

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

Judiciary Committee
March 20, 2015

[LB635]

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

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

Judiciary Committee
March 20, 2015

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

SENATOR SEILER: Senator Chambers. [LB635]

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

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

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

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

Judiciary Committee
March 20, 2015

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

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

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

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

SENATOR GARRETT: This change would allow them to be in an establishment that...they still could not consumer alcohol. But like I say, so many eating establishments derive so much of their profit from the sale of alcohol that it prohibits a

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

Judiciary Committee
March 20, 2015

concealed permitholder from going in many establishments, let's say, a Buffalo Wild Wings, where there... [LB635]

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

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

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

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

SENATOR CHAMBERS: There's some scary people in this...I probably get more threats than everybody, at least in this room, put together. I don't carry any weapon anywhere. I don't want a weapon. I think Americans have become the most frightened people on the face of this earth. Rural people are the ones who often come out here and tell us, we've got to be able to have guns in the schools because the police are not close by. Well, the only ones in their area are their neighbors and each other. On the one hand, they want to talk about how they help each other, they get along so well, but all of them want to carry guns. I don't mean every individual, but they...it's not persuasive to me. And before they had the right to carry all these concealed weapons, they were not getting shot down in their streets, they were not getting shot between their house and their pickup truck, they were not getting shot off their tractors or their combines, yet they want

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

Judiciary Committee
March 20, 2015

to carry guns everywhere they go. And to me, it indicates a lack of a feeling of manhood and the gun is not an extension of a person. The person becomes an extension of the gun. And without the gun, he feels insecure, he's frightened, he thinks people are going to hurt him. And I would hate to live like that. But by the same token, a scared person is the last one who ought to have a weapon, and I just can't see, Senator, why people need to carry these guns into these liquor establishments. And what you've indicated is that you'd like to see it happen, but I don't think you've made a compelling justification for it. And that's as much as I'll say, and that's for the record so that, when the record, if there is one that somebody looks at, the absence of opposition might be an indication that the whole committee agreed with what was presented and, therefore, that's the position of the committee. And it may be everybody else's position, but I want it to be clear that it's not mine. And you can respond if you want to, but I'm not going to ask a series of questions. [LB635]

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

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

SENATOR GARRETT: Understood. [LB635]

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

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

Judiciary Committee
March 20, 2015

SENATOR GARRETT: Yes. [LB635]

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

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

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

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

SENATOR CHAMBERS: Well, when I was in the Army, we had a lot more than eight hours, a lot more. But the point I'm getting to: There's not that much you're going to learn about handling weapons in eight hours. But that's all that's called for and it's token because these people who tote these guns want to be able to tote them. The NRA wants everybody to tote them, so they have more members, more political clout. The gun manufacturers, the gun dealers, the gun sellers want that. That's why they don't want anything that would make it less easy to sell guns. They don't want people to be licensed. They don't want you to have to...they don't want the kind of precautions that ought to be taken and, as a result, I think there are people doing mass killings who would not ordinarily because if you don't get the gun, the mass killings don't occur. Some people say, well, you can kill somebody with a baseball bat, but nobody has committed mass murder with a baseball bat. They might sneak up on somebody. Even serial killers, usually, they want to be close up and person, so it'll be very close proximity between the victim and the killer, so it might be even a knife. It might be a close-range discharge of a firearm, but the mass killer wants to cut loose and cover as much territory as possible, as has happened in Sweden the other day, in some of the other countries where they weren't having these kind of problems, in Tunisia. So when America

