

AMENDMENTS TO LB 430

Introduced by Judiciary.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 14-102, Revised Statutes Cumulative
4 Supplement, 2008, is amended to read:

5 14-102 In addition to the powers granted in section
6 14-101, cities of the metropolitan class shall have power by
7 ordinance:

8 Taxes, special assessments.

9 (1) To levy any tax or special assessment authorized by
10 law;

11 Corporate seal.

12 (2) To provide a corporate seal for the use of the city,
13 and also any official seal for the use of any officer, board,
14 or agent of the city, whose duties under this act or under any
15 ordinance require an official seal to be used. Such corporate
16 seal shall be used in the execution of municipal bonds, warrants,
17 conveyances, and other instruments and proceedings as this act or
18 the ordinances of the city require;

19 Regulation of public health.

20 (3) To provide all needful rules and regulations for the
21 protection and preservation of health within the city; and for this
22 purpose they may provide for the enforcement of the use of water
23 from public water supplies when the use of water from other sources

1 shall be deemed unsafe;

2 Appropriations for debts and expenses.

3 (4) To appropriate money and provide for the payment of
4 debts and expenses of the city;

5 Protection of strangers and travelers.

6 (5) To adopt all such measures as they may deem necessary
7 for the accommodation and protection of strangers and the traveling
8 public in person and property;

9 Concealed weapons, firearms, fireworks, explosives.

10 (6) To punish and prevent the carrying of concealed
11 weapons, except the carrying of a concealed handgun in compliance
12 with the Concealed Handgun Permit Act, and the discharge of
13 firearms, fireworks, or explosives of any description within the
14 city;

15 Sale of foodstuffs.

16 (7) To regulate the inspection and sale of meats, flour,
17 poultry, fish, milk, vegetables, and all other provisions or
18 articles of food exposed or offered for sale in the city;

19 Official bonds.

20 (8) To require all officers or servants elected or
21 appointed in pursuance of this act to give bond and security for
22 the faithful performance of their duties; but no officer shall
23 become security upon the official bond of another or upon any bond
24 executed to the city;

25 Official reports of city officers.

26 (9) To require from any officer of the city at any time a
27 report, in detail, of the transactions of his or her office or any

1 matter connected therewith;

2 Cruelty to children and animals.

3 (10) To provide for the prevention of cruelty to children
4 and animals;

5 Dogs; taxes and restrictions.

6 (11) To regulate, license, or prohibit the running at
7 large of dogs and other animals within the city as well as in areas
8 within three miles of the corporate limits of the city, to guard
9 against injuries or annoyance from such dogs and other animals, and
10 to authorize the destruction of the dogs and other animals when
11 running at large contrary to the provisions of any ordinance. Any
12 licensing provision shall comply with subsection (2) of section
13 54-603 for service animals;

14 Cleaning sidewalks.

15 (12) To provide for keeping sidewalks clean and free
16 from obstructions and accumulations, to provide for the assessment
17 and collection of taxes on real estate and for the sale and
18 conveyance thereof, and to pay the expenses of keeping the sidewalk
19 adjacent to such real estate clean and free from obstructions and
20 accumulations as herein provided;

21 Planting and trimming of trees; protection of birds.

22 (13) To provide for the planting and protection of shade
23 or ornamental and useful trees upon the streets or boulevards,
24 to assess the cost thereof to the extent of benefits upon the
25 abutting property as a special assessment, and to provide for the
26 protection of birds and animals and their nests; to provide for
27 the trimming of trees located upon the streets and boulevards or

1 when the branches of trees overhang the streets and boulevards when
2 in the judgment of the mayor and council such trimming is made
3 necessary to properly light such street or boulevard or to furnish
4 proper police protection and to assess the cost thereof upon the
5 abutting property as a special assessment;

6 Naming and numbering streets and houses.

7 (14) To provide for, regulate, and require the numbering
8 or renumbering of houses along public streets or avenues; to care
9 for and control and to name and rename streets, avenues, parks, and
10 squares within the city;

