

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015
COMMITTEE STATEMENT (CORRECTED)
LB289

Hearing Date: Thursday March 19, 2015
Committee On: Judiciary
Introducer: Ebke
One Liner: Prohibit certain regulation of firearms, ammunition, and firearm accessories by cities and villages as prescribed

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye:	6	Senators Coash, Ebke, Krist, Morfeld, Seiler, Williams
Nay:		
Absent:	1	Senator Chambers
Present Not Voting:	1	Senator Pansing Brooks

Verbal Testimony:

Proponents:

SEN. LAURA EBKE
DICK CLARK
MARTIN BILEK
MAYOR DAVID BLACK

ANNA KOPERUD

Representing:

INTRODUCER
NE FIREARMS OWNERS ASSOCIATION
OMAHA MAYOR'S OFFICE
CITY OF PAPILLION, NE FIREARMS OWNERS ASSOCIATION
NRA

Opponents:

COURTNEY LAWTON
AMANDA GAILEY
JAN HOBBS

DANIELLE SAVINGTON
MELODY VACCARO

Representing:

SELF
NEBRASKANS AGAINST GUN VIOLENCE
MOMS DEMAND ACTION FOR GUN SENSE IN NEBRASKA
SELF
SELF

Neutral:

Representing:

Summary of purpose and/or changes:

LB289 would prevent cities and villages from enacting ordinances to prevent the carrying of concealed weapons.

Section 1 would amend 14-102, regarding cities of the metropolitan class, to remove the power to punish and prevent the carrying of concealed weapons. A city of the metropolitan class could still punish and prevent the discharge of firearms within the city.

Section 2 would amend 15-255, regarding cities of the primary class, to remove the power to prohibit the carrying of concealed weapons, by changing the power to prevent the "use of firearms" to the power to prevent the "discharge of firearms".

Section 3 would amend 16-227, regarding a cities of the first class, to remove the power to regulate, prevent and punish the carrying of concealed weapons. A city of the first class could still regulate, punish and prevent the discharge of firearms.

Section 4 would amend 17-556, regarding cities of the second class and villages, to remove the power to regulate, prevent and punish the carrying of concealed weapons. A city of the second class or a village could still regulate, punish and prevent the discharge of firearms.

Section 5 would amend 18-1703, regarding cities and villages.

Subsection (1)(a) would generally prohibit local regulation of the ownership, possession, or transportation, carrying, registration, transfer, and storage of firearms, ammunition, and firearm accessories.

Subsection (1)(b) provides exceptions to the general prohibition on local regulation of firearms as follows:

(i) A law enforcement agency could still enact regulations regarding the use of firearms, ammunition, or firearm accessories by a peace officer in the course of his or her official duties.

(ii) A city or village could still enact zoning ordinances that encompass firearms businesses along with other businesses, unless the zoning ordinance was designed for the purpose of regulating firearms or ammunition.

(iii) A city or village could still regulate or prohibit the carrying of firearms and ammunition by an employee of the city or village during and in the course of the employee's official duties except as provided in section 69-2441.

(iv) A court or hearing officer could still hear and resolve any case or controversy or issue any opinion or order on a matter within the jurisdiction of that court or agency.

Subsection (2)(a) provides that a person adversely affected by a city or village ordinance that violates this section may file an action in a court of competent jurisdiction against the city or village.

Subsection (2)(b) defines who is an "adversely affected" person for purposes of this section. Adversely affected person could include an organization.

Subsection (3) provides the damages that a plaintiff may recover from the city or village.

Subsection (4) would define terms for purposes of this section, as follows:

Ammunition means fixed cartridge ammunition, shotgun shells, the individual components of fixed cartridge ammunition and shotgun shells, projectiles for muzzle loading firearms, and any propellant used in a firearm or in firearm ammunition;

Firearm means any weapon that is capable of expelling or designed to expel or that may be readily converted to expel a projectile by means of an explosion; and

Firearm accessory means any device adapted to enable the wearing or carrying about one's person of a firearm or the storage or mounting of a firearm in or on any conveyance or any attachment or device specifically adapted to be inserted into or affixed onto any firearm to enable, alter, or improve the functioning capabilities of the firearm.

Section 6 would repeal the sections amended by this bill.

Les Seiler, Chairperson