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

Judiciary Committee
March 20, 2015

encourage these uprising in other countries, they also brought the cult of the gun. And now the same things that have been happening in America are happening in other countries with the template or the paradigm being provided by America. When Saddam Hussein was killed, one man became more important than an entire region. And when he was killed, he was the glue that held Iraq together whether they liked him or not. When he was killed, the country fell into chaos and now they have ISIS. They wanted for decades to kill Muammar Gaddafi. Carter didn't like him. Clinton didn't like him. Reagan didn't like him. He outlasted all of them. So then they managed to get him killed and now not only has Libya been dismembered as a country, but the ones that America supported are now the ones that America feels are the biggest problems. And ISIS has taken hold there and I'm sure you saw the depiction of that long line of people called Christians in Libya, which never happened under Muammar Gaddafi. But America has destabilized every place in the world they have ever gone, and I defy anybody to show me the contrary. So when that attitude creates problems there and they're creating an attitude now of so much fear that everybody has to have a gun all the time, everywhere, and they are so arrogant, these gun toters, that they want to say, if you don't have a sign this size with exactly on it what the government mandates, then any other notices that you don't want guns on your property have no effect and we can bring our guns on your property, and this from the people who say they don't like government mandates, I think that is preposterous. You didn't say that. But if you were here, that's what I was objecting to that they brought. And I'm just going to stop here because you and I can talk more later and mine was for the record. But I had to get that out. [LB635]

SENATOR GARRETT: I appreciate it. [LB635]

SENATOR SEILER: Senator Ebke. [LB635]

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

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

Judiciary Committee
March 20, 2015

right? [LB635]

SENATOR GARRETT: Right. [LB635]

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

SENATOR GARRETT: Right. [LB635]

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

SENATOR GARRETT: Indeed, they will. [LB635]

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

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

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

SENATOR GARRETT: Yeah, exactly. But, you know, these are law-abiding citizens. They don't want to violate the law. It's beat into them about, you know, you need to

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

Judiciary Committee
March 20, 2015

comply with the law and if establishments have, you know, no firearm...a no-firearm policy, they need to respect that. But again, if they want to go into a keno parlor or a sports bar or whatever, they want to be able to do that. And so that's what was the genesis of this bill and then the subsequent amendment was...I as a parent with, you know, my three children...our three children are grown now and...but I know law enforcement officers make mistakes. We all make mistakes sometimes. But if there was a parent who was an off-duty law enforcement officer, I would want him or her to be carrying their weapon at all times, even on school grounds. [LB635]

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

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

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

SENATOR SEILER: Yes. [LB635]

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

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

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

SENATOR GARRETT: Thank you. [LB635]

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

SENATOR GARRETT: Thank you. [LB635]

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

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

Judiciary Committee
March 20, 2015

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

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

Judiciary Committee
March 20, 2015

that one today. But that's how...we don't know how much...there are so many locations where we don't know. As an instructor, and various instructors have debated what do we tell our students. I've had...I tell my students, if it says "bar and grill," stay out. If it's a restaurant and bar, then that's probably okay. [LB635]

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

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

ROD MOELLER: Okay, okay. [LB635]

SENATOR KRIST: Okay. Thank you. [LB635]

SENATOR SEILER: Any other questions? [LB635]

SENATOR CHAMBERS: Just one. [LB635]

SENATOR SEILER: Senator Chambers. [LB635]

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

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

SENATOR CHAMBERS: It was all over the news. I'm not making it up. It just indicates that the term "instructor" does not necessarily indicate that the person is going to be careful and cautious. And so society's policymakers establish policies, and all you have to do is get enough votes and that can be changed. But if in the meantime a person is in

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

Judiciary Committee
March 20, 2015

doubt, as you told them, just don't go there and carry the gun. And before you were allowed to carry a gun hidden, you went there and you didn't have any problems, so leave the gun, if that's where you want to go, and everybody is happy. [LB635]

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

SENATOR CHAMBERS: Four words: If in doubt, don't. And I'm not being facetious. See, I live in a community that...where there is a tremendous amount of gun violence, so I'm familiar with it. And some people are too flippant when they talk about these kind of issues and say, well, I don't know whether this amount of alcohol is served or that amount of alcohol is served. But when a climate, when a culture of the gun is inculcated, right now or up to now, it seemed like it was restricted to the community where I live. Now it's bleeding into other areas of the city and they're becoming concerned. And they'll always say, we never had that happen out here, we didn't know. And now there is a different attitude toward gun violence in Omaha. And all the years that I've tried to get the police to do something about that, and even now, nothing to try to stop the flow of the guns. And I think you and I would both agree that people who are in illegal possession of guns ought to be dealt with. But if the community is aware of who these people are, the police have to know, yet they'll come down here and say, we want something done about these facsimile guns. And I say, well, I want something done in my community about the real guns. And they don't want to hear it. So I have a very jaundiced eye when it comes to a lot of guns proliferating. And if there is a situation, as it was suggested by Senator Garrett whom I have profound respect...and I've come to see you differently than I did at first because I've had a chance to kind of hear what you say and interact with you. So you're not one of those people that somebody might think I see as a wild-eyed lunatic and all he needs is to know that nobody's looking and he'll run out of here and get his gun and kill everybody. That's not

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

Judiciary Committee
March 20, 2015

the way I view you, even when I'm disagreeing with you on an issue. But when I hear some of the arguments that if trained people were there with guns, your experience in a city is not mine, at all. So if I were in an area where people have malaria and malaria is caused by mosquitoes that carry the virus and somebody told me the way to eradicate or address malaria is to introduce more malaria-carrying mosquitoes...so whenever I hear people say the way to deal with gun violence is to introduce more guns, I say they don't have any idea what they're talking about because I see what happens. Theirs is academic, it's theoretical, it does not impact the community, so they can be that way. In my view, it is entirely different. So when I ask questions, they'll be addressed to the person in the chair sitting in the seat, but it is not necessarily a reflection on that person who is sitting there. You probably thought I would be against you on everything and in every way, didn't you? [LB635]

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

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

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

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

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

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

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

Judiciary Committee
March 20, 2015

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

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

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

SENATOR PANSING BROOKS: Thank you. [LB635]

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

ROD MOELLER: Thank you. [LB635]

SENATOR SEILER: Next proponent. [LB635]

CHRIS ZEEB: Good afternoon, members of the committee. My name is Chris Zeeb, C-h-r-i-s Z-e-e-b. I'm in favor of this bill. I...you heard me spoke earlier. I'm a concealed handgun permit instructor. During my day job, I actually work in the restaurant business and I have for 27 years. It's my job to study restaurants and revenues and profits and everything else, and I can honestly sit here and tell you I have no clue what Applebee's, Chili's, or Buffalo Wild Wings's breakdown of revenue is for alcohol versus food. So, you

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

Judiciary Committee
March 20, 2015

know, this bill is not asking to allow permitholders to drink. When I teach a class, I inform the students, you do not drink alcohol, if you've got lit like a Christmas tree Friday night, you don't carry Saturday morning, you still have alcohol in your system, it's against the law. That's very clear. We do not want...we're not asking for folks to be able to carry and drink, just can we go into a restaurant. Senator Pansing Brooks, you said no guns in any restaurant where liquor is sold. I love to go to Chipotle. [LB635]

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

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

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

SENATOR WILLIAMS: Thank you, Senator Seiler. I've just got a follow-up question then. With your training that you do, and I assume the training that you follow is much like anybody else that's doing that training, what do you advise the person on Applebee's or those kind of establishments where you've clearly shown that, from your experience, you don't know whether that's 50 percent or not? [LB635]

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

SENATOR WILLIAMS: DO you get a sense from the students that you have that

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

Judiciary Committee
March 20, 2015

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

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

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

CHRIS ZEEB: Absolutely, absolutely. [LB635]

SENATOR WILLIAMS: Thank you. [LB635]

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

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

SENATOR SEILER: Total gross sale. [LB635]

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

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

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

Judiciary Committee
March 20, 2015

CHRIS ZEEB: Yes. [LB635]

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

CHRIS ZEEB: All right. [LB635]

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

CHRIS ZEEB: Thank you. [LB635]

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

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

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

Judiciary Committee
March 20, 2015

more likely to abuse alcohol to carry guns into bars and then to not anticipate that some of them will drink while doing so. Even if a CCL is sober, he is surrounded by people who are not. Fights in bars happen. When someone has carried a gun along to be the, quote, good guy with the gun, unquote, it becomes more likely that these fights will turn deadly. I find this particularly worrisome considering a CCL holder in Nebraska needed to only hit a stationary target with 70 percent accuracy to get a CCL. A 70 percent stationary accuracy rate will look very different when that, quote, good guy, unquote, is intervening in a bar brawl. It is reasonable to expect an increase in gun violence incidence in bars if this legislation passes. Taking a gun into a bar has long seen to be such a bad idea that most state would have never considered passing legislation like this. But as American gun culture has grown increasingly radicalized, we are seeing outlandish gun legislation popping up all over the country. Thanks. [LB635]

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

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

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

_____: (Inaudible.) [LB635]

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

_____: And it's also (inaudible)... [LB635]

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

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

Judiciary Committee
March 20, 2015

_____: Oh, I (inaudible)... [LB635]

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

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

AMANDA GAILEY: She is. [LB635]

SENATOR PANSING BROOKS: Thank you. [LB635]

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

SENATOR PANSING BROOKS: Thank you. [LB635]

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

AMANDA GAILEY: Thanks. [LB635]

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

DANIELLE SAVINGTON: Honorable Chairman, Senators, again, I'm still Danielle Savington. That's D-a-n-i-e-l-l-e S-a-v-i-n-g-t-o-n. Today though I'm not here from my perspective in my day gig as an attorney or as the mother of kid jocks but as a part-time cocktail waitress at a gig that I have in Omaha. I sling beer and pizza a couple times a month when my balance is good enough because, primarily, as I'm sure you've guessed, being an attorney is kind of an uptight gig. As a cocktail server, which is what you call a waiter or waitress who works on a restaurant's bar side, I have seen some pretty crazy stuff: bus loads of bachelorettes tumbling in at 12:15, hunting up Vegas

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

Judiciary Committee
March 20, 2015

bomb shots before last call; the infamous power hour that a newly minted 21-year-old's friends will browbeat him into; fights between couples; first dates; blind dates; breakups; and makeups. What I've never seen and what I hope to never see is a drunken gun fight. See, I watch folks as they drink their beers and become progressively more "wibbly-wobbly." I see their designated drivers clutching them by the shoulders to keep them upright as they wander outside for a smoke. And regrettably, I've seen the bathroom floor after a misfire of the yellow variety. I know with absolutely certainty that this is not the moment when even a well-trained and well-intentioned permitholder is going to win any marksmanship awards. I also see poor decisionmaking, the times when that beer tells the drinker that another plate of volcano wings is a really great idea--it's never a great idea, when gin and tonic gives its drinker the abandon that they need to step out on a spouse and go home with a stranger. And I know with absolutely certainty that this is not the moment when even a well-trained, well-intentioned permitholder is going to make a rational decision about pulling a trigger. Proponents will be quick to point out that this bill does not entitle anyone to be drinking while armed. Well, Senators, I'm here to tell you it already happens. I've seen it. I've been offered an armed-guard escort to my car at the end of the night--you know, for safety's sake, turned that one down--had my hand placed over a holster with a gun in it after setting down a round of beers at the table and asked, don't you feel safe knowing that we're here to protect you? Nope, sorry, I don't. Bottom line is guns are already being carried by alcohol drinkers in bars. Can we believe that allowing alcohols (sic) in bars will suddenly make them stop drinking, that the more people who are carrying guns in bars will also decide not to be drinking? Guns in bars makes about as much sense as pillow fights in lion cages. It might be cutting-edge thrill for a minute, but it's going to get messy. Thanks, Senators. [LB635]

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

DANIELLE SAVINGTON: Thank you, sir. [LB635]

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

Judiciary Committee
March 20, 2015

SENATOR SEILER: Next witness. [LB635]

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

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

Judiciary Committee
March 20, 2015

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

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

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

Judiciary Committee
March 20, 2015

Demand Action, I urge you to vote no on LB635 and thank you again for your time.
[LB635]

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

JAN HOBBS: Thank you very much. [LB635]

SENATOR SEILER: Any further opposition? [LB635]

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

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

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

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

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

Judiciary Committee
March 20, 2015

SENATOR KRIST: Thank you. [LB635]

GWENDOLEN HINES: Sorry about that. [LB635]