11 Weeds.

12 (15) To require weeds and worthless vegetation growing
13 upon any lot or piece of ground within the city to be cut and
14 destroyed so as to abate any nuisance occasioned thereby, to
15 prohibit and control the throwing, depositing, or accumulation of
16 litter on any lot or piece of ground within the city and to require
17 the removal thereof so as to abate any nuisance occasioned thereby,
18 and if the owner fails to cut and destroy weeds and worthless
19 vegetation or remove litter, or both, after notice as required
20 by ordinance, to assess the cost thereof upon the lots or lands
21 as a special assessment. The notice required to be given may be
22 by publication in the official newspaper of the city and may be
23 directed in general terms to the owners of lots and lands affected
24 without naming such owners;

25 Animals running at large.

26 (16) To prohibit and regulate the running at large or
27 the herding or driving of domestic animals, such as hogs, cattle,

1 horses, sheep, goats, fowls, or animals of any kind or description
2 within the corporate limits and provide for the impounding of
3 all animals running at large, herded, or driven contrary to such
4 prohibition; and to provide for the forfeiture and sale of animals
5 impounded to pay the expense of taking up, caring for, and selling
6 such impounded animals, including the cost of advertising and fees
7 of officers;

8 Use of streets.

9 (17) To regulate the transportation of articles through
10 the streets, to prevent injuries to the streets from overloaded
11 vehicles, and to regulate the width of wagon tires and tires of
12 other vehicles;

13 Playing on streets and sidewalks.

14 (18) To prevent or regulate the rolling of hoops, playing
15 of ball, flying of kites, the riding of bicycles or tricycles, or
16 any other amusement or practice having a tendency to annoy persons
17 passing in the streets or on the sidewalks or to frighten teams ~~or~~
18 of horses; to regulate the use of vehicles propelled by steam, gas,
19 electricity, or other motive power, operated on the streets of the
20 city;

21 Combustibles and explosives.

22 (19) To regulate or prohibit the transportation and
23 keeping of gunpowder, oils, and other combustible and explosive
24 articles;

25 Public sale of chattels on streets.

26 (20) To regulate, license, or prohibit the sale of
27 domestic animals or of goods, wares, and merchandise at public

1 auction on the streets, alleys, highways, or any public ground
2 within the city;

3 Signs and obstruction in streets.

4 (21) To regulate and prevent the use of streets,
5 sidewalks, and public grounds for signs, posts, awnings, awning
6 posts, scales, or other like purposes; to regulate and prohibit
7 the exhibition or carrying or conveying of banners, placards,
8 advertisements, or the distribution or posting of advertisements or
9 handbills in the streets or public grounds or upon the sidewalks;

10 Disorderly conduct.

11 (22) To provide for the punishment of persons disturbing
12 the peace and good order of the city by clamor and noise,
13 intoxication, drunkenness, fighting, or using obscene or profane
14 language in the streets or other public places or otherwise
15 violating the public peace by indecent or disorderly conduct or by
16 lewd and lascivious behavior;

17 Vagrants and tramps.

18 (23) To provide for the punishment of vagrants, tramps,
19 common street beggars, common prostitutes, habitual disturbers of
20 the peace, pickpockets, gamblers, burglars, thieves, or persons who
21 practice any game, trick, or device with intent to swindle, persons
22 who abuse their families, and suspicious persons who can give no
23 reasonable account of themselves; and to punish trespassers upon
24 private property;

25 Disorderly houses, gambling, offenses against public
26 morals.

27 (24) To prohibit, restrain, and suppress tippling shops,

1 houses of prostitution, opium joints, gambling houses, prize
2 fighting, dog fighting, cock fighting, and other disorderly houses
3 and practices, all games and gambling and desecration of the
4 Sabbath, commonly called Sunday, and all kinds of indecencies; to
5 regulate and license or prohibit the keeping and use of billiard
6 tables, ten pins or ball alleys, shooting galleries, and other
7 similar places of amusement; and to prohibit and suppress all
8 lotteries and gift enterprises of all kinds under whatsoever name
9 carried on, except that nothing in this subdivision shall be
10 construed to apply to bingo, lotteries, lotteries by the sale of
11 pickle cards, or raffles conducted in accordance with the Nebraska
12 Bingo Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle
13 Card Lottery Act, the Nebraska Small Lottery and Raffle Act, or the
14 State Lottery Act;

