



NEVADA FIREARMS COALITION

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Date: April 29, 2019

RE: "AB 291 --Revises provisions relating to public safety"

Nicole Cannizzaro, Chair
Senate Judiciary Committee
Nevada State Senate

Dear Chair Cannizzaro,

The Nevada Firearms Coalition is **STRONGLY OPPOSED** to AB 291.

Former Assemblyman Danny Thompson (D-LV) in 1989 sponsored the bill to enact statewide preemption for firearms. It was passed by the Democrat-controlled Assembly and Republican-controlled Senate, reserving power to regulate firearms to the state and not local authorities.

AB291 will revoke a law that has been on the books for 30 years that has ensured law-abiding citizens don't break the law just because they cross a city or county boundary.

AB 291 as proposed addresses four different subject matters: 1. The elimination of devices that allow a semi auto rifle to be shot faster than its design. 2. The lowering of the blood alcohol limit for firearms possession. 3. Restricting concealed carry in county buildings. 4. Repealing three state laws and granting counties the authority to enact firearms laws more restrictive than state laws.

There are no common threads of similarity between the four subject matters. Semi auto functions, alcohol level, public buildings, and delegation of authority for more restrictive gun laws are four separate and disparate issues. For this reason, we believe that AB 291 is violation of the Constitution of the State of Nevada. Amendments to current law for the first three subjects is accomplished by modifying NRS 202. However, to accomplish subject matter 4, three other statutes must be repealed (NRS 244.364, NRS 268.418 and NRS 269.222) and NRS 244.364 being included in NRS 202, clearly violating the single subject requirement found in Article 4 Section 17 of the Constitution of the State of Nevada.

*Article 1 Sec. 11. **Right to keep and bear arms; civil power supreme.***

1. Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes.

*Article 4 Sec. 17. **Act to embrace one subject only; title; amendment.** Each law enacted by the Legislature shall embrace but one subject, and matter, properly connected therewith, which subject shall be briefly expressed in the title; and no law shall be revised or amended by reference to its title only; but, in such case, the act as revised or section as amended, shall be re-enacted and published at length.*

*Article 4 Sec: 21. **General laws to have uniform application.** In all cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State.*

Article 1, Section 11. Establishes the regulation of firearms as constitutionally protected. AB 291 delegates this protection from the state to the counties. This is a violation of Dillion’s Rules where constitutionally protected rights are protected per state authority and not to be delegated.

Article 4, Section 17. It is required by the Nevada Constitution that each law must embrace only one subject.

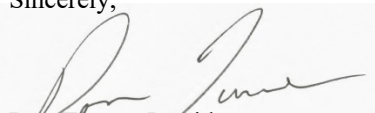
- As defined above, AB 291 embraces FOUR disparate and unrelated subjects and four different statutes.
- The title of this bill is misleading “AB 291 Revises Provisions Relating to Public Safety.” There is no information in the title that would indicate the repeal of additional statues that prohibits counties from making firearms laws, nor identification of the other three disparate subjects included under this general and nonspecific title.
- Although the bill is focused on firearms, the word does not even appear in the title.
- Chapter 202 is titled “Crimes against Public Health and Safety under Title 15 “Crimes and Punishments.” Yet to accomplish the intent of AB 291 a repeal of portions of Chapter 244 Counties: Government under a completely different Title 20 “Counties and Townships: Formation, Government and Officer” is required. As well as two other separate and distinct titles mentioned above.

In addition to the above points, the single subject Article 4 Section 17 has been violated due in part that the title of the bill does not relate to the subjects embraced in the act. {Payne, 53 Nev. Wise vs. Bechtel Corp (Nev 1988).

Article 4, Section 21. Requires all laws to be general and of uniform application throughout the state. AB 291 could result in 18 different levels of gun laws throughout the State of Nevada. There are currently 170 state gun laws and regulations. Allowing counties to modify and make these laws more restrictive could result in an additional 2,720 different gun laws in Nevada, without including the existing federal gun laws. This is certainly contrary to the intent of Article 4 Section 21 and places an unfair and unjust burden on citizens. In addition, Nevada citizens are highly mobile and the act of crossing a street from one county to another could result in arrest and confiscation of their firearms, loss of their civil rights, and force them to incur great expenses for defense against their prosecution. All for something that is already legislated in state law.

For these and other reasons, we respectfully request that AB 291 be stricken, or amended to confirm to its original single subject rule; regulation of semi auto enhancement devices.

Sincerely,



Don Turner, President

cc: Senate Judiciary Committee

Dallas Harris
James Ohrenschall
Marilyn Dondero Loop
Melanie Scheible
Scott Hammond
Ira Hansen
Keith Pickard

The Nevada Firearms Coalition is dedicated to the safe use of firearms for self-defense, competition, recreation and hunting. We are the statewide Nevada grassroots organization representing the firearms owners of Nevada. Our membership includes individuals, gun clubs, community organizations, and retail firearm corporations and ranges. We are the State Association for the National Rifle Association, and a member of the National Shooting Sports Foundation, USA Shooting and the Civilian Marksman Program.