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

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

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

SENATOR GARRETT: Thank you, Chairman Seiler and members of the committee. I greatly appreciate both the proponents' and opponents' testimony. The Second Amendment allows us to keep and bear arms, and we are very much a gun culture. When I went to high school, I know it's been some time ago, but I graduated in 1972. We had a lot of farm and ranch kids that drove their pickups to our school. Nobody ever locked their car. And I can remember the vast majority of these pickups had gun racks. And they had shotguns and rifles on these gun racks and no one ever thought twice about it on school grounds. And these vehicles were unlocked. We are just...like it or not, we are a gun culture. This Legislature a number of years ago saw fit to pass a concealed carry permit law. And these are law-abiding citizens and they want to do the right thing that's...you know, when they came to me and wanted me to champion this bill. Statute prohibits you from drinking alcohol and even having remnants of alcohol in your system when you're carrying your weapon. I mean, that law exists there. Just let the record show I was...between college and the time I went on active duty, I worked as head bouncer at a night club at night, so I've seen more than my fair share of bar fights. The numbers that were quoted earlier about the number of shootings outside of bars I

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

Judiciary Committee
March 20, 2015

would hazard to guess...I would like to see the numbers of how many of those weapons involved in shootings outside of bars were with people who were...had a concealed carry permit. Unfortunately, violence is a part of this society and shooting somebody and going outside...going on outside of bars forever in as many bars as this great nation has. I'm surprised the numbers aren't even higher, but I'll almost guarantee you that none of those gun-related incidence outside of a bar or in a bar were from people who had concealed carry permits. We're not talking about Nebraska citizens with a concealed carry permit wanting to go out and party hardy and set their hair on fire. We're talking about guys who want to take their families out to a Chili's or to an Applebee's or Buffalo Wild Wings. That's not...it's not what we're talking about. And as far as the law enforcement officer situation goes, unfortunately...you say you want to keep guns off of school grounds. I would like to keep guns off of school grounds too. However, with the proliferation of firearms in this nation and so many of them illegally that we can't control, firearms are going to find their way onto school grounds. And I would prefer if there's an off-duty cop or law enforcement officer on school grounds, a mom or a dad, I would like to see them carrying their weapon. I feel much safer knowing that we've got additional law enforcement officers out there. I've got to tell you, the first time I came into this Capitol Building, I couldn't believe I walked right in like I owned the place through the South Entrance, no metal detector, nobody checking bags and purses and that kind of thing. And I have the greatest respect for our State Troopers who guard this facility, but I am mortified that, just like the Murrah office building down in Oklahoma City that was bombed, that some nut is going to come through that door one of these days and... [LB635]

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

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

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

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

Judiciary Committee
March 20, 2015

[LB635]

SENATOR GARRETT: That's right. [LB635]

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

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

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

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

SENATOR SEILER: Senator Chambers. [LB635]