15 Police regulation in general.

16 (25) To make and enforce all police regulations for the
17 good government, general welfare, health, safety, and security
18 of the city and the citizens thereof in addition to the police
19 powers expressly granted herein; and in the exercise of the police
20 power, to pass all needful and proper ordinances and impose fines,
21 forfeitures, penalties, and imprisonment at hard labor for the
22 violation of any ordinance, and to provide for the recovery,
23 collection, and enforcement thereof; and in default of payment to
24 provide for confinement in the city or county prison, workhouse,
25 or other place of confinement with or without hard labor as may be
26 provided by ordinance;

27 Fast driving on streets.

1 (26) To prevent horseracing and immoderate driving or
2 riding on the street and to compel persons to fasten their horses
3 or other animals attached to vehicles while standing in the
4 streets;

5 Libraries, art galleries, and museums.

6 (27) To establish and maintain public libraries, reading
7 rooms, art galleries, and museums and to provide the necessary
8 grounds or buildings therefor; to purchase books, papers, maps,
9 manuscripts, works of art, and objects of natural or of scientific
10 curiosity, and instruction therefor; to receive donations and
11 bequests of money or property for the same in trust or otherwise
12 and to pass necessary bylaws and regulations for the protection and
13 government of the same;

14 Hospitals, workhouses, jails, firehouses, etc.; garbage
15 disposal.

16 (28) To erect, designate, establish, maintain, and
17 regulate hospitals or workhouses, houses of correction, jails,
18 station houses, fire engine houses, asphalt repair plants, and
19 other necessary buildings; and to erect, designate, establish,
20 maintain, and regulate plants for the removal, disposal, or
21 recycling of garbage and refuse or to make contracts for garbage
22 and refuse removal, disposal, or recycling, or all of the same, and
23 to charge equitable fees for such removal, disposal, or recycling,
24 or all of the same, except as hereinafter provided. The fees
25 collected pursuant to this subdivision shall be credited to a
26 single fund to be used exclusively by the city for the removal,
27 disposal, or recycling of garbage and refuse, or all of the same,

1 including any costs incurred for collecting the fee. Before any
2 contract for such removal, disposal, or recycling is let, the
3 city council shall make specifications therefor, bids shall be
4 advertised for as now provided by law, and the contract shall be
5 let to the lowest and best bidder, who shall furnish bond to the
6 city conditioned upon his or her carrying out the terms of the
7 contract, the bond to be approved by the city council. Nothing
8 in this act, and no contract or regulation made by the city
9 council, shall be so construed as to prohibit any person, firm,
10 or corporation engaged in any business in which garbage or refuse
11 accumulates as a byproduct from selling, recycling, or otherwise
12 disposing of his, her, or its garbage or refuse or hauling such
13 garbage or refuse through the streets and alleys under such uniform
14 and reasonable regulations as the city council may by ordinance
15 prescribe for the removal and hauling of garbage or refuse;

16 Market places.

17 (29) To erect and establish market houses and market
18 places and to provide for the erection of all other useful and
19 necessary buildings for the use of the city and for the protection
20 and safety of all property owned by the city; and such market
21 houses and market places and buildings aforesaid may be located on
22 any street, alley, or public ground or on land purchased for such
23 purpose;

24 Cemeteries, registers of births and deaths.

25 (30) To prohibit the establishment of additional
26 cemeteries within the limits of the city, to regulate the
27 registration of births and deaths, to direct the keeping and

1 returning of bills of mortality, and to impose penalties on
2 physicians, sextons, and others for any default in the premises;

3 Plumbing, etc., inspection.

4 (31) To provide for the inspection of steam boilers,
5 electric light appliances, pipefittings, and plumbings, to regulate
6 their erection and construction, to appoint inspectors, and to
7 declare their powers and duties, except as herein otherwise
8 provided;

9 Fire limits and fire protection.

10 (32) To prescribe fire limits and regulate the erection
11 of all buildings and other structures within the corporate limits;
12 to provide for the removal of any buildings or structures or
13 additions thereto erected contrary to such regulations, to provide
14 for the removal of dangerous buildings, and to provide that wooden
15 buildings shall not be erected or placed or repaired in the fire
16 limits; but such ordinance shall not be suspended or modified by
17 resolution nor shall exceptions be made by ordinance or resolution
18 in favor of any person, firm, or corporation or concerning any
19 particular lot or building; to direct that all and any building
20 within such fire limits, when the same shall have been damaged by
21 fire, decay, or otherwise, to the extent of fifty percent of the
22 value of a similar new building above the foundation, shall be torn
23 down or removed; and to prescribe the manner of ascertaining such
24 damages and to assess the cost of removal of any building erected
25 or existing contrary to such regulations or provisions, against the
26 lot or real estate upon which such building or structure is located
27 or shall be erected, or to collect such costs from the owner of

1 any such building or structure and enforce such collection by civil
2 action in any court of competent jurisdiction;

3 Building regulations.

4 (33) To regulate the construction, use, and maintenance
5 of party walls, to prescribe and regulate the thickness, strength,
6 and manner of constructing stone, brick, wood, or other buildings
7 and the size and shape of brick and other material placed therein,
8 to prescribe and regulate the construction and arrangement of fire
9 escapes and the placing of iron and metallic shutters and doors
10 therein and thereon, and to provide for the inspection of elevators
11 and hoist-way openings to avoid accidents; to prescribe, regulate,
12 and provide for the inspection of all plumbing, pipefitting, or
13 sewer connections in all houses or buildings now or hereafter
14 erected; to regulate the size, number, and manner of construction
15 of halls, doors, stairways, seats, aisles, and passageways of
16 theaters, tenement houses, audience rooms, and all buildings of
17 a public character, whether now built or hereafter to be built,
18 so that there may be convenient, safe, and speedy exit in case
19 of fire; to prevent the dangerous construction and condition of
20 chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers,
21 and heating appliances used in or about any building or a
22 manufactory and to cause the same to be removed or placed in
23 safe condition when they are considered dangerous; to regulate and
24 prevent the carrying on of manufactures dangerous in causing and
25 promoting fires; to prevent the deposit of ashes in unsafe places
26 and to cause such buildings and enclosures as may be in a dangerous
27 state to be put in a safe condition; to prevent the disposing of

1 and delivery or use in any building or other structure, of soft,
2 shelly, or imperfectly burned brick or other unsuitable building
3 material within the city limits and provide for the inspection of
4 the same; to provide for the abatement of dense volumes of smoke;
5 to regulate the construction of areaways, stairways, and vaults
6 and to regulate partition fences; to enforce proper heating and
7 ventilation of buildings used for schools, workhouses, or shops of
8 every class in which labor is employed or large numbers of persons
9 are liable to congregate;

10 Warehouses and street railways.

11 (34) To regulate levees, depots and depot grounds, and
12 places for storing freight and goods and to provide for and
13 regulate the laying of tracks and the passage of steam or other
14 railways through the streets, alleys, and public grounds of the
15 city;

16 Lighting railroad property.

17 (35) To require the lighting of any railway within the
18 city, the cars of which are propelled by steam, and to fix and
19 determine the number, size, and style of lampposts, burners, lamps,
20 and all other fixtures and apparatus necessary for such lighting
21 and the points of location for such lampposts; and in case any
22 company owning or operating such railways shall fail to comply with
23 such requirements, the council may cause the same to be done and
24 may assess the expense thereof against such company, and the same
25 shall constitute a lien upon any real estate belonging to such
26 company and lying within such city and may be collected in the same
27 manner as taxes for general purposes;

1 City publicity.

2 (36) To provide for necessary publicity and to
3 appropriate money for the purpose of advertising the resources and
4 advantages of the city;

