up again, second round, four-hour filibuster; and at the end of the filibuster, we fell short by two votes. And that is how LB773 finally died last year. Wasn't for a lack of effort. It was the fact that we had things that affected the bill as far as a way to carve out some of those concerns for the Omaha Police Department. So we're back again this year with LB77. We worked out a lot of the kinks. We had a lot of time to sit down and work with the Omaha Police Department and other law enforcement to make this a good bill. I want to explain a little bit about the reading from the constitution that has generated this bill for all these years. We're all familiar with the Second Amendment to the United States Constitution, which simply says that you have the right to keep and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

bear arms. Where I want you to focus, and I believe there's a copy of this in that pile of paperwork that you have, is on the Nebraska Constitution. This is the constitution that we all swore an oath to. Article I, Section 1, All persons are of, by nature, free and independent and have certain inalienable, inherent rights. Among these are life, liberty and the pursuit of happiness, and the right to keep and bear, for security and defense and family, home and others, and for lawful common defense, hunting, recreational use and all other uses, purposes, and such rights shall not be infringed, denied by the state or any other subdivision thereof. All right. So Nebraska was much more specific in their constitution when it comes to the Second Amendment. We have raised our hands on the first day we were here in session and uphold the con-- said that we would uphold the constitution, both of United States and of Nebraska. That is the same oath I took over five-- 45 years ago when I first went into uniform. So if I seemed very focused on the constitution, there's a good reason for that. Now let's talk about details here. The right to bear arms, what is that? Bearing arms means carrying them, and our Nebraska Constitution makes it very clear that one of the reasons to do this is for self-defense and defense of others. The way that ordinary people in 2023 bear arms is concealed carry; in fact, open carry, even though it is the law of the land in Nebraska, I think, is considered to be impolite to some, and for others it makes them feel uncomfortable, and yet the law we have on the books right now says that it is a crime for you to put a jacket on if you have a firearm. So you have to visualize this. You can open carry and you're legal. You put the coat on, you're illegal. Now, we have a concealed carry permit program in Nebraska; but in order to have that right to keep and bear arms, you're going to have to pay \$100 to \$200 for a class; you're going to have to go to the State Patrol Office, going to have to pay them \$100; and then you're going to have to wait for months to get the permit back. Colleagues, a person in Nebraska should not have to pay money to the government in order to exercise a constitutional right. I say that again. A person in Nebraska should not have to pay money to the government in order to exercise a constitutional right. We do not charge people to have freedom of speech. We don't make them get permits. We don't send them through special training. We don't do that to vote, speak. All the other things that are rights, we tend to look the other way on. We say this is a constitutional carry bill because it rolls back these infringements on the core constitutional rights. That right is about carrying defensive arms without interference by state or local government. The opponents, opponents of this bill are going to say that it will cause the world to come to an end; it will become the Old West. They're going to make prophecies of all kinds of

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

terrible things if this bill passes. The problem is that these people, in my opinion, are false prophets. They said the same thing about the concealed handgun permit program. You can ask Senator Ray Aguilar. He was in the room for the debate and was a co-sponsor to LB454 back in 2006 that ended up becoming the law. The anti-Second Amendment people were wrong then and they'll be wrong now. The Concealed Handgun Permit Act was signed into law on the fifth day of April of 2006. We've had almost 17 years to see how this policy works. We used that experience in crafting LB77. All of the time, place and manner requirements--

**KELLY:** One minute.

**BREWER:** --for permitholders today will apply to those who carry under LB77. We have 25 states that have constitutional carry: Texas, Iowa, Missouri, Wyoming, South Dakota, Kansas. Uni-- we should not presume or assume that people are innocent until proven-- or, or guilty until proven innocent. People should not have to prove that they deserve a right that is guaranteed to them in the constitution. I ask this body to help follow the constitution and support LB77. Thank you, Mr. President.

**ARCH:** While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR41, LR42, LR43, LR44, LR45 and LR46. Senator Albrecht, you are recognized.

**ALBRECHT:** Thank you, Mr. President. I rise in support of LB77 and the amendment number AM46 that was just substituted for AM55. Colleagues, I've listened to this for some time, being in the-- in the Legislature now with Senator Brewer; and a lot of my concerns, and those that would write into me and-- and our office would ask certain things, what it would do, what it wouldn't do. What's important to me is what it will not do. It will not allow felons, perpetrators of domestic violence, those with dangerous mental illness or other prohibited persons to carry weapons. It would not change the list of locations where concealed handguns are permitted. It would not stop businesses from prohi-- prohibiting weapons on their premises. It would not change background check requirements for obtaining a handgun. It would not rid the current concealed handgun permit program or affect the validity of permits for the interstate reciprocity. But what it will do, it would authorize concealed carry without a permit by people who can legally possess a firearm. It would require that a person immediately notify a law enforcement officer or other emergency responders to con-- when contacted while carrying a concealed handgun. It would preempt local ordinances interfering with the right to keep and bear arms, and it would promote equality before the law with

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

respect to the core constitutional right. And for that reason, again, I stand in support of LB77 and thank Senator Brewer for his tenacity on this issue. If he'd like-- President, if Senator Brewer would like some more time, I'd be happy to yield him the rest of my time.

**KELLY:** Senator Brewer, you're yielded three minutes.

**BREWER:** Excuse me, Mr. President, I was off the mike. What was the question? Or can I--

**KELLY:** Time was yielded by Senator Albrecht, if you want it.

**BREWER:** Yeah, I'll take it. All right, there-- there's some things that we're going to need to go through, but obviously this pace is going to be a little bit slow this morning because we're going to have to get this all sorted out. I still need to go into details on the amendment but ran out of time on that. The amendment is AM588. That's the one that we-- well, AM640 will be the amendment that we're substituting for AM55. And how much time do I have?

**KELLY:** 2:09.

**BREWER:** All right. We're gonna-- we're gonna start into this so we can at least get going on it. What generated the amendment was that, even though the sheriffs and the local police departments were supporting constitutional carry from day one, we had some challenges because there were concerns on the urban side that we had to address. Now, we tried doing that with LB788 [SIC] but the problem with that is that we got into an area where we were doing the carve-out that the Attorney General had told us wasn't something that was an option for us. And that amendment to LB773, last year's bill, was AM2106, it was what failed last year and it failed for a number of reasons. Folks were concerned about criminal justice reform and it being confused with the new crimes that that was going to end up cau-- having, and then they were also because of the Second Amendment supporters didn't want to see the preserving of Omaha's handgun registry. So the combination of those two are really what--

**KELLY:** One minute.

**BREWER:** --what doomed the amendment and ultimately doomed the bill. So those were things that we had to adjust, fix, and then work out between last year and this year, and that is part of what this amendment does. Thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

**KELLY:** Thank you, Senator Brewer. Senator Clements, you're recognized to speak.

**CLEMENTS:** Thank you, Mr. President. I wanted to start off by I'm holding here Constitution of the State of Nebraska. It's 84 pages, but page 1, Article I, says all persons are by nature free and independent and have certain inherited, inalienable rights. Among these are life, liberty, and the pursuit of happiness, and the right to keep and bear arms for security or defense of self, family, home and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes, and such rights shall not be denied or infringed by the state or any subdivision thereof. And that's why I'm in support of LB77. My nephew Aaron Clements came in at 11:00 in the morning for that hearing. It was at 1:30. He stood in line for two-and-a-half hours so he could testify, and he was third in line. And I would like to-- I thought his comments were very descriptive. And quoting from him: I'm a lifelong resident in Nebraska. I'd like to thank the members of this committee for their service to Nebraska and Colonel Brewer for his service to this country. Constitutional carry is, by definition, the ability to carry a firearm without restriction in place by government. In a constitutional carry state, there is no licensing or training required to legally carry a firearm. Concealed carry laws have never stopped a criminal from concealing a weapon. As Martin Luther King Jr. said, a right delayed is a right denied. The cost of training and applying for a concealed carry license can prevent low-income individuals from obtaining permits. Constitutional carry makes it possible for hardworking, low-income, law-abiding citizens to protect themselves without an undue burden. This bill would make it possible for all Nebraskans to exercise their right regardless of income. Constitutional carry would also reduce government bureaucracy and trim government spending on staffing licensing agencies. Constitutional carry takes the right to bear arms and returns it to the status of a right. If you need to be permitted to carry a gun, by definition, it is a permission or privilege, not a right. I do not believe the right to defend yourself or your family should be contingent upon the government granting you a permission slip to do so. It's time for Nebraska to recognize constitutional carry. It is time for Nebraska to join the 25 other states that have passed laws recognizing constitutional carry. It is time that elected officials of the state of Nebraska stand for the uninfringed right of the people of this state. I agree with my nephew Aaron that it's time to honor our oath of office to uphold the Nebraska constitution. I yield the rest of my time to Senator Brewer.

**KELLY:** Senator Brewer, 1:40 seconds.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

**BREWER:** Thank you, Mr. President. All right. We left off talking about AM640, just so everybody is on the same sheet music. The questions I was getting asked when I got called to the mike last time had to do with the Nebraska Sheriffs Association position letter on LB77; in there, they reference AM588; AM588 and AM640 are the same exact verbiage. It's just the amendment number changed. So if you-- if you look at the sheriff's letter, so you're not confused, that's-- that's what AM640 is. So now, back on AM640, the amendment, the amendment was a product of a year-long process of meeting--

**KELLY:** One minute.

**BREWER:** --with meeting with law enforcement and going over the things that we had to keep in order for it to be constitutional carry, but things that we could have some flexibility on to help law enforcement. And-- and that was a long, hard process, but we met with law enforcement officials who were actually on the street, working issues, and we had to figure out how to make their lives so that this did not hurt what they were trying to do. And so consequently, through all that negotiation, we were able to get to a compromise on AM640. We'll just call that our-- our Omaha Police amendment, for lack of a better word, which helped us get to a point where they would come neutral. So we have the police chiefs, police officers, and then the Sheriffs Association is in support of LB77. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Arch would like to recognize 45 members of the Nebraska Health Care Association in the north balcony. Please stand and be recognized by your Nebraska Legislature. Senator Moser, you're recognized to speak.

**MOSER:** Thank you, Mr. President. I'm wondering if Senator Brewer would answer a few questions for me.

**KELLY:** Senator Brewer, would you yield to some questions?

**BREWER:** Yes.

**MOSER:** Good morning and thank you for bringing this bill. I appreciate your willingness to battle the gun-control world. And quite a few of the emails I got were based on gun control, not necessarily this bill, and so I just wanted to double check with you. This doesn't make a person more able to buy a gun. You still have to have a permit, right?

**BREWER:** Yep. Basically the rules stay the same. Whether you're talking about the need to notify law enforcement-- you still need to do that immediately upon contact with law enforcement-- the requirement to go



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

through a background check in order to purchase the weapon in-- in the very first place, before you even have possession of it, still stays the same. So the rules stay. It's just your ability to carry without having to pay for a permit.

**MOSER:** And if you're a prohibited person or you have a restraining order, then they're not going to allow you to buy a weapon?

**BREWER:** Exactly. All of those rules apply, and we've actually even increased the penalty for those in those categories.

**MOSER:** And a person could carry concealed without this bill, but you could be charged with a crime if you were caught.

**BREWER:** That's correct.

**MOSER:** And with your bill, they can still be stopped; and if they're doing something illegal, they could still be charged with a crime.

**BREWER:** Actually, you can be charged with two crimes because you would be getting a gun crime in addition to the burglary or whatever it was you were doing.

**MOSER:** Yes. Well, I, I appreciate your efforts on all this. I know that it's set off kind of an avalanche of feedback on gun control, and if you, if you would like the time I have remaining, I would yield that to you.

**KELLY:** It's 2:50, Senator.

**BREWER:** All right. Thank you. All right. So I guess this kind of generates a conversation when we look at AM640, it-- you know, it specifically lists crimes that qualify; under AM640, would be domestic violence, stalking, protection order violations, impersonating a police officer and so on. So it was through the process of this negotiation with the Omaha Police Department we're able to identify these things that they needed as a part of this and to put some teeth into this duty to re-- to inform, because that was a concern, that it was essential that as a part of this, that the thing you do immediately upon contact with any law enforcement is to notify them that you are concealed carrying. And that's for the safety of the officer, of course, but it's really safety for-- for everyone around there. So what-- what we done with AM640 was to include that those-- and those individuals that are carrying have those requirements upon them, and that multiple occasions of failure to notify law enforcement has an additional penalty to it. The amendment does-- does that and

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

provides more serious penalties for third-offense failure to inform also. Some of the-- the must-haves for the urban law enforcement side of it. We all met here and that's-- that's how we were able to get them to come on board with-- with LB77. So with that, thank you, Mr. President.

**KELLY:** Thank you, Senator Brewer. Senator Hardin, you're recognized to speak.

**HARDIN:** Thank you, Mr. President. I stand in support of LB77 and the MO46 in support of concealed carry. I would like to yield the rest of my time back to Senator Brewer.

**KELLY:** Senator Brewer, that's 4:35.

**BREWER:** All right, if you guys are stacking up to give me time, you don't need to give me time because we're going to get this over pretty quick here, and I've got a round of stuff to say. So let's run through some things just to make sure that there's no people in the gray that don't understand all the dos and don'ts with LB77. Again, it would not allow felons, perpetrators of domestic violence, those that have dangerous mental illness, or any other prohibited person from carrying a weapon. It would not change a list of locations where concealed handguns are prohibited. It would not stop businesses from prohibit-- prohibiting weapons to be on their premises. It would not change the background check procedures or obtaining a handgun, and it would not get rid of the current concealed handgun permit program. Now, understand that part of why it's essential to keep the current concealed carry handgun permit program is that it would then give you the ability to cross state lines if you wanted to do that. It also expedites the process of purchasing a handgun because obviously the work is already done when they come up. So when you take a look at LB77 and what it doesn't do, it-- it carries over that concealed handgun permit requirement. It's just now not a requirement to have to purchase the permit. It is a right that you would be given. So with that, I will yield back the rest of the time. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Kauth, you're recognized to speak.

