

ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014

COMMITTEE STATEMENT (CORRECTED)

LB390

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**Hearing Date:** Thursday February 28, 2013  
**Committee On:** Judiciary  
**Introducer:** Christensen  
**One Liner:** Change provisions relating to Governor's powers regarding restrictions on firearms and ammunition under the Emergency Management Act

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	6	Senators Christensen, Coash, Davis, Lathrop, McGill, Seiler
<b>Nay:</b>		
<b>Absent:</b>	1	Senator Chambers
<b>Present Not Voting:</b>	1	Senator Ashford

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<b>Proponents:</b>	<b>Representing:</b>
SEN. MARK CHRISTENSEN	INTRODUCER
RON JENSEN	NRA
ANDY ALLEN	NEBRASKA FIREARMS OWNERS ASSOCIATION

<b>Opponents:</b>	<b>Representing:</b>
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<b>Neutral:</b>	<b>Representing:</b>
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**Summary of purpose and/or changes:**

LB 390 amends sections 81-829.36(Emergency Management Act.) and 81-829.40(Governor; powers and duties.) of the Nebraska Revised Statutes in the following manner:

Section 1. 81-829.36 is amended to reference section 3 of this act to the Emergency Management Act.

Section 2. 81-829.40 is amended by striking "firearms" from subsection (h), which has the effect of removing the power of limiting or suspending the sale of firearms from the Governor during a state of emergency.

Section 3. Creates a new section that prohibits the state or anyone acting on behalf of the state including a political subdivision from doing any of the following during a declared state of emergency:

Prohibit or restrict the lawful possession, use, transfer, transportation, etc., of a firearm or ammunition.

Prohibits the seizure or confiscation of a lawfully possessed firearm or ammunition unless the firearm:

Unless firearm seized to defend oneself or another;

Firearm seized during the arrest of a person;

Seized firearm or ammunition as evidence to a crime.

Prohibits requiring the registration of firearms during an emergency, unless registration was required before the emergency declaration.

These prohibitions do not apply to the commercial sale of firearms if an evacuation or closure order was given to that particular area.

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This act provides that a person harmed by a violation of this act may seek relief in court against a person who causes or subjects anyone to a violation of this act, with relief to include "reasonable" attorney's fees.

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**Explanation of amendments:**

AM507 would strike original sections to LB 390 and replace them with the following changes:

Amends 81-829.40 subsection (6) (h) by striking the word "firearms" from the list of items that the governor may suspend or limit the sale, or transportation of, during a state of emergency.

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Brad Ashford, Chairperson