5 Offstreet parking.

6 (37) To erect, establish, and maintain offstreet parking
7 areas on publicly owned property located beneath any elevated
8 segment of the National System of Interstate and Defense Highways
9 or portion thereof, or public property title to which is in the
10 city on May 12, 1971, or property owned by the city and used in
11 conjunction with and incidental to city-operated facilities, and to
12 regulate parking thereon by time limitation devises or by lease;

13 Public passenger transportation systems.

14 (38) To acquire, by the exercise of the power of eminent
15 domain or otherwise, lease, purchase, construct, own, maintain,
16 operate, or contract for the operation of public passenger
17 transportation systems, excluding taxicabs and railroad systems,
18 including all property and facilities required therefor, within and
19 without the limits of the city, to redeem such property from prior
20 encumbrance in order to protect or preserve the interest of the
21 city therein, to exercise all powers granted by the Constitution
22 of Nebraska and laws of the State of Nebraska or exercised by or
23 pursuant to a home rule charter adopted pursuant thereto, including
24 but not limited to receiving and accepting from the government of
25 the United States or any agency thereof, from the State of Nebraska
26 or any subdivision thereof, and from any person or corporation
27 donations, devises, gifts, bequests, loans, or grants for or in

1 aid of the acquisition, operation, and maintenance of such public
2 passenger transportation systems and to administer, hold, use, and
3 apply the same for the purposes for which such donations, devises,
4 gifts, bequests, loans, or grants may have been made, to negotiate
5 with employees and enter into contracts of employment, to employ
6 by contract or otherwise individuals singularly or collectively, to
7 enter into agreements authorized under the Interlocal Cooperation
8 Act or the Joint Public Agency Act, to contract with an operating
9 and management company for the purpose of operating, servicing, and
10 maintaining any public passenger transportation systems any city
11 of the metropolitan class shall acquire under the provisions of
12 this act, and to exercise such other and further powers as may be
13 necessary, incident, or appropriate to the powers of such city; and
14 Regulation of air quality.

15 (39) In addition to powers conferred elsewhere in the
16 laws of the state and notwithstanding any other law of the state,
17 to implement and enforce an air pollution control program within
18 the corporate limits of the city under subdivision (23) of section
19 81-1504 or subsection (1) of section 81-1528, which program shall
20 be consistent with the federal Clean Air Act, as amended, 42 U.S.C.
21 7401 et seq. Such powers shall include without limitation those
22 involving injunctive relief, civil penalties, criminal fines, and
23 burden of proof. Nothing in this section shall preclude the control
24 of air pollution by resolution, ordinance, or regulation not in
25 actual conflict with the state air pollution control regulations.

26 Sec. 2. Section 15-255, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 15-255 A ~~primary~~ city of the primary class may prohibit
2 riots, routs, noise or disorderly assemblies; prevent use of
3 firearms, rockets, powder, fireworks or other dangerous and
4 combustible material; prohibit carrying of concealed weapons
5 except the carrying of a concealed handgun in compliance with
6 the Concealed Handgun Permit Act; arrest, punish, fine or set at
7 work on streets or elsewhere vagrants and persons found without
8 visible means of support or legitimate business; regulate and
9 prevent the transportation of gunpowder or combustible articles,
10 tar, pitch, ~~resin~~ resin, coal, oil, benzine, turpentine, hemp,
11 cotton, nitroglycerine, dynamite, petroleum or its products or
12 other explosives or inflammables; regulate use of lights in
13 stables, shops or other places, and building of bonfires; and
14 regulate and prohibit the piling of building material or any
15 excavation or obstruction of the streets.