**KAUTH:** Thank you, Mr. President. I rise in support, firmly in support of AM640. However, before I talk about that, I would like to address a misstatement that happened yesterday here on the floor made by Senator Hunt yesterday that gender-altering sur-- surgeries never happen in Nebraska. Luka Hein, who testified in support of LB574, was watching.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

She was understandably upset. I'm going to read her testimony. And please keep in mind that she was only 21 when she had this surgery. My name is Luka Hein. I was born in Nebraska and I've lived here all my life, and I'm here today not only as someone who has been through the gender-affirming care system as a minor, but as someone who was a victim of it, and is, and has been greatly harmed by it. I was a young teenager with a history of mental health issues who was groomed and preyed upon online, and as a result spiraled into a hatred of both myself and my body. The medical system did not look into or seem concerned about any underlying causes that led me to distress and made me feel the need to escape my body at such a young age. Instead, I was affirmed down a path of medical intervention that I could not fully understand the long-term impacts and consequences of due to both my age and my mental health conditions. At 16, the very first medical intervention I ever had was a double mastectomy. And a few months later I was put on cross-sex hormones through UNMC, through Dr. Amoura. As a result of this so-called gender-affirming care-- if you could even call it care-- at 21, I deal with constant joint pain, my breasts are gone and I do not know if I will ever be able to carry a child someday. I will deal with these consequences for possibly the rest of my life, never knowing if they'll go away, and feeling abandoned by the medical professionals who did this to me. My parents were baited with the threat of me committing suicide despite the fact I maintained I was never suicidal. They were told, would you rather have a dead daughter or a living son? These are not the words of a medical professional. They are the words of an activist. I was just a teenager who needed actual help, not surgery. I needed that chance to grow up safe and whole, but it was taken away from me in the name of gender-affirming care. I will have to live with this forever, and so will the many others like me who are now stepping forward and sharing their experience with the system. Children cannot consent to being lifelong medical patients. Puberty blockers-- oh, pardon me. Puberty and growing up are not diseases that need to be fixed with surgery and medicine. Children deserve to know that their body isn't something that needs to be fixed. They deserve to grow up whole and they deserve to be given a chance at life as an adult before that is taken away from them by these medical practices. Luka is an exceptionally brave young woman who came and testified. She was very upset yesterday when she heard on this floor that these surgeries never happen in Nebraska to minors. I wanted to rectify that. I will be passing out her statement as well as a post that she made showing her scars, and I think we all need to take this into consideration. Now, Senator Brewer, would you like the remainder of my time?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

**KELLY:** Senator Brewer, that's 1:40.

**BREWER:** All right. Thank you, Mr. President. The other area that we've tried to clear up and clean up had to do with federal law and how it impacts those who can be in possession of, of guns or ammunition. Remember to keep those together. This list includes convicted felons, people under indictment for any felony, domestic abusers, fugitives, folks with a dangerous mental health issue. Federal law says that you cannot have a gun if you have ever either been found by a judge to be mentally incompetent or committed to a mental institution. In our state, the commitment process is handled at a county level. If a person is committed the-- that information travels up the food chain to DHHS. DHHS interfaces with the FBI NICS database. So that's how the checks go to make sure that it is caught before someone is, is even allowed to purchase a weapon. So with that, thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Murman, you're recognized to speak.

**MURMAN:** Thank you, Mr. Lieutenant Governor. I rise today in strong support of LB77 and AM640. The bill is a combination of many hours of hard work by my friend and colleague, Senator Tom Brewer, and I am proud to be a co-sponsor of this legislation. As I traveled around the 38th District four years ago campaigning, constitutional carry was probably in the top three or four or five issues that I heard about, and comments were overwhelmingly in favor of constitutional carry and, by the way, following the, the constitution in total. The work that's been done to get this bill into shape is admirable. From what I've heard, the conversations between proponents of this legislation and law enforcement have been fruitful. This legislation gets rid of unconstitutional gone-- gun registries that are used to track lawful gun owners. No longer will citizens be burdened with having to acquire a permit just to partake in their constitutionally protected right. As I previously mentioned, the work that has been done on this bill between law enforcement and the proponents of this legislation has been productive. Because of these negotiations, there is a duty to inform if you come into contact with law enforcement while carrying a concealed weapon. Additionally, there are increased penalties if you carry a concealed weapon during the commission of a crime. I thank Senator Brewer for his work on LB77 and would encourage a green vote when we come to the final passage. And I will yield the rest of my time back to the Chair.

**KELLY:** Thank you, Senator. Senator Blood, you are recognized to speak.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I stand in support of the underlying amendment, but I had hoped that Senator Clements would be here to yield to a question, and I think he's left the floor. Has he checked out, Speaker?

**KELLY:** He has not checked out, Senator.

**BLOOD:** So I would hope that Senator Clements could come to the mike so I could ask him some questions. While he's walking up to the mike, I'm going to talk a little bit about the hypocrisy of these debates. You know, we're going to have a lot of debate on this bill and I understand the issue. People feel strongly both ways. But the things that drive me insane when I sit here and listen is some of the silliness that comes out of people's mouths. With that, Senator Clements, would you yield to some questions?

**KELLY:** Senator Clements, would you yield?

**CLEMENTS:** Yes.

**BLOOD:** Senator Clements, would you say that I am rephrasing this correctly, where you said that the way things are right now, the government has to give you a permission slip to own a gun.

**CLEMENTS:** To conceal carry, yes.

**BLOOD:** OK. But yet, do you need a permit for a shotgun or a rifle?

**CLEMENTS:** To purchase, I believe you do.

**BLOOD:** A permit?

**CLEMENTS:** Not to use it. I applied for a gun purchase permit with my county sheriff. I thought I needed that, but I'm not sure about a shotgun or a rifle.

**BLOOD:** OK, because that-- you know, living in the country, I don't know any farmer that didn't have a shotgun. Right? That was always something that you had. Would you say that that's pretty accurate?

**CLEMENTS:** Yes, I got one when I was 16 from my dad--

**BLOOD:** There you go.

**CLEMENTS:** --for hunting pheasants.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

**BLOOD:** And another thing you talked about is how hardworking lower-income people are going to find it difficult to protect themselves. They say that every time we have this discussion. Did you say that a little bit ago?

**CLEMENTS:** Yes, because of the fees involved.

**BLOOD:** OK. So you're really worried about low-income Nebraskan residents. Do you remember how you voted in LB358 in 2017? That was a Senator McCollister bill that allowed more lower-income Nebraska residents to qualify for federal food benefits. Do you remember how you voted on that?

**CLEMENTS:** I believe I voted "no."

**BLOOD:** So here's the, here's the concern that I have when I keep hearing words like "people that live in poverty," "lower income--" and by the way, what would you say the income level is if you're lower income in Nebraska? What would you say that level is?

**CLEMENTS:** I think the poverty level for one person is around \$16,000.

**BLOOD:** Around \$16,000? All right. So do you think if you lived-- if you had a family and you were lower income, that you might be able to benefit from having a little extra money to feed your family? Wouldn't you be protecting your family in that way?

**CLEMENTS:** Yes, people do. They already receive SNAP benefits.

**BLOOD:** They don't receive the SNAP benefits in what way?

**CLEMENTS:** No, they, they do if they're in the poverty level.

**BLOOD:** Right. So you're saying that, when you're talking about hard-working, lower-income people, you're not talking about people that live in poverty. You're talking about what income level that can't afford to, to get a fee-- pay a fee?

**CLEMENTS:** Would you repeat that, please?

**BLOOD:** For clarification, what income level do you consider hardworking lower-income people if they're not people in poverty?

**CLEMENTS:** I think it is-- it probably is people in poverty that I'm-- that that would be referring to.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

**BLOOD:** But yet they could still have a rifle or a shotgun for protection. Isn't that true, Senator?

**CLEMENTS:** Yes.

**BLOOD:** OK. I just-- and thank you. I appreciate that. I didn't warn you in advance I was going to ask you those questions--

**KELLY:** One minute.

**BLOOD:** --and I appreciate that. Thank you, Senator Clements.

**CLEMENTS:** You're welcome.

**BLOOD:** So I'm not here saying anything pro- or anti-gun. What I'm here saying is that if we're going to stand up and we're going to talk today, let's talk about things that count. Whether you support this bill or not, Senator Brewer obviously has worked hard for many, many years on this bill. Have I agreed with most of the bills? No. But that doesn't mean that I have anything personal against Senator Brewer. And so whatever we do today, let's not stand up and pontificate about being strong conservatives or strong whatever or who we are as a party or how the other party is. Let's not point fingers and call names. Let's talk about the bill, why it's good or not good, why we think Nebraska needs it or doesn't need it, because clearly we're going to be talking about this all day long. And as always, I'll be taking notes and documenting this, as I documented the 2017 vote. Thank [RECORDER MALFUNCTION]--

**KELLY:** That's your time, Senator. Senator Slama, you're recognized to speak.

**SLAMA:** Thank you, Mr. President. And good morning, colleagues. I'm not going to respond to Senator Blood playing gotcha questions with literally nothing to do about constitutional carry or Second Amendment rights because she knows she doesn't have the votes to kill it. I will, however, reflect back on the text our founding fathers put into the United States Constitution, the Second Amendment of our Bill of Rights. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. Shall not be infringed. In the state of Nebraska, if you can pony up \$200, you already have the right to constitutional carry. You already have the right to concealed carry and take the class and do whatever you want on that front. We already have open carry in the state of Nebraska. There are 25 other states in the country that have constitutional carry, and we're not going back and reflecting upon the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

statistics there-- the, the opposition isn't, anyways, because they know that in states that have implemented constitutional carry, the world hasn't ended, all is right, all is going on, because the states that have implemented constitutional carry are our neighbors, like Oklahoma, Kansas, Missouri, Iowa and South Dakota. And we haven't heard a thing about any of those states turning into the Wild West. I know. I have three states that neighbor my district. I, I think I would have heard the duels and gunfire in the, in the streets, I think, across the river from my house. In addition, states like Maine, Vermont, New Hampshire, Ohio, Indiana, West Virginia, Kentucky, Tennessee, Georgia, Alabama, Mississippi, Arkansas, Texas, North Dakota, Montana, Wyoming, Idaho, Utah, Arizona and Alaska also have constitutional carry because they recognize the language "shall not be infringed" does not mean if you can pay \$200, your right to keep and bear arms shall not be infringed. And I would like to double back to a point that was raised about being in poverty and not being able to have your Second Amendment rights. When I was a freshman in the Legislature, I hadn't started my paralegal business yet, so I was operating entirely off of our expense reimbursements and \$12,000 a year. By all accounts, I was living in abject poverty. I had a few scary encounters late at night, streets of Lincoln, where I felt the need to go and get my concealed handgun permit. And for me, this wasn't an immediate thing. I had to save up for months and decide, OK, am I going to splurge and have something other than ramen tonight, or am I going to save money so that I can buy a handgun to protect myself? Because people are following me when I walk around in downtown Lincoln. And I'm, I'm a pretty petite girl-- I, I will put up a fight. But I know at the end of the day, if a grown man comes up behind me and attacks me or comes up to me and attacks me in a parking garage, attacks me on the street, 9 times out of 10, I'm going to lose that fight. So I made the decision to save up money and skip meals so that I could save money for my concealed carry handgun permit. And I was grateful that Senator Brewer and his friends taught the class. It provided me with adequate training to where I am now a concealed carry permitholder. But if we're going to get up here and say, well, poor people, they, they don't go through this. This is just something that's made up, and if you don't vote for--

**KELLY:** One minute.

**SLAMA:** --all of our social welfare programs, gosh, you, you shouldn't be saying that poor people should have guns. Like, you should be voting for food stamps and expanded government benefits. No. And we can't say that it doesn't happen because I've lived it. I'm standing on this floor as a 1 out of 49 people representing the state of



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

Nebraska in the legislative branch saying that I have been through it, I have lived it. The Second Amendment clearly states the right to keep and bear arms shall not be infringed. It does not say "so long as you pay \$200 to take a class." Thank you, Mr. President.

**KELLY:** Thank you, Senator. Mr. Clerk, for an item.

**CLERK:** Mr. President, priority motion: Senator Machaela Cavanaugh would move to bracket LB77 until March 2, 2023.

**KELLY:** Senator Machaela Cavanaugh, you're recognized to open.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I put up this motion because I haven't heard anybody speak to the motion, MO46, that was on the board, and this is a way of jumping the queue, to be honest. So I jumped the queue with a priority motion so that I could reiterate the motion that's on the board, which is Senator Brewer's MO46. It is a motion to withdraw AM55 and substitute it with AM640. So, first of all, Senator Brewer, game's gotta recognize game. That is quite the procedural move on your part. And I love anybody who can use the rule book, so way to go. I am not going to support the withdrawal because I know what AM640 does and I oppose that. But again, kudos to you for, for doing that procedural maneuver. I did put this bracket motion up so that I could call attention to the fact that the floor debate, since everyone likes to talk about what I'm talking about on the floor and whether or not it's appropriate, you can talk about whatever you want. You can talk about trans youth. I'm here for that conversation, of course. You can talk about the underlying bill itself. You can talk about AM640 if you like. I just wanted to call attention to the fact that we are not actually debating whether or not we agree or disagree with withdrawing AM55 and substituting it with AM640, which is technically what the debate on MO46 should be. But I am not one to chide colleagues for not sticking to the letter of the debate, but I think the spirit is there. And I just wanted to jump in the queue to make sure that we were at least sort of acknowledging that we're not actually debating LB77 right now or even AM640. We are debating the motion. Again, kudos to Senator Brewer. I love it. A good procedural move on your part. You, you were sneaky. I didn't know you were going to do this. So you got one up on me. And with that, I will yield the remainder of my time to Senator Raybould.

**KELLY:** Senator Raybould, you have 7:33.

**RAYBOULD:** Thank you, Senator Cavanaugh. Thank you, Mr. President. First of all, I want to say happy Statehood Day. It's March 1, 19--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

1867, that we became the 37th state, so we are 156 years young. I want to say good morning, Nebraskans, and I want to say good morning, my fellow colleagues here. I also want to invite you to go down to the first floor level, where we have a suicide prevention in the United States display. And to date we are at 283 suicides in the state of Nebraska. First and foremost, I do want to thank Senator Brewer. I want to thank Senator Brewer for his service to our state and also his service to our country. And I'm really glad that we are having this debate. I think if we're going to have a debate on the right to bear arms, we need to understand the consequences and the responsibilities of having a firearm, your duties and the impact it has on our community, our state and our country. Carrying a gun in public is a tremendous responsibility. Commonsense public safety laws help keep guns out of places where they don't belong. They also ensure that people who carry concealed guns in public have undergone a background check and gun owner safety training. Before I get too far along in my remarks, for the record, I do support the Second Amendment but, like the majority of Nebraskans, want commonsense gun safety measures. And I'm going to review with you all what the Supreme Court has ruled on this. And see if you can tell me who this quote is from, Like most rights, the right secured by the Second Amendment right is not unlimited. I'll repeat that. Like most rights, the right secured by the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever, in any manner whatsoever, and for whatever purpose. I'm guessing that you have all come to the same conclusion. It is from the judicial hero of conservatives, constitutional conservatives, and that is the late Supreme Court Justice Antonin Scalia. And this was in the case of the District of Columbia v. Heller. In fact, in this case, Scalia went on to specify several types of constitutionally permissible restrictions. And I quote, For example, concealed weapons prohibitions have been upheld under the Second Amendment, and there is no doubt on long-standing prohibitions on the possession of firearms by felons and mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms. So Justin-- Justice Scalia was quite clear that states have full authority to impose these restrictions, and they are not considered unreasonable. The truth is, there is no law-abiding citizen that has ever been denied access to purchasing a firearm. The responsible gun owners that I talk to find it critically important that folks get the training, including safe handling and safe storage of both the firearm and the ammo. Background checks, waiting periods, if applicable, and licensing. This is pretty common sense, yet here we are debating concealed carry yet again,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

discussing carve-outs and the unconstitutionality of that. You know, this is in a time when we have two or more mass shootings a day, two or more mass shootings a day, when gun deaths are now the leading cause of death to our children. Gun deaths are the leading cause of death in our children. It's a time where more than half of the suicides are committed with a firearm, where we are seeing more suicide deaths in our rural communities right here in the state of Nebraska and not in the urban areas. Are people becoming indifferent to the loss of innocent lives and children? Are we just numb? The issues that I hope we continue to talk about today and tomorrow and hopefully on Friday are some common gun myths, suicide prevention, which is in my piece of legislation, and other red flag laws that are now in 19 states. We have to discuss mass shootings, the jail overcrowding due to gun crimes and the impact of gun violence in our country. But most importantly, what is it doing to our children? Public safety, public education, public infrastructure and protecting the vulnerable in our state is our sworn duty. Every piece of legislation-- and, my colleagues, I want to emphasize this-- every single piece of legislation that we consider that comes through this body that involves firearms must meet the fundamental questions of, how is this legislation keeping our Nebraska families safe? How is this firearm legislation keeping our law enforcement safer? How is it keeping of some of the most vulnerable in our communities, such as our children, safer? And what about those that are contemplating harming themselves or others? Before I get into the substantial issues that I want to share with you all today and--

