

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MAY 2, 2017 AGENDA

| Subject: | Type: | Submitted By: |
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| OPPOSITION RESOLUTION — LB 68 WITH AM 630 | ► RESOLUTION ORDINANCE RECEIVE/FILE | BRENDA S. GUNN CITY ADMINISTRATOR |

SYNOPSIS

A resolution has been prepared to oppose LB 68 with standing committee amendment AM 630 which would prohibit certain regulation of firearms, ammunition and firearm accessories by cities, villages and counties.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

LB 68 would prohibit certain regulation of firearms, ammunition and firearm accessories by cities, villages and counties. As a result, municipalities (except Omaha) would be unable to protect citizens with local ordinances, rules and regulations to prohibit firearms in public places such as parks, libraries and City Council meetings. Standing committee amendment AM 630 specifically exempts the City of Omaha.

LB68 also creates a new cause of action only against municipalities outside the requirements of the Political Subdivision Tort Claims Act. The provision invites litigation with the potential for unlimited taxpayer expense.

Introduced by Senator Mike Hilgers of Lincoln, the stated intent of LB 68 was to ensure consistent, statewide uniformity of laws for firearms owners and was advanced from the Government, Military and Veterans Affairs Committee to General File with a standing committee amendment (AM630). The committee amendment allows only the City of Omaha to enact ordinances prohibiting firearms in public places and the safe transportation of firearms. This is contrary to the stated intent.

On April 4, the full Legislature debated LB 68 on General File for three hours. The Legislature debated the bill again on April 12 for two hours, with the League, law enforcement officers and others working to filibuster the bill. To break the filibuster, 33 Senators voted for a cloture motion and advanced LB 68 with standing committee amendment AM 630 to Select file.

Copies of LB 68 and AM 630 can be found on the following links:
<http://www.nebraskalegislature.gov/FloorDocs/105/PDF/Intro/LB68.pdf>

<http://www.nebraskalegislature.gov/FloorDocs/105/PDF/AM/AM630.pdf>

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO OPPOSE LB 68 WITH STANDING COMMITTEE AMENDMENT — AM 630 WHICH WOULD PROHIBIT CERTAIN REGULATION OF FIREARMS, AMMUNITION AND FIREARM ACCESSORIES BY CITIES, VILLAGES AND COUNTIES.

WHEREAS, local elected officials, with input from local citizens, are in the best position to analyze and determine whether to legislate firearms in public places; and

WHEREAS, LB 68 with standing committee amendment — AM 630 would prevent all municipalities (except Omaha) from protecting citizens with local ordinances, rules and regulating prohibiting firearms in public places; and

WHEREAS, LB 68 would create a new cause of action against municipalities outside of the Political Subdivision Tort Claims Act; and

WHEREAS, while the stated intent of LB 68 is to ensure consistent, statewide uniformity of laws for firearms owners, AM 630 does not provide uniformity as it provides for different laws in the City of Omaha; and

WHEREAS, the Nebraska League of Municipalities, the Police Chiefs Association of Nebraska (PCAN), the Police Officers Association of Nebraska (POAN), and the Nebraska Sheriffs' Association (NSA) strongly oppose LB68 as amended and advanced to Select File.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, hereby express its opposition to LB 68 with standing committee amendments AM 630.

BE IT FURTHER RESOLVED, that the Mayor is hereby directed to communicate this position to our representatives in the Legislature and such other parties as may be desirable to further these purposes.

PASSED AND APPROVED THIS 2ND DAY OF MAY, 2017.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk