

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB430**

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**Hearing Date:** Wednesday March 11, 2009  
**Committee On:** Judiciary  
**Introducer:** Christensen  
**One Liner:** Amend the Concealed Handgun Permit Act and state the power of cities and villages with respect to firearms

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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 Lathrop, Ashford, Christensen, Coash, Lautenbaugh, Rogert
<b>Nay:</b>	1	Senator Council
<b>Absent:</b>		
<b>Present Not Voting:</b>	1	Senator McGill

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**Proponents:**

Sen. Mark Christensen  
Cody Blocker  
Philip Houser  
Jordan Austin  
Chris Zeeb  
Rodger Wittmann  
Gary Williams  
Lt. Col. Robert Thorne  
V.H. Bud Callahan  
Kurt Leffler  
Charles Link, Jr.  
Doyle Hulme  
Dr. Kelvin Jones  
Michael Houser  
  
Justin Hobscheidt

**Representing:**

Introducer  
Lincoln Berean Church  
self  
National Rifle Association  
NE Firearms Owners Association  
Lincoln Berean Church  
self  
self  
self  
self  
self  
self  
Platte Valley Sporting Group; NE Council of  
Sporstman's Clubs  
self

**Opponents:**

Marty Conboy  
Tom Casady  
Lynn Rex

**Representing:**

City of Omaha  
City of Lincoln  
League of NE Municipalities

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 430 would create or amend the following sections of the Nebraska statutes pertaining to firearms and concealed weapons:

Section 1. Create a new section to provide that cities and villages shall not have the authority to regulate the ownership,

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possession, or transportation of firearms unless expressly provided by state law and any existing ordinance or regulation pertaining to the ownership, possession, or transportation of firearms is null and void.

(This section clearly indicates that weapons issues pertaining to ownership, possession, and transportation have been preempted by the state and are not to be regulated at the local level.)

Section 2. Would provide that Section 6 of this act shall be added to the Concealed Handgun Permit act.

Section 3. Would amend section 69-2430(3) of the Concealed Handgun Permit Act to provide that the permit to carry a concealed weapon, as issued by the State Patrol, shall be issued "thirty days" after the date an application has been submitted contingent on the applicant meeting all other qualifications. (Currently the State Patrol has within five business days after the applicants criminal history record information check has been completed in which to issue the permit.)

Section 4. Amends section 69-2433 of the Concealed Handgun Permit Act, by allowing a member of the armed forces to be considered a resident of the state of Nebraska for the purpose of obtaining a concealed carry permit after they have been stationed in Nebraska for 180 days pursuant to a permanent duty station order.

Section 5. Amends 69-2441 by adding a new subsection (c) to provide authorization to places of worship to allow their security personnel to carry concealed handguns on its property, so long as each security member authorized to carry a concealed weapon has a valid concealed handgun carry permit issued pursuant to the Concealed Handgun Permit Act.

Section 6. Creates a new section of the Concealed Handgun Permit Act, that would recognize a valid concealed carry permit issued in any other state or the District of Columbia as valid in the state of Nebraska, so long as the holder of the permit is not a Nebraska Resident and the Nebraska Attorney General has determined that the standards for issuing the license or permit by the other state are equal to or greater than the standards required by the Nebraska Concealed Handgun Permit Act.

The Neb. Attorney General is tasked with publishing and maintaining a list of qualifying states. (This section would provide concealed permit reciprocity with other states.)

Section 7. Provides a repealer for sections that have been revised by LB 430.

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**Explanation of amendments:**

AM835 to LB 430 (Which is a White Copy Amendment)

- AM 835 adds sections 1-4 of the amendment which changes sections 14-102, 15-255, 16-227 and 17-556 of Nebraska Statutes, to provide that Metropolitan Class, Primary Class, First Class and Second Class cities, cannot regulate the carrying of a concealed handgun in compliance with the Concealed Handgun Permit Act. (Section 1 of the green copy of the bill would prohibit cities and municipalities from regulating the ownership, possession, or transportation of firearms, except where expressly provided by law, whereas this amendment only preempts concealed handguns as they pertain to the Concealed Handgun Permit Act.)

- AM 835 also provides under section 5, cities and villages will not have the authority to regulate the ownership, possession, or transportation of a concealed handgun as authorized under the Concealed Handgun Permit Act, except as expressly provided by state law and any existing ordinances, permits, or regulations pertaining to the ownership, possession, or transportation of concealed handguns are null and void.

- AM 835 amends section 5 of the green copy by striking the provision that would have allowed a place of worship to authorize its security personnel to carry a concealed weapon on its property, so long as each member authorized to carry a concealed weapon had a valid concealed carry permit issued by the state of Nebraska.

- Finally, beginning January 1, 2010, AM835 would change the time frame that the State Patrol has to issue a permit

for a concealed carry handgun from the current "five days after the criminal record check is completed" to "45 days after the application for a concealed carry permit is submitted" providing the applicant meets all eligibility requirements for the permit.

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Brad Ashford, Chairperson