**KELLY:** One minute.

**RAYBOULD:** --tomorrow-- thank you, Mr. President-- I want to remind everyone of two terrible, tragic events that happened to our fellow Nebraskans. One set of traffic-- tragic events happened 16 years ago, and the other happened last week down the street from my house. On December 5, 2007, 19-year-old Robert Hawkins shot and killed eight people and wounded four others in the Von Maur shopping center store in Omaha before taking his own life. Law enforcement reported that the teenager gunman went on a shooting rampage. He smuggled an assault rifle in the mall underneath his clothing. Last week, a fifth grader at Prescott Elementary in Lincoln, a fifth grader, a fifth grader, concealed a handgun in his backpack to school, threatening a fellow classmate before it was discovered--

**KELLY:** That's your time, Senator.

**RAYBOULD:** --and removed. Thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

**KELLY:** Senator Dungan, you're recognized to speak.

**DUNGAN:** Thank you. Thank you, Mr. President. And thank you, colleagues. That's a lot of things up on the board right now. I do rise in support of Senator Cavanaugh's motion to bracket until March 2. I also rise opposed to the motion that Senator Brewer has here to withdraw AM55 and substitute AM640, and I rise opposed generally to LB77. Colleagues, we're going to have a lot of time over the next many days to talk about this legislation and where it all comes from and what the issues are with it. But I, I want to start just by stating on the record sort of what my general objection to LB77 is. As Senator Raybould pointed out, and as I think we're going to hear many others say here today and tomorrow, I'm not opposed to the Second Amendment, and I absolutely believe in the responsible possession of firearms. When I was running for office and knocking on doors, one thing I heard consistently, however, and I think Senator Raybould said this too, from firearm owners was that they were frankly appalled and shocked by the idea that somebody could possess firearms, conceal carry them without proper training. This came from folks who had NRA stickers on their door. This came from people who are registered Republicans. It came from a number of folks across the political spectrum. And so I just want to say to, to those watching at home, this is not a partisan issue. This is an issue of ensuring that individuals who are utilizing dangerous weapons, which are dangerous by their very definition, are properly trained. And we as a society have gotten together and determined that there are certain circumstances wherein we believe proper training is necessary before using certain tools, using a vehicle, using heavy machinery, things like that. We've agreed, generally speaking, that licenses are, are a normal part of what we have as a society. So, to me, it's just common sense. I want to speak a little bit more specifically, however, to the amendment that we're talking about here. I would echo Senator Machaela Cavanaugh's comments that I don't think many of us are talking specifically about the motion before us. MO46 to withdraw AM55 and substitute AM640 inserts into this bill substantive changes. AM640 essentially creates an entirely new crime. And again, you're going to hear me talk about this a lot. In my other life, I am a criminal defense lawyer; and in my initial reading of this amendment, it raised a lot of questions for me. First and foremost, like I said, it introduced an entirely new crime. And to me, that's something that the committee that this initially was in front of should be the ones who actually have a conversation about. There's not been time for public comment about this entirely new crime that's being created. In addition to that, frankly, it, it's confusing to me that, on one hand, LB77 purports to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

remove certain governmental restrictions, but on the other hand then imposes a number of new governmental restrictions and crimes. It seems to fly in the very face of what LB77 was initially intended to do, and so it's, it's surprising to me that this is what we're seeing added on to LB77. In addition to that, the actual language of the new class of misdemeanors and, and potential felonies that are being implemented here are, are confusing. Just as a brief legal lesson, there's a term we use in the law a lot when we're talking about firearms or drugs or things such as that, and that's "possession." And a lot of times when you're talking about what the word "possession" means, you talk about the difference between actual possession and constructive possession. Without getting too deep into the weeds, that essentially means, do you actually have it on your person? Are you carrying the thing? Do I physically possess it? Or is it nearby me and could I exercise control over it if I want to? Under the current state of the law, the definition of possession includes that constructive possession, which means--

**KELLY:** One minute.

**DUNGAN:** --thank you, Mr. President-- not actually on your person. Would Senator Brewer yield to a question?

**BREWER:** Yes.

**KELLY:** Senator Brewer, will you yield to a question?

**BREWER:** Yes.

**DUNGAN:** Senator Brewer, I'll try to make this quick. In the new language in the amendment, it uses the word "carry," not "possession." Is the word "carry" in there intended to include that constructive possession element or does the word "carry" literally mean carry on your person at any given time?

**BREWER:** Intended to be actual carry on your person, so it's-- you know, the idea is that we narrow-- narrowly taper this or tailor it so that it is specific to what we're trying to do here.

**DUNGAN:** So this would not-- just to make sure we're clear, it does not include the idea of the constructive possession, correct?

**BREWER:** Correct.

**DUNGAN:** OK. Thank you, Senator Brewer. I'm going to punch my light here to talk a bunch more about this amendment and some of the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

questions I have. But I would just urge my colleagues to, again, pay attention to what the motions are we're actually talking about here. We have plenty of time to get into--

**KELLY:** That's your time, Senator.

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

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

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, I was in the queue from the previous time, so this kind of snuck up on me. I, I-- in addition to today being Nebraska Statehood Day, it is also former Senator Kate Bolz's birthday. Happy birthday, former-Senator Bolz. Her mom always would make cupcakes for the Legislature, which was really sweet. It is also the start of Women's History Month. And I wanted to acknowledge some of the comments that my colleague, Senator Slama, made. First of all, I'm sorry that you were put in a position where you felt unsafe, but also acknowledging in Women's History Month that you are a strong, independent woman who took control and went through the proper steps to ensure your own safety, and that is very admirable. So thank you for sharing that with us. And again, I'm sorry for the, the, the incidents that led you to feel unsafe. But I am going to yield the remainder of my time to Senator Jane Raybould.

**KELLY:** Senator Raybould, 3:50.

**RAYBOULD:** Thank you, Senator Cavanaugh. Thank you, Mr. President. I did want to continue my concern with the mass shooting at Von Maur and the incident that a fifth grader had a concealed weapon in school. But I did want to also say that this concealed carry bill and the amendments go so-- way too far, and the amendments that Senator Brewer have added have really drastically changed LB77, so I hope that we can continue this discussion. But I did want to say, thankfully, at Prescott Elementary, that no one was hurt there. And right now, I want to read the names of the eight victims that lost their lives at Von Maur because I want people to understand that these victims were real people that had real families, that it impacted the entire community, not just the Omaha community but our entire state of Nebraska. One of the first vict-- victims was named Gary Scharf. He was on his way home to Lincoln after a business trip in Iowa when he stopped at the store. I'm sure he got in front of other people and took a bullet that might have hit someone else, said his ex-wife, Kim Scharf. There's no doubt in my mind. I promise you that that's who he is to a fault. Scharf, 48, sold agricultural products and was devoted to helping people. She

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

said, Recently, he helped a single mom get her car started, then got her address and delivered a package of groceries, blankets to her doorway. She said, I called him my Dudley-do-right, Kim Scharf said. I'm not kidding. You never met a more honorable and loyal man. Beverly Flynn. She was a gift wrapper at Von Maur and also had been a real estate agent for NP Dodge Company since last year, 17 years ago. Whenever she closed a deal on a house, the 47-year-old Omaha woman planted a rosebush in the yard of the new homeowners as a moving gift. That was her way to put her style on the whole transaction, Susan Young said. She was a very warm individual. All we know is that a fine human being has been taken from us prematurely and that she and the other victims will be greatly missed, said Sandy Dodge, president of NP Dodge in a letter to all employees. Angie Schuster had planned to teach elementary school after graduating from college, but when she couldn't find a job in the field, she started working in retail, said her older sister. Schuster, 36, of Omaha, was a manager in the girls department at Von Maur, where she had worked for nearly 10--

**KELLY:** One minute.

**RAYBOULD:** --years. Thank you, Mr. President. They said that the shooter got off the elevator, and she would have been right there in his way. Her sister went on to say that they were born 11 months apart and lived about a mile from each other. She was in a happy place in her life. She met a man, her sister said, and they were so happy. Diane Trent, a store employee, spent warm evenings tending to the flowers on her porch, drinking tea and chatting with her neighbor, Errol Schlenker. A very incredibly sweet person, he said. She was a middle-of-the-road American, a dedicated worker. She was just a decent person who lived a good life. John McDonald and his wife of 40 years were getting Christmas gifts wrapped at the Von Maur store when the shooting started. They tried to hide--

**KELLY:** That's your time, Senator.

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

**KELLY:** Senator Bostelman, you're recognized to speak.

**BOSTELMAN:** Thank you, Mr. President. I oppose MO48. I support MO46 and I support LB77. I yield the rest of my time to Senator Brewer.

**KELLY:** Senator Brewer, that's 4:48.

**BREWER:** Thank you, Mr. President. All right, we have seen the tactic that's going to be used here today. We're going to, we're going to work

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

on a motion. We're going to go and find the worst of the worst of things that have happened and then blame that all on anyone who wants to constitutionally carry. So as you listen to the emotional pleas, just understand that the fifth grader was not authorized to have a gun, and there's nothing that anybody here can do to change these events. Bad people will do bad things. I think what I need to do is go and, and find all these cases where there was a good guy with a gun that stopped a bad guy with a gun and name all the people who were saved there. That doesn't seem to be one of the agendas here. But that's bottom line of what we're trying to do with constitutional carry. We can find these incidents like Von Maur, which I was in Omaha the day that happened. It was a terrible event. But the guy illegally had the gun in the first place. He went into a store that had a sign that said you can't bring a gun in here. You're missing the point. The people that this law is for are the ones who obey the law. If you don't follow the law, you're a criminal, and this law is not intended anyway. So we hear about how the background check's no longer going to be there. That doesn't change. So you can get up and say these things all you want, but it's not the ground truth, the reality of what's going on here. Wouldn't change the locations you can bring a handgun into. Wouldn't change the prohibited persons. And understand too that it's hard to bring a long gun or a shotgun into the conversation here because we're specifically talking about concealed carry. And I think finally, what I, I want to make sure folks remember is we have not got into the meat of the bill on LB77. We're working on AM, and everybody's trying to derail changing the amendment. This amendment went through months and months, and technically years of work with law enforcement to figure out where we can be to help them. So if you're against changing the amendment, then you're against helping law enforcement, because they're the ones that helped us to write the AM. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Vargas, you're recognized to speak.

**VARGAS:** Thank you very much. There's a couple things that I wanted to make sure to get in the record. And in the past, I've been opposed to this bill. I'm still opposed to this bill. It's not a surprise to people that have heard me speak on the mike before. It's nothing against any of the senators. It's actually really good that we're having conversations. We've had conversations on nonpolicy-related bills, which, you know, I've supported having these conversations and what Senator Cavanaugh has been doing. I have a lot of respect for Senator Brewer. Part of this stems from a couple different things. One is I've always had a problem with the preempting of local ordinances, interfering with the right to keep and bear arms. I know that there



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

are still-- this would not stop businesses; and the existing list of locations where concealed handguns are prohibited, it's not going to change that. My concern is still that we're preempting these local ordinances. I've been really clear that I support local control with the exception of whether or not we are imposing some level of taxation without actually providing transparency to people. But the level of local control that we're providing I think is important when we're talking about, when we're talking about meeting the needs of municipalities. And there are law enforcement municipalities that have been either in opposition or in neutral testimony on varying different stages of this bill in the past and present, which tells you that different local ordinances are important for determining the public safety for that specific municipality. I want to make sure that we are supporting that effort because if there is local law enforcement at a local level that's saying, I think that this is not policy that is going to be in the best interest of public safety, we should be supporting that as much as possible. I don't want to create another problem by implementing or sort of superseding and preempting these local ordinances in this, in this effect. The second thing that I'm still concerned with, and I understand Senator Brewer's arguments, we still have gun violence issues in this country. I know that there are going to be stories that are brought up, which he has addressed, that these don't always apply. In my opinion, it's not whether or not they each individual apply to this specific bill; it's whether or not we are making it easier for guns to be available across the state, and specifically whether or not we're doing anything else to address and, and try to get ahead of gun violence prevention in our state and in communities. And what we've heard from different testimony in the past, that this is one thing that's going to make it easier or is going to make it a lot harder for public safety to be enforced in communities, I have a problem with that, and I always have had a problem with that. This is an opportunity for us to continue to listen on this debate, but I've been really clear on this. I have seen too many instances of gun violence in different states. We've seen it in our own backyard in Omaha. I've had friends that have been personally affected by having more guns available, not only in the Target shooting, but specifically the Target shooting, and it has been a hard struggle for many of them. And I want to make sure that we're doing everything we can to support law enforcement and to make sure our communities are as safe as humanly possible. And I know from one side of the argument, it's going to be having a good person with a gun, which is what I heard from Senator Brewer. But from my opinion and what I'm hearing from a lot of parents and families, especially in my

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

community, it's making sure that we are addressing gun safety, making sure that there are fewer guns available--

**KELLY:** One minute.

**VARGAS:** --that are getting in the hands of individuals that shouldn't have them. And some of the parameters that Senator Brewer is mentioning about keeping the guns out of some of these individuals, in my opinion, I don't think it's enough, because I don't want to have to hear from another friend or another colleague or, or another community that is saying that gun violence is pervasive and, and it's costing us lives. We clearly need to do more about this, and this is still taking steps back and reducing some of those different circumstances and mechanisms that are meant to maintain safety. So I stand in opposition to this bill. I know we're going to have a good debate on it. And thank you to everybody for engaging in this dialogue.