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

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

SENATOR CHAMBERS: My ISIS is the police. And you know what the county attorney

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

Judiciary Committee
March 20, 2015

said, Don Kleine: If the officer makes a mistake, if he's wrong but he had reason to think that he was right, then he's clear. I cannot get away with that and shoot you and say, well, I thought he was going to do something. They say, uh-uh, buddy, that doesn't work. Well, now we presume that these officers are trained. To show how little their training means and how they hide behind it, some guy out east was fired because he was dealing with a guy who had a mental problem and wound up...he was on duty, shot the guy 14 times, and he was fired. Now he's trying to get his job back. And you know what the lawyer is arguing? And he's justified in view of the not finding any fault in what these cops are doing. He said, yes, he shot the man 14 times, but it was within his training. So now, if the police are trained to shoot somebody in the back, then the cop who shoots in the back says, it was pursuant to my training, and he's home free. That's what's happening. I would tell young people: If you tell somebody to go across the world to fight for ISIS, they can put you in jail if you just talk about it. If you want to fight injustice, don't...you don't have to go around the world to find the ISIS mentality. Your ISIS is in America and you're likely to die over there, one way or the other. So if you're going to die, die making your home safe. My home is not threatened by ISIS. Mine is threatened by the police. The police are licensed to kill us, children, old people. They showed a guy on a highway. The highway trooper, he had this elderly black woman down on the ground, just beating the stew out of her, and nothing was done to him. That's what I see. Now suppose somebody told me somebody from ISIS did that. Then everybody is up in arms: See what cowards they are? They beat women in broad daylight. But when a cop does it, it's all right. I don't feel that way. And if I were going to do something--but I'm not a man of violence--I wouldn't go to Syria, I wouldn't go to Iraq, I wouldn't go to Afghanistan, I wouldn't go to Yemen, I wouldn't go to Tunisia, I wouldn't go to Lebanon, I wouldn't go to Jordan. I would do it right here. Nobody from ISIS ever terrorized us as a people, as the police do daily. And they get away with it and they've been given the license now. And people don't like me to say this. Then you rein in your cops. And you know what they say, the racism of the cops is merely reflective of the racism in this society and they accept the existence of racism to excuse the cop. But then when I say there is racism in the society, they say, you're playing the race card,

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

Judiciary Committee
March 20, 2015

your talking about it makes it happen. But when they want to justify the cop, they say, he's merely reflective of the community where there is white racism. And that's what I look...you don't have to deal with that. You're privileged. You're free of that. You don't have to think about it every day. If I was going to carry a weapon, it wouldn't be against you, it wouldn't be against these people who come here that I might have a dispute with. Mine would be for the police. And if I carried a gun, I'd want to shoot him first and then ask questions later, like they say the cop ought to do. [LB635]

SENATOR GARRETT: Senator, I... [LB635]

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

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

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

SENATOR GARRETT: I honestly, in my heart, believe that. The vast majority of law enforcement, law enforcement is such a difficult job and the vast majority of those officers do a great job, I feel. And I've known so many. I've had family members that have tried to get in law enforcement in various states and it...the psychological screening that they have to go through is pretty intense. That doesn't mean that some people don't slip through and... [LB635]

SENATOR CHAMBERS: I respect the State Patrol. The State Patrol that these men that I respect because I get a chance to know them...I used to say the State Patrol is the flagship of law enforcement. They recruited a cop who was found guilty by the Internal Affairs Department of Lincoln Police Department. They found him guilty of excessive

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

Judiciary Committee
March 20, 2015

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

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

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

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

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

SENATOR SEILER: Senator Pansing Brooks. [LB635]

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

Judiciary Committee
March 20, 2015

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

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

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

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

Judiciary Committee
March 20, 2015

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

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

SENATOR GARRETT: Thank you. [LB635]

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

SENATOR SEILER: Okay. [LB635]

SENATOR CHAMBERS: And I'm going to say this because my colleagues had a chance to witness it on two occasions. When a bill was being discussed about young people being shackled when they go into court, the Douglas County Sheriff's Department wanted to object to the bill. Now when there are ordinary things going on and I might not be involved, somebody white comes down here. They sent a black guy down here to speak against a bill that I had, and that's supposed to, I guess, pull my fangs. When they had a bogus bill talking about--it was just yesterday or the day before--talking about how concerned they are about these fake or facsimile guns and I'd had a discussion with the chief about it, he didn't come. You know who they sent? They

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

Judiciary Committee
March 20, 2015

sent a black guy who was the vice president of the police union and the black officers have more problems with the police union than they had with any other. And when a black guy was the chief, former Senator Council's brother, the police union used to write very scurrilous things in the police newspaper against him, very insulting things. So the union is a problem for black officers. But my colleagues saw the guy they sent down here, and he was supposed to pull my fangs. But when he couldn't do it, then he wouldn't answer the questions that were put. Then when he went back there, he sat with a white woman. And when he left, he walked out, and that white woman had him in tow when he left here yesterday. Those are the things that they do that underline the nature of the race problem. But that's what I wanted to get into the record. And by the way, I didn't lighten up on either one of them. [LB635]

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

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

SENATOR GARRETT: Thank you. [LB635]

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

SENATOR GARRETT: Okay. [LB635]