**KELLY:** Thank you, Senator. Senator McDonnell, you're recognized to speak.

**McDONNELL:** Thank you, Mr. President. Good morning, colleagues. I stand in favor of LB77, AM55. Now, this wasn't my position last year. I was not in favor of Senator Brewer's bill. I'm not a gun expert, but I believe the Omaha Police Officer Association is. That's who I rely on for my information. And at the beginning of the session, the Omaha Police Officer's Association were opposed to Senator Brewer's bill, LB77. Now you'd think, after six years, Senator Brewer could have had the attitude where, hey, I've really tried. I've listened. I've talked. I've compromised. I've really tried to educate people, and just closed the door. He did not. He continued to meet with the people I asked him to meet with that had many questions. And again, that was the OPOA. After doing that and working on this bill and coming up with the AM55, I now can support LB77. Senator Brewer said this earlier. It takes a good person with a gun to stop a bad person with a gun. Now, that might be pretty simple, but not if your life's in jeopardy. It's very critical. The Omaha Police Officer's Association does that on a daily basis. They put themselves in harm's way and they protect our community, like all law enforcement throughout, throughout our country. But I rely on them for their expertise and I, I appreciate them working with Senator Brewer where they could at least get to the point where they were, they were more comfortable and they were not opposing this legislation. That's why I stand in favor of LB77. Thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

**KELLY:** Thank you, Senator. Senator Hughes announces 21 students as guests, fifth graders from the Heartland Community School in Henderson in the north balcony. Please stand and be recognized by your Nebraska Legislature. Senator John Cavanaugh, you're recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. Well, I appreciate the opportunity to follow Senator McDonnell, because he kind of made some of my points. So I would rise in opposition to LB77. I do appreciate and respect how hard Senator Brewer has worked on this, and it's just something that he and I disagree on and it's something that my constituents and his constituents disagree on. So I oppose LB77 in its current form, but I also oppose AM640. But specifically, I rose to talk about the necessity to have a conversation about AM640. Most everybody has risen in support of LB77. No one's talked about AM640 and why they would support withdrawing AM55 and substituting AM640. I would suggest that you read AM640 that's been circulated. It makes some pretty substantive changes to the laws of the state of Nebraska. It creates new offenses. I'm told that actually some of these are intended to be "lesser-includes," or decreases in penalties. But it fundamentally changes-- a sentencing scheme is one of the ones I wanted to talk about. It creates what's called a consecutive sentence for some of these misdemeanors. A consecutive sentence is something that we've used in gun charges on felony offenses in the past, but we have not used them historically for misdemeanors. And so when it is-- especially, it's a consecutive offense for which the conduct is the same conduct. So we'll talk about one example. We'll say theft by shoplifting, or, as this AM creates, attempted theft by shoplifting. So if somebody is in a store and they stick a candy bar in their pocket and they happen to have a concealed weapon upon them, under this statute, anybody that we-- anybody we've talked about here happens to have a concealed weapon now without a permit, that becomes the charge of attempted shoplifting, which would be a Class III misdemeanor and violation of this new concealed carry while commission of a dangerous misdemeanor. Attempted shoplifting is listed-- characterized as a dangerous misdemeanor. And those two sentences would have to be served consecutively. And so what I'm saying is I disagree with the, the imposition of that, and I could probably talk to you-- we could go through all of these and I could talk about each one of them, why I disagree or-- or some of them I actually agree with. But my point is, this is such a substantive change that did not get heard at the committee hearing. It did not get discussed. This is a change, as Senator McDonnell pointed out, to alleviate the concerns of the Omaha Police Association, and to do so required such a divergence from the nature of the bill as it was written, that it does

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

require a hearing. It requires an opportunity for people, for the Omaha Police Department to come and comment and say why they think this a nec-- necessary change, for people to come and say why they think this isn't, and for the committee and Senator Brewer to take those considerations into, into account and say, you know what? Attempted shoplifting is not something that we thought should be caught up in this, but perhaps attempted domestic assault is something that they thought should, should be part of this new scheme. And so these are things that haven't been considered. They're just kind of thrown in here in a laundry list on an eight-page amendment that creates new penalties, creates a new scheme for sentencing under misdemeanors that's not been previously used, and did not have a hearing. So this is-- I think it's really important that everybody stop and think about what we're doing right now. You're all talking about how much you like LB77, and I'll talk about my problems with LB77 and some of the, the principles that have been articulated when I have another opportunity. But right now, we are on a bracket motion on the motion to withdraw and substitute. And ultimately, the reason the bracket motion was put up-- I know Senator Brewer is frustrated with procedural motions and things like that-- but the bracket motion was put up--

**KELLY:** One minute.

**J. CAVANAUGH:** --thank you, Mr. President-- because people were concerned that we were going to vote on this substitution without anyone ever addressing what was in the amendment and why we were substituting it and why this is, why this is happening. And so I appreciate Senator McDonnell bringing up and pointing out the fact why this amendment is here is to alleviate the concerns of the Omaha Police Department. But we need to talk, have a, a robust conversation about what's in this amendment. And ultimately, really, this amendment should go back to the committee, have a hearing, and the committee should make changes, as seen necessary, to this amendment before it gets put into the bill. We don't historically allow amendments of such substance that have not had a hearing. We would not allow new crimes to be created without a hearing in this Legislature. We would not allow probably "lesser-includes." We would not allow penalties to be decreased without a hearing. And so that's why I'm opposed to substitute AM640 for AM55. And I will push my button and talk some more about that, and I'll talk about why I'm opposed to LB77. Thank you, Mr. President.

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

**RAYBOULD:** Thank you, Mr. President. I just want to reach out to Senator Brewer, and I want all the Nebraskans that are watching this on TV to know that the Lincoln Police Department, Chief Ewins, they oppose LB77. I want the folks that are listening to know that the Omaha Police Department Chief Schmaderer also opposes LB77. We're talking about the police unions that Senator Brewer did a carve-out last year that caused the bill last year to fail. I do want to continue honoring those people that lost their lives at the Von Maur shooting, but I also want to correct something I believe Senator Clements said. These are the real statistics. Nebraskans, these are the real statistics. 88 percent of Americans think you should get a permit before carrying a concealed gun in public. 88 percent. Over 80 percent of gun owners and non-gun owners, Republicans, Democrats and Independents agree that high safety standards are critical in issuing concealed carry permits. This concealed carry permitless bill-- let me say that again-- this concealed carry permitless bill goes way too far, and that it also wants to nullify existing gun safety laws in city ordinances, like in my city of Lincoln or in the city of Omaha, that regulate firearms and requires cities to post a public notice alerting residents that previous gun possession and safe storage laws are void, according to just one of the amendments Senator Brewer has filed-- according to just one of his amendments that he's filed, that I also object to. I ask Nebraskans listening today to please reach out to the 26 senators that have signed on in support of this lawless and reckless piece of legislation. Now let's talk about myths. These are the common NRA myths that you hear. You know, the first one is the myth: owning a gun makes you safer. The fact is, owning a gun puts you at heightened risk of gun violence. It says guns in a home are particularly dangerous for victims of domestic violence. The presence of a gun in a home with a history of domestic violence increases the risk that a woman will be killed by 500 percent. I hope you all heard that. It increases her chances of being killed by 500 percent. Numerous studies have found that gun ownership increases the risk of both guns, related homicides and suicides. Here's a myth that we've been talking about a lot: the only thing that stops a bad guy is a gun in a good guy's hand. Armed-- here's the truth, fact: armed citizens rarely successfully intervene to stop an active shooter. While the NRA actively perpetuates this idea that ensuring a fully armed citizenry is the best approach to stopping so-called bad guys before they're able to do too much damage, there is very little evidence, very little evidence suggesting that civilians can effectively serve this role. An FBI study of 160 active shooting incidents from 2020-- 2-- 2013 found that only one, only one was stopped by an individual with a valid firearm permit. In contrast, 21 incidents were stopped by an unarmed

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

citizen. It's our unarmed citizens that have been successful.  
Expansive--

**KELLY:** One minute.

**RAYBOULD:** Thank you, Mr. President. Expansive concealed carry permitting laws are linked to an increase in violent crimes. A 2017 study by researchers at Stanford University found that 10 years after enacting these laws, states experienced a 13 percent to 15 percent rise in violent crimes. That's why we all stand here today objecting so strongly that this type of gun legislation will ultimately harm our citizens. I'm going to continue with more myths, but I want to talk to my colleagues and say-- I'm going to go around and randomly throughout the day and tomorrow ask my colleagues this question: what are you doing? What are you doing to help keep our Nebraskan children safer in our state from gun violence? That's your homework. What are you doing to keep Nebraska children safe from gun violence in our state?

**KELLY:** That's your time, Senator.

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

**KELLY:** Senator Blood, you're recognized to speak.

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I actually stand against the bracket motion and in favor of AM640. But with that said, I want to address some of the things that were said on the mike today. And I gotta say I'm always so tickled when Senator Slama stands up. She just really has a thing for me, and I'm-- I don't know what that's about. I want to respond and say that I did not ask Senator Clements any gotcha questions. Senator Clements is an intelligent human being. Gotcha questions are really poised to trick a person or make them look stupid. We talked about things that were public record. And, you know, just because you twist something on the mike and say something is or isn't a certain way doesn't make it true. But I'm always tickled when it happens because it's always quite obvious what's going on on the other side. I would agree with Senator Brewer that we are indeed talking about concealed carry. But here's the thing, is that in the hearing, people keep-- kept saying, I need this bill passed so we can protect our families. We heard it said on the floor, we need this bill passed so our people with lower income can afford to buy guns to protect their families. And that's where I find it confusing, is because I do talk about shotguns and rifles because I feel that when it comes to home defense, at least, at the very least, that those are appropriate weapons. And as Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

Clements said and I said, if you grew up in rural Nebraska, your family likely had a shotgun. And it was for multiple purposes. Yes, it was from home defense and to put animals down and for hunting, and you didn't touch it otherwise. So I'm just trying to put things in perspective, like it or not. With that, I would ask that Senator John Cavanaugh, if he's on the floor, yield to a question.

**KELLY:** Senator John Cavanaugh, will you yield to a question?

**J. CAVANAUGH:** Yes.

**BLOOD:** Thank you, Senator Cavanaugh. Senator Cavanaugh, you're one of the many lawyers in this body, is that correct?

**J. CAVANAUGH:** I'm one of the lawyers. I don't know how many we have, I guess.

**BLOOD:** I, I'm-- and you've heard me say it a million times: if I threw a rock, I'd hit a lawyer in this body; or in the building in general. So I want to kind of bounce something off of you because, as somebody who is not a lawyer, maybe I read the constitution different than a lawyer does. And so if I-- I wrote something down and I want to sincerely get your opinion on it, because I want this on record.

**J. CAVANAUGH:** OK.

**BLOOD:** So there's a common law right to self-defense when I read the-- the Constitution. But when I look at it historically, specifically the Second Amendment, to me, it doesn't appear that they were trying to constitutionalize a personal right to self-defense, but instead they were saying something really significant about our militia. And at that time, the militia was a state entity. It was meant to protect the state, to protect the grounds, to protect your farms. Would you say that that would be an accurate interpretation or you think I'm way off track or even close?

**J. CAVANAUGH:** Well, I'd be hesitant to say accurate, but I would say it's a fair interpretation and it has been historically interpreted as such. I think in these conversations, you know, in preparation for this, I looked for-- there's a interview with former Chief Justice Warren Burger where he discussed the erasure of the "well-regulated militia" section of the Second Amendment in public discourse, and he referred to it as, I think, one of the greatest frauds that was ever perpetrated, was to eliminate the conversation around the "well-regulated militia" portion. And so I would say, as a lawyer would tell you, if there's words in a document, that you have to give

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

them meaning. And so the framers put those words there for a purpose, and the, the plain meaning-- reading of them is the reading that you just articulated.

**KELLY:** One minute.

**J. CAVANAUGH:** So I would say it certainly-- it is a fair interpretation of that, the Second Amendment.

**BLOOD:** Would you say that the term "arms" is ever-changing as well?

**J. CAVANAUGH:** Well, yeah. It certainly has evolved since it was written, since the Second Amendment was written.

**BLOOD:** And so when we talk about the Second Amendment right to bear arms, do you think it pertains more to rail-- well-regulated militia or the right for the average citizen to have a gun, based on what the framers initially put into the constitution?

**J. CAVANAUGH:** I'm, I'm sorry. I-- so you're asking whether the right to keep and bear arms is a reference to the necessity for the militia?

**BLOOD:** Right.

**J. CAVANAUGH:** Again, I would say that's a-- that is a fair interpretation of that. I'd have to-- I mean, I can't-- obviously, I can't speak with certainty on whether that's what it means, but I think that there-- that that is as fair an interpretation as an unfettered, maybe even a better interpretation, than unfettered right to bear arms.

**BLOOD:** Thank you, Senator Cavanaugh. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Lowe, you're recognized to speak.

**LOWE:** Thank you, Lieutenant Governor. There have been 27 amendments to the Constitution, beginning with the Bill of Rights, the first 10 amendments, and that was ratified in December 15 of 1791, the First being freedom of religion, speech, press, assembly and petition; the Second being right to bear arms; the Third Amendment, quartering soldiers; Fourth Amendment, search and seizure; Fifth Amendment, grand jury, double jeopardy, self-incrimination, due process and takings; Sixth Amendment, right to speedy trial by jury, witness and counsel; Seventh Amendment, jury trial in civil lawsuits; Eighth Amendment, excessive fines, cruel and unusual punishment; Ninth Amendment, nonenumerated rights retained by the people; and the Tenth Amendment,



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

rights reserved to the states or the people. These are the Bill of Rights. It was important that the Second Amendment is placed where it is. Now, in 1867, the great state of Nebraska was formed; and in 1875, our constitution was formed. The preamble, We the people, grateful to the Almighty God for our freedom, do ordain and establish the following Declaration of Rights and frame of government as the Constitution of the State of Nebraska. The first right in the State of Nebraska-- the first right in the state of Nebraska-- All persons are, by nature, free and independent and have certain inherent and inalienable rights. Among these are life, liberty and the pursuit of happiness, the right to keep and bear arms for the security or defense of self-- wait. You can defend yourself. You can defend your family, your home and others-- and for the lawful common defense and hunting and recreational use and all other lawful purposes, and such rights shall not be denied or infringed by the state or any subdivision thereof. To secure these rights and protection of the property, governments are instituted among the people, deriving their just powers from the consent of the governed. With that, I yield the rest of my time to Senator Brewer.

**KELLY:** Senator Brewer, that's 1:42.

**BREWER:** Thank you, Mr. President. All right. We kind of had a, I guess, a little better idea now on some of the angles we're going to take on this bill. All the substantive stuff of this bill and the amendment were discussed in committee hearing, and we got the record to go back and look at that. The other part that I want to remind everyone is that it is an incredibly hard, tedious process to sit down with law enforcement and figure out how to thread the needle on getting them to where they felt comfortable coming into the neutral position, or, in the case of the sheriffs, coming in to support. That's--

**KELLY:** One minute.

**BREWER:** --the sheriffs across Nebraska. And I was approached by the sheriffs originally to start the very first run at LB-- well, constitutional carry, because many of these counties out there have a deputy, and that's it, for an entire county. So you can be without law enforcement for a very long time. So sometimes we take this "myopic" look from someone out of Omaha, and that's the perspective when it comes to constitutional carry. But step back for a second and look at the rest of the state of Nebraska. The need for them to have constitutional carry in places like I represent are, are critical because they aren't going to have law enforcement available to them.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

And even in Lincoln and Omaha, things can happen. Like when the riots happened during the George Floyd incident, both Lincoln and Omaha were in a situation where people could not--

**KELLY:** That's your time, Senator.

**BREWER:** Thank you.

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

**McKINNEY:** Thank you, Mr. President. I rise-- I don't know if I support the motion or-- but I rise because I think it's important to lend my voice to this conversation. To start, I think LB77 hits at why we need racial impact statements in the Legislature, because there's a lot of nuance with this bill. And there's nuance because, for two years straight, Omaha Police, either the union or their chief, has been in the Legislat-- has been in the Legislature, in hearings, and said that they oppose constitutional carry because they need a tool to basically target people. And this year, the chief of police said that if LB77 passed in its original form, the disproportionate amount of arrest of black men and women would potentially decrease. And that's something I, I, I think we have to lend to this conversation. Gun laws in America and any changes to gun laws have really been based on race and, and the fear that black men or black women would harm people with guns. Some of the first gun laws that were changed was because of the Black Panther Party, because people were scared of black people. So, yes, I, I do think, you know, the public should be safe from harm. Yes, I think that we should make sure that anybody that owns a gun knows what they're doing with a gun and knows how to use a gun properly and knows how to store those things properly. But I'm not going to just sit back and just not talk about the racial aspects of this, this legislation and this conversation, because I'm not going to overlook it, because it's important to me because the protests and the riots were because a black man was killed by law enforcement. A lot of the issues with the protest is because of how black people have been treated in America for forever, starting with slavery. So let's have a nuanced conversation about this. Don't just stand up and say this or that. Let's have a nuanced conversation. Because if I could decrease the amount of black people getting arrested, I'm going to find a way to do it, because I don't get the general feel that everybody cares about the lives of black people in America, honestly speaking. We have prison overcrowding, and a lot of it is because of increased gun laws that overly incarcerated black people. But people want to build another prison to house those black men and women. This is something to think about. I don't-- if you agree with me or not, that's on you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

But there is nuance to this conversation, and I just had to lend my voice to it. And I'll leave it there, but let's, let's-- this whole session, we're going to have a real honest conversation about the nuance of race in legislation since we can't get racial impact statements on bills. Thank you.

**KELLY:** Thank you, Senator. Senator Fredrickson, you're recognized to speak.

**FREDRICKSON:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. I've been listening to the debate and I agree with Senator McKinney. I think there's a lot of nuance here that we need to discuss and, and consider and certainly think about. You know, it's funny. I'm looking at the board up here, and I gotta to say, this is like an Olympic-level rules situation. For a new senator, it's quite a lesson, so I'm kind of appreciating all the different motions and brackets and et cetera that are filed here. I, I wanted to rise today because I-- you know, I've been listening to the debate, and last night I spent-- I actually read the transcripts from the hearing. And I had my staff compile different emails that I've received from constituents on this. I was reviewing notes that I'd taken from the campaign when I was out knocking doors, talking to folks. I was reading call logs, sort of what was being contacted to my office. And it's funny because I, I, I sometimes joked when I was out campaigning that the seat I'm running for, District 20, I had really big shoes to fill. You know, most recently we had Senator John McCollister. And before Senator John McCollister, we had the late congressman and former State Senator Brad Ashford. And one email that I received, and I believe that this went to the entire body, was from Brad's widow, Ann Ashford, who is a constituent of District 20. And I'm going to read a little bit of the email that she sent because I think it's very thoughtful and I think it's really important. She starts by saying, It should be asked if there has been a single law-abiding citizen who has not been able to obtain a concealed carry handgun due to background checks or training requirements. And I think that's a really important question for us to ask here, especially if we're getting into the nuance of the conversation about our right to carry a weapon. Are there, in fact, folks who are being denied this right, particularly law-abiding citizens, as we keep saying? She talks about, you know, the primary motivation for such legislation at this time seems to be the "good guy with a gun" scenario, which is often characterized that a good guy with a gun will be able to stop a crime as it's occurring and the bad actors will be so concerned that the good guys will be armed, it will deter them from committing a crime. I personally find that argument without merit. But even if you embrace this argument, as

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

Ann Ashford said in her letter, we must again ask if background checks and training requirements have ever prevented a law-abiding citizen from owning a gun. And I don't know the answer to that question, but I think it's a wor-- I think it's one that we should pursue and we need to find an answer to. So former-State Senator Brad Ashford, he was the author and sponsor of the original permit-to-purchase legislation providing for background checks and training requirements in our state. And Brad went all around the state. He tried to do best practices and tried to sort of find the balance of, how do we balance the responsibility of this with also the constitutionality of it? And it's particularly important to highlight that same-day purchases of handguns were common in crimes of passion and crimes of suicide-- or-- crimes of suicide, I don't know if that's a crime, per se-- but in, in, in suicide. And it's true. You know, background checks and-- checks and balances aren't going to stop every single case. But if we can prevent even just one, that is worth it. So I'm going to continue to listen to this debate, and I will likely--

**KELLY:** One minute.

**FREDRICKSON:** --be reading more from-- thank you, Mr. President-- some of the letters and outreach that I have received from my constituents on this issue. And I know I only have less than a minute left, but I will yield any remainder time that I have to Senator Jane Raybould, if she's interested.

**KELLY:** Senator Raybould, 0:45.

**RAYBOULD:** Thank you, Senator Fredrickson. Thank you, Mr. President. And I want to address this comment to Senator Lowe. I don't think you heard me when I was talking about Chief Justice-- or, I'm sorry, U.S. Supreme Court Justice Antonin Scalia when he talked about the Second Amendment. He said, Like most rights, the right secured by the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever, in any manner whatsoever, and for whatever purpose. And he went on to say that concealed weapons prohibitions have long been upheld no matter who comes up with them. And I want to thank Senator Fredrickson again. He talked--

**KELLY:** That's your time, Senator.

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

**KELLY:** Senator Dungan, you're recognized to speak.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

**DUNGAN:** Thank you, Mr. President. And I just want to, real quick before I dive into my comments, join the sort of growing chorus of folks who are thanking Senator Brewer for his thoughtful work on this. This is a hard topic to deal with and I, I know he's expressed on the mike multiple times some of the difficulties that have gone into balancing various individuals' interests and group interests. And having now worked on my own legislation, I know how complicated that can be from time to time, and so I do think it's genuine when people say they understand that this is important to him and that he's done a, a, a good job of working with those organizations, so I just wanted to add my acknowledgment to that. I want to continue some of the comments that I was making, though, with regard to the amendment, because, again, I, I think it's important-- and my rowmate, John Cavanaugh, was speaking about this as well-- to talk about the actual substance of what's being added into LB77 in order to gain this additional support. And with AM640, I talked earlier about sort of the, the, the definitions between carry and possess, and I'm glad we clarified that. I think Senator Cavanaugh spoke a little bit more about how these certain misdemeanors were added in. But there's a couple of other things that I think are really important to highlight. And I know not a lot of people are in here right now, but I hope we can have conversation about this in particular. I believe Senator Brewer made a comment earlier that this does not change the definition of "prohibited person." My reading of the amendment is that, and I don't think this was intentional, but I think that's incorrect. I believe that the, the language of AM640 incorporates additional folks into who becomes a prohibited person for the purposes of carrying a firearm. And the reason for that is, under Nebraska Statute, there's currently a definition of who is a prohibited person. But this brings in language that says in addition to who is currently statutorily defined as a prohibited person, folks who are defined under 18 U.S.C. 922(d) or (g) are also prohibited people. The reason that's important is it's not just the folks who are defined by Nebraska law, but it also incorporates specifically folks who are unlawfully using or addicted to any controlled substances as defined in Section 102 of the Federal Controlled Substances Act. Where this becomes important is they actually talk about the word "addiction" as well, and they go into the definitions of addiction, but it specifically also includes folks who have lost the power of self-control with reference to their addiction. This includes most controlled substances, including marijuana. And I'm not necessarily saying whether that's right or wrong to include in the legislation. The reason I point this out is it's incredibly important that we recognize that AM640 comes along with serious consequence and is not necessarily just sort of a subs--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

a nonsubstantive amendment cleaning things up. And so I want to make sure I point that out because, again, as we debate whether or not LB640 should be added, I would encourage my colleagues to go and read the specific language in there, given that it does, again, create new crimes, increase the definition or broaden the definition of prohibited persons, specifically includes the word "ammunition" in what prohibited people are not able to possess. And so there's a number of additions that are being made there. And again, I'm not commenting as to the, the-- whether this is good or bad, but just that it, it is substantive. And so please, please, please, go read EM-- AM640. I also want to just take a second to say the conversation we're having around the Second Amendment that Senator Blood brought up, and I believe Senator Lowe brought up, is really interesting. I don't think there is a right or wrong answer, necessarily, and that's what I believe Senator John Cavanaugh was alluding to on the mike, is that there's been this long, ongoing discussion about what the Second Amendment actually and functionally does. And I am not a Second Amendment scholar. I'm just a lawyer. But I do think that most--

**KELLY:** One minute.

**DUNGAN:** --thank you, Mr. President-- most parties agree that the idea that the Second Amendment pertains to individual rights as opposed to collective rights, the militia that we were talking about, didn't really become fully formed until the 1800s. And there are plenty of legal scholars that you can go read who have written tomes about the evolution of how the Second Amendment is interpreted, and it's exactly that conversation about regulated militias that a lot of folks would argue means the Second Amendment started as a collective protection of rights-- or protection of collective rights, rather, and has over time evolved into an individual right, at least in the eyes of some. And so when we talk about what the founding fathers intended, how this was written, it certainly is not clear, and I think that we need to do everything we can to go back and look at the actual language, look at what was proposed, look at the discussions that happened. I think, to Senator McKinney's point, there's a lot of discussion in the Second Amendment evolution about whether or not militias could be utilized to put down slave rebellions.

**KELLY:** That's your time, Senator.

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

**KELLY:** Senator Hunt, you're recognized to speak.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

**HUNT:** Thank you, Mr. President. Would Senator Brewer yield to a question?

**KELLY:** Senator Brewer for a question.

**BREWER:** Yes.

**HUNT:** Thank you, Senator Brewer. We talked off the mike about this a little bit. I wanted to ask you-- let's talk about AM640 since ostensibly that would be the bill if this amendment is swapped out. But under AM640, would handgun licenses still be available?

**BREWER:** Yes, they'd still be required in order to purchase handguns at, at any location.

**HUNT:** Would you still be able to get a concealed carry permit?

**BREWER:** Yes. As a matter of fact, that would be one of your two options. So you could go and go to the county sheriff and get the permit or you could go through the process and get the Concealed Handgun Permit. The, the sheriff's charge is \$5, the-- yeah, there would be \$100 plus the cost of training.

**HUNT:** Sorry if you need a drink. So I have another question. And these are kind of ignorant questions. These are questions of someone who's not, like, a gun enthusiast, but questions that I think are important to consider. What would be a reason that somebody would go get a concealed carry permit and pay for that instead of just, as you said in your opening, you know, having your gun open carrying and then putting on a coat? You know what, what's a reason that somebody would want a concealed carry permit?

**BREWER:** Well, to kind of follow up on your first question too. If you lie on that permit is a, is a Class IV felony. So that's kind of one of the-- why you, you want to make sure [INAUDIBLE]--

**HUNT:** If you-- sorry, if you lie on it, like, what would be--

**BREWER:** Like, the information about yourself, address--

**HUNT:** OK.

**BREWER:** --the, the standard questions that come in the questionnaire for the sheriff to get a permit. So you're in possession of the permit. You buy the gun. Now, your only option would be to open carry the gun currently. Now, open carry is the law in Nebraska. And

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

essentially what we're trying to do here is to have it so that if you were to put on the jacket and cover it, then the constitutional carry would, would cover so that you weren't charged with carrying a concealed weapon.

**HUNT:** Is there currently any training required for a concealed carry permit or any permit?

**BREWER:** To purchase, there isn't. But in order to, to get the Concealed Handgun Permit, you would have to go through a, well, background check. The background check, of course, is part of just, just buying the gun. And then you have to go through the training, and then you have to pay the State Patrol the \$100 fee. And then when you go to the State Patrol, [INAUDIBLE] take your picture and fingerprints and all that.

**HUNT:** OK. So if I-- would it be legal for me today, assuming I am, am-- you know, don't have any felonies and things like this-- would it be legal for me today to go purchase a gun from a local seller and open carry that gun without any license or training?

**BREWER:** Yes, you could. If, if you had got your permit from the sheriff and you went down, you'd have to obviously go through the NCI [SIC-- NICS] check when you buy the gun, the ATF permit, when you fill it out. That check, you come there and you're good on all those blocks, then you're sold the weapon and you can open carry it.

**HUNT:** I have one more question that just occurred to me-- and I didn't tell you this in advance, but I just thought of it, so sorry if it's an annoying question, but what about-- I know people are making guns now. Like, they're 3D printing guns. You can buy plans online. Would it be legal for me to buy plans and 3D print a gun and--

**KELLY:** One minute.

**HUNT:** --possess that?

**BREWER:** Good question. As far as I know-- and keep in mind, I'm not an attorney and really have no desire to ever be one-- but I think as long as that weapon doesn't have a serial number that the ATF does not, that's not a gun that you can purchase. Now, can you illegally build one with parts? I mean, that's always possible, but with that comes a felony. So, you know, there's your risk with doing illegal things.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

**HUNT:** OK. Thank you, Senator Brewer. I-- this is an issue that I really like, honestly. I, I really like it when bills like this come to the floor and I like it when these-- I know I'm running out of time and I'll put my light on to finish this thought but-- yeah, I'll just yield the rest of my time. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Bostar announces 30 guests in the north balcony. They're fourth graders from Christ Lincoln School. Please stand and be recognized by your Nebraska Legislature. Senator Machaela Cavanaugh, you're recognized to speak. This is your third opportunity, and then you'll have your close.

**M. CAVANAUGH:** Oh, thank you, Mr. President. I was going to ask Senator Brewer to yield to a question, but I, I, I thought better of it. If he's still on here, though, I want to throw this out. Oh, I do see him. No, I'm not going to ask you to yield to a question. Don't-- you don't have to rush back. I'm just going to throw this out for you. Something that we can discuss when this potentially moves from General to Select, is I have a bill, LB749, and I just looked up that LB77 opens up all of the same statute as my bill, LB749, which would prohibit deadly weapons in the Capitol. And so, just want to throw it out. I don't want you to say yes or no now, because I mostly don't want you to say no. But the potential of amending it on if this bill were to move to Select File, this could be a lovely home for my bill, LB749. It opens up the same three pieces of statute as LB749 and is something that would really help make this building safer and make it easier for those that are guarding and protecting us in this building, our law enforcement in the building safer as well. And so, just going to throw that out there. I was going to ask you to yield to a question, but I'm not because I don't want to get a negative answer today. I will yield the remainder of my time to Senator Raybould. Thank you.

**KELLY:** Senator Raybould, you have 3:29.

**RAYBOULD:** Thank you. And I want to thank Senator Cavanaugh because we know that the U.S. Supreme Court did talk about restricting any type of weapons in government buildings. And we see that all around the state of Nebraska. When you go to even the small towns and small communities, they actually have metal detectors before you can get in. I did want to take some of my time and just finish the good guy myth with a gun is better than the bad guy because I just want to debunk that once and for, for all. It said, armed citizens often lack training for high-stakes situations and can actually make bad situations worse. A more effective approach to preventing gun deaths

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

is to enact strong laws and policies to keep guns out of the wrong hands and limit access to highly dangerous weapons of war. Here's another myth: mass shooters specifically target gun-free zones. Here's the fact: a small percentage of mass shootings occur in locations where guns are prohibited. This is a corollary to the myth that so-called good guys need to carry guns to protect against prospective shooters. This myth is often used to try to stop legislative efforts to limit gun carrying in certain locations that are considered particularly sensitive or unsuitable for guns, such as schools, houses of worship, or, again, government buildings. However, most of the incidents in the United States in which a single shooter kills four or more people, the FBI's definition of a mass shooting do not occur in locations where guns are banned, but rather in private homes or public locations where individuals are free to carry guns. There is absolutely no evidence that mass shooters specifically seek out locations where guns are banned for acts of mass violence. Here's one more myth we're going to debunk. The myth: gun laws do not work because criminals do not follow the law. Here's the fact: gun laws are effective at reducing gun violence. One other fact that we should know is that 40 percent of guns that are purchased are done at gun shows, where you can bypass a lot of restrictions and permits, et cetera. OK. So gun laws are effective at reducing gun violence. The fact that some individuals will undoubtedly violate any given law is not a reason to--

**KELLY:** One minute.

**RAYBOULD:** --eliminate-- thank you, Mr. President-- eliminate such laws altogether. Strong gun laws such as those that require background checks for all gun sales, prohibiting certain dangerous people from buying or possessing guns and limiting access to highly dangerous weapons of war are effective at helping keep guns out of the wrong hands in order to prevent gun violence and save lives. I know Senator Blood got an email from a constituent saying, well, you can buy a tank. Everybody out in Nebraska, you are prohibited from buying a tank. That-- you can't buy a tank and also you can't buy grenades. And in the city of Lincoln, you cannot buy bump stocks as an accessory. So for all those who think that they may be able to buy a tank out there in Nebraska, it is prohibited by law and you can't own grenades. So the other thing I hope I have a couple seconds left to do, Mr. President, I want to continue to recognize the eight souls that lost their lives.

**KELLY:** That's your time, Senator.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

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

**KELLY:** Senator Halloran, you're recognized to speak.

**HALLORAN:** Thank you, Mr. President. I yield my time to Senator Brewer.

**KELLY:** Senator Brewer, you have 4:50.

**BREWER:** Thank you, Mr. President. All right. I think it's pretty clear that you got two sides here. You, you got Senator Rayburn [SIC-- Raybould], you got myself, you got the ultra, ultra left and the ultra right, I guess, is how we're going to do this. And, again, you can believe what you want when you say things on this floor and it goes into a record, but it don't have to be the truth. Because if you go to a gun show, you will be in violation of the federal firearms laws if you sell without doing a background check and without doing an ATF form. And I invite you to go to any gun show, test that. See what happens. Because if you're a dealer, you cannot sell at a gun show. This whole fiction of a gun show loophole is, is a left "Crazy Ivan" that, that is a way of distracting folks. I ask you guys today to understand that this AM that we're working on here is simply trying to narrowly define some issues that folks were concerned about. And I understand they, they're all concerned about this may cause more penalties. But here's the moral of the story: don't do bad things with guns and then bad things won't happen to you. So the very fact that we're sitting here listening to those who see the world a whole lot more liberal complaining that we're, we're not-- that we're making too many laws that, that might restrict folks that want to do bad things with guns, but then they want to complain about bad things being done with guns. I'm sorry, I-- you, you got me in a bad position here to try and figure out the logic of this. The AM represents 17 years of practice of taking our Concealed Handgun Permit Program, going through and making sure that the laws that are there are fair and just. It has been time tested, and we use that to write our legislation. And yes, the, the Omaha Police Department did help us with that. But I think we have to stop and say, hey, if they know the problems and, and the challenges out there and we don't use their wisdom to kind of help shape what we have in the way of laws, then shame on us. You can hate the cops all you want, but the bottom line is their job's to keep us safe. And if they can come to a neutral position or, in the case of the sheriffs, in a, in a support position on LB77 and the amendment, then I don't understand why we're having this, this battle on the amendment. It's good. It helps the bill. It helps those that we're trying to help. And I would just ask that you do read the AM, but

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

understand that's only a piece of LB77. It doesn't wipe out LB77. It simply supports and helps LB77 to be better. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator John Cavanaugh, you're recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. Well, again, I rise in opposition to AM640 and the underlying bill, and I, I appreciate Senator Brewer's perspective. And, and of course, I, I, I appreciate his frustration about how much effort he's put into fighting about this. And again, I just-- we have a difference of opinion. We disagree. But if we're going to go forward with things like this, we should have that conversation in the open and in the most robust nature as possible. And again, I think we should have a hearing on AM640. Senator Dungan, I think, pointed out some of the things that I was going to also point out about the amendment. And I would just-- I think it bears repeating, the prohibited person section of this is-- which is different than the state's prohibited person statute. It does reference the state's prohibited person statute. But here's where it gets a little confusing. So a person, prohibited person for possession of a firearm or ammunition by 18 U.S.C. 922(d) or (g) as existed on January 1, 2023. And then if you go and read that section of the statute, they have other references internal to other sections of the U.S. Code. And so I think, you put a specific date on it, you have other internal references, I think that's important. And of course, you need to have a point at which it is clear what the offense is. Of course you do. But it needs to be at least ascertainable by someone of reasonable intelligence, I would say, what exactly is captured under that. And I got to tell you, when this bill-- this amendment was dropped on, I think it was Thursday last week, originally. I, I don't remember what its number was, but substantially the same form as AM640 I looked and immediately went to the U.S. Code and tried to figure this out. I'm still trying to figure out what is covered under that reference. I made a couple of phone calls to friends of mine who were judge advocates in the military to ask them what the, the discharge status reference meant in the U.S. Code. And that took two phone calls for me to figure that out. And so my point in saying this is that this references and then does-- has a list of people who are prohibited, including a self-reference to other sections of the U.S. Code. It's not abundantly clear what we're prohibiting in that reference there on page 8 of AM640, specifically line 23 to 24. So this is one of the reasons I think we need to have a hearing where somebody can come and, and senators can ask that question. And people who come and testify in support of this amendment can clarify that and we can get things on the record about what that means. So that's one of the reasons I think

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

that this bill-- this amendment needs a hearing. One of the reasons I'm opposed to it, certainly, but I've referenced before, my other opposition was this creating of new crimes. But I would also flag for you the fact that it potentially creates lesser included offenses. So on page 1, line 20, Any person who carries a firearm or destructive device during the commission of a dangerous misdemeanor commits the offense of carrying a firearm or destructive device during the commission of a dangerous misdemeanor. Violation of this section is a Class I misdemeanor for a first offense. And so then it goes on to, For purposes of this, it is-- for the purpose of this section, a dangerous misdemeanor means a violation of any of the following offenses-- this is on page 2, starting on line 10. It goes down to line 13, Knowingly violation of a vi-- a harassment protection order under 28-311.09; and knowingly violation of a sexual assault protection order under 28-311.11. My reading of those statutes would be that, currently, a violation of that would be a felony. And so I guess my question is-- I'm, I'm not here opposing it only because it, it, it creates new offenses in ways that I disagree with, as I've articulated before, but that it--

**KELLY:** One minute.

**J. CAVANAUGH:** --I'm not entirely certain that everybody advocating for this bill has considered that it-- the, the way in which it lowers some offenses. And I know there is-- obviously the, the bill as a whole is trying to take some folks out of the, the law enforcement jurisdiction. But when it comes to harassment, harassment protection orders, sexual assault protection orders, I think the Legislature has considered in the past making those a felony. So I just don't know what happens when you put this language that's in contradiction with the other sections. Are we eliminating that section of statute? Is this now officially going to be a Class I misdemeanor or does it remain a felony as it was before? And is that the intention of this amendment? Again, if we had a hearing on AM640, we could have that conversation in the hearing. We could flag that. We could say, oh, no, we didn't intend to do that. Let's strike that section. What happens to the bill if we strike that section or that amendment? And does it change the position of the people whose position was changed by the amendment or are they still in support--

**KELLY:** That's your time, Senator.

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

**KELLY:** Senator Hansen, you're recognized to speak.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

**HANSEN:** Thank you, Mr. President. You know, I, I got to thank, first of all, Senator Brewer, for bringing this bill, like I usually do every year. Definitely been educated in an aspect to the Second Amendment and carry conceal the last four years he's brought this. In this bill more than anything that's probably going to be brought this year has been finely crafted and honed over the years, getting a multitude of people involved. So kind of like creating a, like a samurai sword, you know, the metal gets folded over, it gets beaten. And so-- and we fold it over again. It gets beaten again. Every time we have a hearing, every time it comes on the floor, we learn something new. We get more people involved. And now we're here with LB77 and the amendment, which I'm both in favor of, that have been beaten over the course of time, that have been discussed, that have been debated, whether here or in hearings in front of Judiciary. And I think this is by far probably one of the best constitutional carry bills that have come in front of Legislature, if not the best one that we can-- that we have-- that we will see, that has gotten more people involved, that has come to more agreement. And I think this is a very finely crafted bill. And so I want to, I want to thank Senator Brewer for that because, a lot of times, we have bills that come up in front of Legislature that are not well crafted and have a lot of holes in them before they're worked out sometimes in committee or during the hearing process. But I think-- in just a little bit of a push to Senator John Cavanaugh, I think there have been a lot of discussion about the amendment, both legally and both its effect in the courts and also to the citizens in Nebraska. I know they worked very closely with the OPOA, with, with lawyers, with them about how this can best work within the bill and in statute and with law enforcement. I think that part has been, again, honed out very specifically. I understand maybe why he might want to take it back and have another hearing on it. But from my aspect, from what I've been hearing from them and from Senator Brewer's office, they've come to a very solid agreement that seems actually very feasible. I was a little hesitant at first about it, like I was sometimes with the previous amendment. But this, to me, makes the most sense. And actually for my constituents and law enforcement in my district, these are some of the very same concerns they've had that I feel have been addressed in the amendment. And so on just the aspect of rights, this is a, a point I brought up last time, I think last year when this, when this came up, and the idea of, of our constitutional right to carry a firearm. And I think Senator Brewer mentioned some of this already in his opening, and some other senators have talked about this. But I just want people to think what other, what other constitutional right do we have that you have to pay for and get specific training in order to use that right? The Second

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

Amendment and the constitutional carry might be one of the only ones I can think of constitutionally. The freedom of speech of, you know, the-- other, other-- many other freedoms. I can list them off. But this is the one we actually have to make specific agreements for in order, in order to use that right. And so I think our ability to protect ourselves, defend ourselves, our ability to carry a firearm that shouldn't be infringed upon is exactly what this bill is addressing. And so I am not in favor of the bracket motion. I'm hoping we can kind of move this bill along and, and have it come to a vote, maybe even today, which I don't think is going to happen, but it's a nice dream to have. But I do appreciate the conversation. I'm going to try to chime in as much as I can here. And I'm willing to even answer any questions the best that I can to try to at least spur some kind of debate with this bill.

**KELLY:** One minute.

**HANSEN:** So with that, I'm yield the time-- rest of my time back to the Chair. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Clements, you're recognized to speak.

**CLEMENTS:** Thank you, Mr. President. I found on my, my desk here a letter from January, wanted to point out the fact that Senator Brewer has worked with statewide agencies and law enforcement to try to get statewide acceptance of this. And on January 25, the Nebraska Sheriffs' Association, Nebraska Police Chiefs Association and the police officers of Nebraska wrote a letter to the Judiciary Committee, and they said, in its present form, the associations are taking a neutral position on LB77. Then they go on to say, LB77 has generated significant discussion among our members. From these discussions, we can see our members generally support the underlying purpose of the bill to protect the Second Amendment rights of law-abiding Nebraska citizens. However, we have concerns regarding several specific provisions which we interpret as taking away tools that law enforcement agencies currently have to deal with Nebraska citizens who do not possess and use firearms in a lawful manner. Then I see that they-- February 28, there's a letter written from the Nebraska Sheriffs' Association. It, it says, The purpose of this letter is to inform you that with the adoption of AM588, the Nebraska Sheriffs' Association supports the passage of LB77, and that would be including a, a criminal penalty for the possession of a firearm during the commission of a dangerous misdemeanor. They-- would Senator Brewer yield to a question?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

**KELLY:** Senator Brewer would you yield?

**BREWER:** Yes.

**CLEMENTS:** This letter references AM588, but I see you're substituting AM640. Does AM640 have the language that AM588 proposed that the Sheriffs' Association requested?

**BREWER:** Yes, it's identical word, word for word. The difference was that was an amendment to amendment, this is amendment to the, to the bill.

**CLEMENTS:** Very good. And

**BREWER:** So it changed [INAUDIBLE].

**CLEMENTS:** Would you go on and describe how you've worked with these associations and getting to this point?

**BREWER:** Well, keep in mind that we really didn't have very far to go with the police chiefs, the, the police officers and the sheriffs. They were generally, once we had a chance to sit down and, and go over the basic bill, LB77, it was working with the, the Omaha Police Department that we really got into the details. And what we went back to was the base bill of, of the old concealed carry permit process that we have had for the last 17 years. And that's the language we used. So as far as that language, it has been seen before the Judiciary Committee when constitutional-- or when concealed carry was first made into law and then that's what we've lived with for the last 17 years and then again when we had the hearing. So we've redefined narrowly the very same thing, but it's exactly what the State Patrol had asked. It's what we use with the concealed carry-- or the-- I'm sorry-- yeah, the concealed carry permit. So, you know, that language is, is what they've asked for and, and that's what they're happy with.

**CLEMENTS:** Thank you, Senator Brewer. And I was talking to my staff. I have staff who was here in the Legislature when the concealed carry permit debate was going on and they tell me that the objections to that bill said that there was going to be blood running in the streets if we allowed these concealed carry permits and there'd be--

**KELLY:** One minute.

**CLEMENTS:** --chaos. And I think we've seen in the last 17 years that there has not been the problems that have been proposed by the opposition. And I think we've seen in other states that this has not



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

created chaos in some 20 more states that have adopted similar legislation to this so I still support AM640 and LB77. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Raybould, you're recognize to speak.

**RAYBOULD:** Thank you, Mr. President. I do want to correct one thing that Senator Clements said. I've been in the Chamber the entire day. I've never heard anybody say that this is going to have blood running in the street. I've stood before this Chamber today and quoted statistics from recognized, authoritative and unbiased sources, and I want to shift my attention to Senator Brewer. Senator Brewer, when you use-- start name-calling, that, that diminishes our debate and it diminishes you. And I want to point out that my last name is Raybould. The other thing I also want to point out is that not all law enforcement, and the people in Nebraska need to know this, not all law enforcement supposed-- supports this piece of legislation. And, Senator Brewer, will you yield to a question? And I want a yes or no answer. Senator Brewer, do all law enforce--

**KELLY:** Senator, will you-- Brewer, will you yield?

**BREWER:** Yes.

**RAYBOULD:** Yes or no answer, please. Do all law enforcement officials in the state of Nebraska support this piece of legislation?

**BREWER:** No.

**RAYBOULD:** No. Thank you. Did everyone hear that answer? Senator Brewer said no. Now I would like to turn our attention and I'd like to read a letter from Chief Ewins with Lincoln Police Department. I had a chance to talk to her this morning, and she asked me to read this so that everybody understands her position and her position with the majority of law enforcement. She said, As a leader of a public safety organization, I believe it is vitally important to come here today to speak regarding the dangers of this bill. This bill jeopardizes the safety of our city, those that serve this community and all officers in this state, those that obtain a carry concealed weapon permit are taught to handle, render safe and practice shooting firearms with teachers that are proficient. This is like any other skill set. You must learn and practice. Officers must qualify once a year through a testing process for any firearm that they carry, as well as a secondary handgun that they may carry off duty. To be a responsible

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

gun owner, one must understand the ramifications and responsibilities of both owning and carrying a firearm in public. There is liability and possible prosecution if a person is negligent in the use of their firearm. To carry a gun, an officer-- as an officer, you cannot be under the influence of certain prescriptions and medications. There are warning labels on these medications that warn against operating a vehicle or heavy machinery. This bill allows you to carry a gun while being under the influence of strong prescribed medications. This legislation continuously speaks to handguns, but this concealed carry also approves the concealment of any deadly weapon. Think of the Von Maur shooting, that young man smuggled an AR-15 style weapon underneath his clothing. This is what Chief Ewins said, Firearm means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon. She succinctly said it. Anything that goes boom can be a concealed weapon. Large gatherings bring on safety concerns for law enforcement due to the potential for mass casualty events. Public gatherings, spaces are not under the restrictions listed. So when we go to the UNL football game, are we safe? And I want to say, yes, we're safe. We have terrific law enforcement in the city of Lincoln. When we know that terrorism and mass shootings continue to plague our society, we have, we have planned for and prevent those potential opportunities. How does this legislation make us safer? This is a question I'm going to ask to all the legislators today or tomorrow. How does this legislation--

**KELLY:** One minute.

**RAYBOULD:** --thank you-- how does this legislation keep our children safer from gun violence in the state of Nebraska? It's the same question Chief Ewins is asking. She says, Our officers are trained to observe those that are carrying weapons under clothing. This bill will prevent them from immediately engaging and stopping a possible mass shooting. Going to go off script again. I'm going to talk about our grocery stores. You've heard me say this on the floor before. We have customers come in with a weapon. Families that see that person with a weapon and they're shopping with their small children, they run out of the store. They leave their grocery cart there. Why? They don't know. Is that person part of our security team or is their child, is their family going to be the next mass casualty and are they going to be involved in the next mass shooting? She also asked, Chief Ewins asked, what does this do for our officers? It takes their attention away--

**KELLY:** That's your time, Senator.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

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

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

**SLAMA:** Thank you, Mr. President. I appreciate the opportunity again to get up and speak in favor of LB77, Senator Brewer's motion to withdraw and substitute AM55 with AM640. And everybody watching at home may be wondering why, like, why we're debating this motion to withdraw. And it's simply because, normally, motions to substitute are done by unanimous consent. Senator Raybould objected. She opposes the bill. And, and to be clear, if, if you do not support withdrawing and substituting AM55 with AM640, you are operating against all law enforcement in the state. I don't care if they're in support or opposition of the bill. Another point that I think it's important that we get to when we're discussing LB77, since the discussion has been raised about mass shootings, mass shootings are overwhelmingly conducted in gun-free zones. They are sought out as being soft targets. So LB77 has little to do with this. And I would also like to see if we're bringing up mass shootings, gun violence, I want to see something more than emotional appeals. Give me firm data, not just about guns and how they're scary and how you don't like them in your community, but about how constitutional carry states have seen an increase in, in any crimes, an increase in any mass shootings based on their passage of constitutional carry. Because again, we're talking about a mass shooting that happened in Nebraska, using that to appeal to the people who's watching, their feelings, when, in reality, we had an attempted shooting at a Target recently where the guy was openly carrying the firearm, openly carrying the rifle. So as we're discussing this bill and everything that goes along with it, it's just so critically important that we stay focused on what's a real substantive argument about a bill. And we can talk about the constitution and the intentions of our forefathers and what a militia means. At the end of the day, 25 states have adopted constitutional carry. And in regards to what Chief Ewins said, she's always going to be opposed to constitutional carry. There will never be a bill in which Chief Ewins comes in and supports constitutional carry. And I base that claim on some testimony-- let me bring it up-- that we had on a bill last year with regards-- I actually think it was LB773. If you'll give me a moment. In any case, I'll get that up on the-- my next time on the mike. But she is wholeheartedly opposed to any form of expansion of firearms rights in Nebraska, even though it flies in the fact of any set statistics beyond emotional appeals and claims that aren't backed by numbers that this will somehow increase violence. Senator Brewer has worked for years with law enforcement to get a compromise in AM640 and I can guarantee that if you talk to any

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

law enforcement officer in the state, whether they're in support or opposition of constitutional carry, that they will tell you that they prefer AM640 as opposed to the underlying LB77 if they're raising some of the concerns that law enforcement has raised in the past. So I think it's just critical that the people--

**KELLY:** One minute.

**SLAMA:** --watching-- thank you, Mr. President-- the, the people at home watching know what's going on on the floor in terms of procedure, the motions to withdraw, why we're even discussing a motion to substitute. That motion to substitute when we come to vote on it should pass 49 to nothing because law enforcement supports it. It's a compromise amendment that makes the bill better. If you're opposing it just for the sake of trying to undermine the underlying bill, that flies in the face of not only Senator Brewer but our law enforcement officers. I stand in complete support of LB77, amended or not, and support our Second Amendment rights to be defended in the state, just like we do in 25 other states, including all of our neighboring states except for Colorado. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Dungan, you're recognized to speak and this your third opportunity.

**DUNGAN:** Thank you, Mr. President. I would like to agree with Senator Slama on at least one point, and I think it's that anecdotes are not always the best evidence. I think one of the things that I grew frustrated with from the outside of this body looking in in the past is that, a lot of times, I think we tend to legislate by anecdote. That being said, anecdotes can be helpful. Anecdotes can illuminate issues. I know someone that was shot and killed days before Christmas due to a road rage incident, is what it sounded like at least. I chose not to go into detail about that because I think that anecdote isn't necessarily the most salient thing to talk about, but I think it's important to note that it does happen. I would also agree with Senator Slama that numbers matter. And so if we want data about whether or not laws like this affect crime, a very quick Google search brought this up. Recent studies, generally speaking, have concluded that right-to-carry laws are associated with double-digit increases in homicides and violent crime. A 2022 study found that right-to-carry laws increased firearm homicides by 13 percent, and firearm violent crimes by 29 percent. That comes from the Cambridge, Massachusetts, National Bureau of Economic Research. A 2019 study concluded that the adoption of shall issue, or right-to-carry laws, were associated with a 13 percent to 15 percent increase in violent crime rates a decade

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

after implementation. That comes from the Journal of Empirical Legal Studies. A 2017 study found that shall-issue laws, or right-to-carry laws, were associated with a 10.6 percent higher handgun homicide rate. That comes from the American Journal of Public Health. 2022 study found that states weakening concealed carry laws and allowing individuals convicted of violent misdemeanors to obtain a license to conceal carry was associated with a 24 percent increase in the rate of assaults with firearms. The reason that I point these out is it's not difficult to find empirical data that shows exactly what a lot of folks who oppose this have been saying, which is that when you increase the amount of guns or firearms in the community, we tend to see more violent crimes. I don't want violent crimes in my community. I don't want violent crimes in Lincoln. I don't want violent crimes anywhere in, in Nebraska. And if you listen to some of the concerns that have been expressed, not just by senators but by law enforcement, for example, Police Chief Ewins from LPD, there are concerns that are valid that this is going to increase crime. And so to pretend like we are only debating this based on anecdote alone I think is perhaps unintentionally disingenuous because the numbers are there. I could keep going on, but I don't want to just sit here and read on the mike because I find that to be somewhat arduous for folks to listen to. But just type it into Google and you will find empirical data, hard data numbers that show that crime rates increase when laws like this pass. Another concern that I have, generally speaking, is for our law enforcement. Law enforcement that I've spoken to express a concern that when you're out in the community and there's more people firing guns during an active shooter situation, it actually becomes exponentially more dangerous. Imagine you are in some active shooter situation and law enforcement shows up to neutralize the situation. And rather than one person with a gun, there's three or four all firing at each other. That's my nightmare scenario because nobody in that circumstance knows what to do. And law enforcement's going to do exactly what they are trained to do and what they do well, and that's neutralize the situation. So it doesn't matter if you're a, quote unquote, good guy with a gun or a bad guy with a gun, but in a situation where they're looking into a world or a, a room where there's three or four people all shooting at each other, they're going to take public safety as the number-one consideration and they're going to neutralize--

**KELLY:** One minute.

**DUNGAN:** --that-- thank you, Mr. President-- they're going to neutralize that threat. And to me, that's a scary situation. Active shooter situations have increased exponentially over the last decade.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

We see children being trained in active shooter situations from elementary school on. And in those situations, I personally, and I believe the data supports, believe that if you increase the amount of firearms in that situation, you're going to see increased harm. You're going to see increased injury. And I think you're going to see increased both physical and emotional trauma moving forward. And this is not to say that anybody with that firearm is bad. I believe they could be acting with their best intention. But the law enforcement officers that I've spoken to about this have expressed a concern that not only that they will be less safe, but that the people that they are trained and sworn to protect are less safe with laws like this. I don't believe--

**KELLY:** That's your time, Senator.

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

**KELLY:** Senator Erdman, you're recognized to speak.

**ERDMAN:** Thank you, Mr. President. Good morning. So I've been sitting here for nearly a little over two hours listening to the debate. I am in favor of LB77, always have been, and Senator's motion to substitute AM640. I appreciate that, Senator Brewer. So for years, it has been the case that to exercise your Second Amendment right, you had to pay something. You had to get permission to exercise your constitutional right. There's another right that is beginning to be very expensive to exercise, and that's the First Amendment. And if you don't believe me, just say something wrong and see what it costs you. We used to be able to say whatever was on our mind and it didn't cost us our reputation, our business or whatever else we lose when we say those things. But that's the way it is. So let me share a story with you that-- this situation happened several years ago when I was farming. I raised a lot of alfalfa and I would sell that hay to dairies, sometimes to horse people in Pennsylvania and the eastern part of the United States. And semi-trucks would come after they have unloaded their steel in Denver and pick up a load of hay. And one morning when I was loading a truck, the driver and I were talking about his trip out. And he said that the day before he had gotten here, he was at a Kwik Shop early in the morning, 3:00 a.m. or so, getting a cup of coffee, and a guy came in with a mask and a gun and tried to rob the Kwik Store-- the Kwik Shop. He was a concealed carrying person. He therefore pulled his weapon and held the robber at gunpoint until the police showed up. Had he not been there and had a weapon, what may have happened? I don't know. But that was a good guy stopping a bad guy with a gun from doing something bad. It happens all the time. A church in Texas,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

shooter comes in, starts shooting people. A person who was in the audience in the church shot the guy before he killed more people than he did. It works. It works. So let's move the bill. I believe the votes are there to move the bill. Let's move it and let's move on. I would yield the rest of my time to Senator Slama.

**KELLY:** Senator Slama, that's 2:20.

**SLAMA:** Thank you, Senator Erdman. And thank you, Mr. President. I didn't want to leave everybody hanging there with what Chief Ewins' testimony was last year before the Judiciary Committee on LB773. And I was aghast when this testimony was presented by a chief of police of a major city in the state of Nebraska. She testifies generally about the bill and then makes mention of-- I'm going to go a little off script here. No one's mentioned the need to call 911 in their testimonies. And as a chief of police coming from a city of 800,000 people and working in the worst crime areas, I will tell you not calling 911 is a huge mistake and take it upon yourself to do what law enforcement should do, and I'll leave it at that. Senator DeBoer followed up with a question of, so could you clarify the last part with calling 911 and all of that? And Chief Ewins responds with, yeah, I mean, I-- look, I am a believer in the Second Amendment. Absolutely. I know some people might have feelings, I've been here for five months. I know. But I'm from California. But, you know, I, I--

**KELLY:** One minute.

**SLAMA:** --do believe-- thank you, Mr. President-- I believe in the Second Amendment and calling 911 is absolutely something we need to do if you feel there's danger and if you need help. No, we've done a great job in Lincoln. The officers here are tremendous. But if we're not calling 911 to have these officers come out and do what everyone is describing as far as taking action, that's just not a good policy to have. OK. So testimony before the Judiciary Committee from the Chief of Police for the second largest city in the state of Nebraska saying that you need to call 911 regardless of the situation before you use force because the officers know better than you how to respond. Speaking to Senator Erdman's example, speaking to all of these other situations, when you're in the midst of becoming a victim of a crime, if you're being attacked, you don't have those 30 seconds, generally, to dial 911 and describe what is happening to you. Concealed carry will continue to keep our community safe. And if we're saying that Chief Ewins is--

**KELLY:** That's your time, Senator.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

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

**KELLY:** Senator Vargas, you're recognized to speak.

**VARGAS:** Thank you very much. So I wanted to follow up on a couple different things because I had a conversation with Senator McDonnell earlier just to make sure we're clarifying some things. I know some people have mentioned this in terms of the record. I know that there has been negotiation on behalf of the OPOA to address some of the concerns on the bill, and that's why they're in the neutral testimony. You know, my concern still lies with the local control issue for a municipality. You know, according to some of the, at least the most recent updates that we've seen in the media, you know, Mayor Stothert is still opposed to this, as well as Chief Schmaderer. And hearing that our, our mayor of the city that I represent, also that has, has been representing the city for many years, is concerned and has, and has been quoted that this is about protecting the public safety and local control. Still is the proceeding reason why this is despite all of the different attempts and the work that's going along with this, which I still appreciate Senator Brewer's commitment on this issue that we still have the, the largest city in Nebraska and their mayor saying that this is, this is not something that they support and they're still opposed to. Despite the concessions that are made for-- and I think Senator McKinney had, had mentioned this, that are going to be putting some more offenses and, and increased charges. That is one avenue and one way of trying to address the problems, but it is not, on the forward end, still addressing the issue that we have an elected official representing the largest city that is still in opposition of this bill despite all the different amendments and despite all the conversations and, and the changes. I still want to respect local control. I still think this is one of these issues where we have to continue to look at the larger issue, which is, is this absolutely necessary to solve a pressing problem? I still believe there is a larger problem that we're seeing with gun violence in our country. So I believe there's a larger problem when we're talking about gun safety, and this is not pushing us in the right direction. I think we still need efforts to make sure that we are supporting our local ordinances and supporting our local control and preventing gun violence and gun safety. With that, I will yield the remainder of my time to Senator Raybould.

**KELLY:** Senator Raybould, you have 2:10.

**RAYBOULD:** Thank you, Senator Vargas. Thank you, Mr. President. I, I just want to let Senator Slama know, I don't know if you heard what



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

Senator Brewer said when I asked him the question, do all law enforcement in the state of Nebraska support LB77? And I don't know if you heard his answer. He said no. He, he said no. So I just want everybody out there listening, all law enforcement does not support this bill. You also had a question about concealed carry, that it's poppycock, that this really denigrates our society and that there's, there's fewer crimes because people have guns. Here's a study, and I'll give it to you. It says study finds significant increase in firearm assaults in states that relaxed conceal carry permit restrictions. This was from the Johns Hopkins Bloomberg School of Public Health. I believe Senator Dungan gave one statistic. It also substantiates his statistic. I'm a business owner. I'm a business person. I can geek out all day on statistics. Trust me, Senator Slama, I will be happy to share them all with you. This will be yours. It says the study found that moving to less restrictive laws was associated with a 24 percent increase in the rate of assaults with--

**KELLY:** One minute.

**RAYBOULD:** --firearms when individuals convicted of violent misdemeanors were eligible to obtain concealed carry license. The researchers also found that states with shall-issue laws, have live firearm safety training requirements did not see significant increases. And then I'd like to, to address some of the comments that Senator Vargas made with Chief Schmaderer. He came out and testified in opposition to this. And this is what he said. He said, in 2022, the Omaha Police Department seized 1,458 firearms, the highest number in the department history, he said, which shows a side that there is such readily easy access to firearms, not only in our state of Nebraska, but obviously in the city of Omaha. Schmaderer expressed concerns that LB77, which would remove Omaha's gun registration ordinance that requires all concealable firearms within the city--

**KELLY:** That's your time, Senator.

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

**KELLY:** Senator Hunt, you're recognized to speak.

**HUNT:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. This has been a very exciting and interesting debate. And I-- as I was saying before my last time on the mike, which this is only the second time I've spoken on the mike, and I had a thought I was making and I wasn't able to complete, and now it's been maybe an hour and I'm back up. So this just shows how much interest

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

there is from the body and from our constituents that's being, you know, translated through us on this issue, and I think that's really great. I like this issue because it is so complicated and people can have complicated views about gun rights, gun control, gun safety, freedom and liberty, all of these things. And I think for some people, like many issues, it is black and white. But for most people, probably 75 percent of people, it's very nuanced and very gray. And we can contain multitudes and have, like, several different opinions at once about this type of stuff. I don't dread this bill. I really look forward to it. And, you know, when I look at the board and I see what motions are up for debate right now, this is on the bracket motion. I'm going to oppose the bracket motion. On the motion to withdraw AM55 and substitute AM640, I am still interested in understanding what AM640 does as well as understanding law enforcement's position on that amendment. I thought that the arguments from Senator John Cavanaugh and Senator Dungan that this amendment might be very substantive to the point where it should have its own hearing, I thought those arguments were convincing and interesting. I'm not sure-- I'm, I'm not convinced that they're right. Many comments have been made since my last time on the mike. That's the crazy thing about this time, it's like you want to respond to so much stuff. I was also intrigued and interested by what Senator Erdman said just most recently about the gradual erosion of rights in the United States. And the example that he brought forth was the First Amendment right. And I would be interested to know what Senator Erdman, what it is Senator Erdman feels like he can't say. But of course, the difference between what goes on with the Second Amendment and what goes on with the First Amendment, what goes on with the right to privacy and bodily autonomy and all of these things that we can apply through a constitutional lens is, what is it the government is actually trying to make illegal? No one is trying to make free speech illegal, of course. No one is trying to make voting illegal, although we have several bills introduced this year to make it more difficult to vote, to possibly require voters to have to get vote-by-mail ballots notarized, which can come with a cost. So, you know, when we talk about the cost of rights or infringement or, or limitations or restrictions on rights from the government, those apply to lots and lots and lots of different things. So I think to avoid being too hypocritical, we should acknowledge where we personally each think that rights stop and start. You know, I think that people have the right to end a pregnancy. There are many of you in here who think that a fetus is a separate person who has its own rights to personhood, and that's something that's played out in the courts and in, in politics over the years. But, you know, those are both views that, that lawmakers come

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

to different conclusions about. So the balance, to me, is really about what are the rights people have versus the-- you know, the freedom we give people versus the laws that we end up deciding to pass. And in everything I do here, I'm more interested in how people are actually affected by laws and by, by different things that we--

**KELLY:** One minute.

**HUNT:** Thank you, Mr. President. I'm more interested in how people are actually affected by the implementation of these laws than I am by the philosophical exercise around what is freedom or what does "shall not be infringed mean" in the Second Amendment? What does "well-regulated militia" mean? All of these things. It's, it's an interesting and fun philosophical and moral argument that you can have in a college class or something or we can debate on the floor of the Legislature here. But when you look at how gun laws are actually affecting people in society today, you know, I think we can't judge the morality of something based on a philosophical experiment. We have to judge the morality of something based on how it actually plays out in real life. You know, is it moral to force women to be pregnant when we see that when we do that, they have bad health outcomes? OK, so regardless of how you feel--

**KELLY:** That's your time, Senator.

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

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

**J. CAVANAUGH:** Thank you, Mr. President. So like Senator Hunt just said, there's a lot of things being said and feel like responding to. And I would, before I get back to my previous comments, point out that there are lots of ways in which we charge people for exercising their rights. And I wrote down freedom of assembly. We have no problem asking people to get a permit for a march or an event and charging some nominal fee for that. We have, we do have the voter ID, which we're going to put a burden on people exercising their right to vote. I hope, and I think we will-- if whatever we do, have a free option for that. But-- and I think that's kind of a, a straw man argument anyway, because if this bill were just to say there's no charge for concealed carry permits and that you still had to take-- you still had to get the permit, you had to take the classes and go through all of the procedures that everyone's talked about and we just eliminated the cost, that bill would probably pass 49-0 or whatever number of people

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

are here that day. So to say that there shouldn't be a cost here, let's just do that. Right? But that's-- so that's a straw man argument about what we're doing here. So if anybody wants to propose that amendment, I would be for that, eliminating that cost. But I want to get back to the conversation about what it is we are doing here today. And I was talking about the fact that I don't think that AM640 is in order at this time and that it does require some further discussion. It does require a hearing about these substantive changes in our statute, in our, in our criminal code, both increases and decreases in penalties. And I was discussing the fact that I'm concerned that it creates a lesser included offense to the offense of knowingly violating a protection order with a gun. And so I left off-- so it's 28-1206 is, Possession of a deadly weapon by a prohibited person; penalty. And if you go to paragraph-- section (1)(iii), it says-- so (1) A person commits the offense of possession of a deadly weapon by a prohibited person if he or she-- and it lists off a few things they can do. But then second paragraph (iii) Is subject of a current and validly issued domestic violence protection order, harassment protection order or sexual assault protection order and knowingly violate such. And then it lists a couple other things and it says that the penalty for this-- let's see. Trying to find the penalty here-- is a-- for violating this section is a I-D felony, which is among the most serious felonies that we have. These are the ones that have, if I remember right, has a mandatory minimum of three years in prison, which was no good time. It would have a, a maximum penalty, I think, of 50 years. And-- so that is a much more serious charge than the one that's established here under, again, it's AM640 line-- page 1, line 20, what is it, (3), so anyone who carries a, a firearm when commissioning-- committing a dangerous misdemeanor. And then you go to page 2, subparagraph-- or I'm sorry, line 13 and 15, knowingly violates harassment protection order; knowingly violates sexual assault protection order. So those are two that are, that are contemplated under this 28-1206. And my point is, is just that I don't think that this was thought through. I don't think that was-- this is the intention of this amendment. I don't think this is the intention of the folks who agreed to this amendment. I don't think it's the intention of Senator Brewer in this amendment. I don't think anybody is intending to do this. However, the fact that we're all rushing to get it done means we may, by virtue of that rush--

**KELLY:** One minute.

**J. CAVANAUGH:** --accidentally do that. And so what I'm saying is let's do this the right way if you want to do it. Again, I'm opposed to the bill. I will be opposed to this amendment even without those sections,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

probably. But if you're going to do it, do it right so that we don't come back next year or the year after or whenever and say, oh yeah, we didn't mean to do that, and so we need to fix it. So why not just do it right the first time? You're on notice now. There are other aspects of this that I think need that, that level of consideration and further investigation. And that's the reason you want to have a hearing on a bill before it comes to the floor. That's why we don't put up amendments that haven't had a hearing if they're this substantive. That's why AM640 should be referred back to committee for a hearing on the substance of AM640 before we amend it into any bill, let alone this bill. Thank you, Mr. President.

**KELLY:** Thank you, Senator. Senator Blood, you're recognized to speak.

**BLOOD:** Thank you, Mr. President. Fellow senators, friends all, I stand against the bracket motion and in support of the amendment, AM640. But with that said, I would ask that Senator Brewer yield to some questions that I'm pretty sure he knows the answers to.

**KELLY:** Senator Brewer, will you yield?

**BREWER:** Yes.

**BLOOD:** Don't worry, Senator Brewer, they're not tough. So I need you to help me understand something. And I'm sincere when I say this. And I've had a lot of people ask me this question, so I'd like to get it on record. So I know that, if, if I smoke pot-- which I do not-- but if I smoke pot that, legally, I'm not supposed to purchase a gun. Is that accurate?

**BREWER:** Yes.

**BLOOD:** So here, here's one of the concerns that I've come across over several of my campaigns, actually. Did you hear me talk about the CBD shops, how I actually visited one for the first time ever and was surprised at what I found? Did you-- were you here that day?

**BREWER:** I, I was, I'm trying to remember the detail of what it was that you were surprised about was the, the control within the store as far as--

**BLOOD:** Right. We aren't regulating any of that. So I thought I'd come in and there'd be a store full of CBD, which we know means no high. And instead 80 percent, 90 percent of the store was Delta 8 and Delta 9, which create highs. So here's the question that I have, and I mean this sincerely because I have people asking me this question. If I'm,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

say, a veteran with a gun-- I see your staff just brought you the answer-- if I'm a veteran with a gun and I decide to start using Delta 8 or Delta 9 for my, my PTSD, as we know a lot of people in my district do, what happens? Do I have to give up my gun? Do I-- is it don't ask, don't tell?

**BREWER:** Well, no, you would, you would be in violation. And it's not just drugs, but alcohol. You can't have any trace at all in order to be able to, you know, as now with permit carry, but with constitution carry, you'd be the same rules. Covers the exact same statute as far as what you can and can't do between constitutional and concealed carry.

**BLOOD:** All right. So you are actually helping me verify that we need to start regulating things because I think it's going to cause secondary issues on gun ownership too in Nebraska, because, legally, it sounds like law enforcement could pick them up and they'd be screwed.

**BREWER:** I, I think if you had either alcohol or, or drug residue in your body, then, yes, you're, you're subject to the penalty.

**BLOOD:** I, I think we're going to be last to the table, Senator, because other states are now approving mushrooms and acid for PTSD. So I'm real curious when we're going to step up to the plate and do our job. But I appreciate that. I told you it wouldn't be a hard question. And now I have the answer, and I appreciate that. With that, I would yield any time I have left to Senator Raybould.

**KELLY:** Senator Raybould, you have 1:50.

**RAYBOULD:** Thank you very much, Senator Blood. Thank you, Mr. President. I did want to end some of my comments for this morning really to continue to recognize the, the individuals that lost their lives in Von Maur shooting. I did want to mention Diane Trent. She was a store employee. Spent warm evenings tending to the flowers on her porch, drinking tea and chatting with her neighbor. And he said that, We lost an incredible woman. I also spoke about John McDonald, but I also wanted to mention Gary Joy. He loved writing stories and poems and was a devoted son, his 90-year-old mother said. Inez Joy said her 56-year-old son often dined with her at an Omaha retirement community, most recently at Thanksgiving. He always came when I needed his--

**KELLY:** One minute.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

**RAYBOULD:** --help. Thank you, Mr. President. His mom said, I haven't been through tragedy before. This hurts. There's not a thing you can do about it. Joy, who had also lived in Denver, was divorced and had no children. He is survived by his mother and older brother. Janet Jorgensen, a long-time employee in the Von Maur's gift department, was popular with coworkers and customers alike, her daughter-in-law said. Almost everyone who shopped there seemed to know the 66-year-old Omaha woman because of her friendly, ongoing personality, and the daughter-in-law said she was amazing. Jorgensen, who worked at the store since it opened about a dozen years ago, is survived by a husband, three children and eight grandchildren. And the last victim was Maggie Webb, was new to the Omaha Von Maur store. She transferred there from a Chicago location. And her sister said, One of my staff commented to me about Maggie, saying she was one of the good ones. They paused and said, No, she was one of the great ones. So this goes to my point that these Americans, these Nebraskans, lost their lives. Their lives were cut short. And that's why all of us here today are arguing so loudly and clearly on the proliferation and easy access to firearms. The reducing the requirements for concealed carry is going in the wrong direction.

**KELLY:** Thank you, Senator. That's your time. Mr. Clerk, for items.

**CLERK:** Mr. President, items. Your Committee on Education, chaired by Senator Murman, reports LB698 and LB141 to General File, LB141 having committee amendments. New A bill from Senator Brandt, LB321A. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB321. New A bill from Senator John Cavanaugh, LB552A. It's a bill for an act relating to appropriations; appropriates funds to aid in the carrying out of the provisions of LB552. Notice of committee hearing from the Revenue Committee as well as the Judiciary Committee. Committee report from the Retirement Systems Committee concerning the gubernatorial appointment of Thomas Henning to the Nebraska Investment Council. Amendments to printed: Senator Linehan to LB302, Senator Raybould to LB77, Senator Holdcroft to LB580. New motion from Senator Cavanaugh to withdraw LB751, and a motion to be printed from Senator Riepe to suspend the rules to permit for the cancellation of the public hearing on LB446 [SIC-- LB464]. A motion to be printed from Senator Vargas to withdraw LB446-- excuse me, LB464. The Performance Audit Committee would designate LB90 as the committee priority bill for the session; Performance Audit, LB90, committee priority. New LR from Senator Armendariz, LR52. That'll be laid over. Additionally, LR53 from Senator Armendariz. That will also be laid over. Name adds: Senator Holdcroft, name added to LB80; and Senator Day to LB748. Notice that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 1, 2023

the Government Committee will hold an Executive Session this Thursday after the hearing; Government Committee, Thursday, Executive Session after the hearing. Additionally, notice that the Health and Human Services Committee will hold an Executive Session Friday, March 3 in Room 1510 following their hearing; Health and Human Services, March 3 after their hearing. Finally, Mr. President, priority motion: Senator Day would move to adjourn the body until Thursday, March 2, 2023, at 9:00 a.m.

**KELLY:** The question is, shall the Legislature adjourn for the day? All those in favor state aye. All those opposed say nay. We are adjourned.