16 Sec. 3. Section 16-227, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 16-227 A city of the first class may prevent and restrain
19 riots, routs, noises, disturbances, breach of the peace or
20 disorderly assemblies in any street, house or place in the city;
21 regulate, punish, and prevent the discharge of firearms, rockets,
22 powder, fireworks or any other dangerous combustible material in
23 the streets, lots, grounds, and alleys or about or in the vicinity
24 of any buildings; regulate, prevent, and punish the carrying of
25 concealed weapons, except the carrying of a concealed handgun in
26 compliance with the Concealed Handgun Permit Act; arrest, regulate,
27 punish, fine or set at work on the streets, or elsewhere, all

1 vagabonds and persons found in ~~said~~ the city without visible
2 means of support or some legitimate business; regulate and prevent
3 the transportation or storage of gunpowder or other explosive
4 or combustible articles, tar, pitch, resin, coal oil, benzine,
5 turpentine, hemp, cotton, nitroglycerine, dynamite, petroleum or
6 any other productions thereof, and other materials of like nature,
7 the use of lights in stables, shops, or other places, and the
8 building of bonfires; and regulate and prohibit the piling of
9 building material or any excavation or obstruction in the street.

10 Sec. 4. Section 17-556, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 17-556 ~~Second-class cities~~ Cities of the second class and
13 villages shall have power to prevent and restrain riots, routs,
14 noises, disturbances, or disorderly assemblages; to regulate,
15 prevent, restrain, or remove nuisances in residential parts of
16 municipalities and to designate what shall be considered a
17 nuisance; to regulate, punish, and prevent the discharge of
18 firearms, rockets, powder, fireworks, or any other dangerous
19 combustible material in the streets, lots, grounds, alleys, or
20 about or in the vicinity of any buildings; to regulate, prevent,
21 and punish the carrying of concealed weapons, except the carrying
22 of a concealed handgun in compliance with the Concealed Handgun
23 Permit Act; and to arrest, regulate, punish, fine, or set at
24 work on the streets, or elsewhere, all vagrants and persons found
25 without means of support or some legitimate business.

26 Sec. 5. Cities and villages shall not have the power
27 to regulate the ownership, possession, or transportation of a

1 concealed handgun as authorized under the Concealed Handgun Permit
2 Act, except as expressly provided by state law, and any existing
3 ordinances, permits, or regulations regulating the ownership,
4 possession, or transportation of concealed handguns are declared
5 null and void.

6 Sec. 6. Section 69-2427, Revised Statutes Cumulative
7 Supplement, 2008, is amended to read:

8 69-2427 Sections 69-2427 to 69-2447 and section 10 of
9 this act shall be known and may be cited as the Concealed Handgun
10 Permit Act.

11 Sec. 7. Section 69-2430, Revised Statutes Cumulative
12 Supplement, 2008, is amended to read:

13 69-2430 (1) Application for a permit to carry a concealed
14 handgun shall be made in person at any Nebraska State Patrol
15 Troop Headquarters or office provided by the patrol for purposes
16 of accepting such an application. The applicant shall present a
17 current Nebraska motor vehicle operator's license, Nebraska-issued
18 state identification card, or military identification card
19 and shall submit two legible sets of fingerprints for a
20 criminal history record information check pursuant to section
21 69-2431. The application shall be made on a form prescribed
22 by the Superintendent of Law Enforcement and Public Safety.
23 The application shall state the applicant's full name, social
24 security number, motor vehicle operator's license number or
25 state identification card number, address, and date of birth and
26 contain the applicant's signature and shall include space for the
27 applicant to affirm that he or she meets each and every one of

1 the requirements set forth in section 69-2433. The applicant shall
2 attach to the application proof of training and proof of vision as
3 required in subdivision (3) of section 69-2433.

4 (2) A person applying for a permit to carry a concealed
5 handgun who gives false information or offers false evidence of his
6 or her identity is guilty of a Class IV felony.

7 ~~(3)~~ The (3) (a) Until January 1, 2010, the permit to carry
8 a concealed handgun shall be issued by the Nebraska State Patrol
9 within five business days after completion of the applicant's
10 criminal history record information check, if the applicant has
11 complied with this section and has met all the requirements of
12 section 69-2433.

13 (b) Beginning January 1, 2010, the permit to carry a
14 concealed handgun shall be issued by the Nebraska State Patrol
15 within forty-five days after the date an application for the permit
16 has been made by the applicant if the applicant has complied with
17 this section and has met all the requirements of section 69-2433.

18 (4) An applicant denied a permit to carry a concealed
19 handgun may appeal to the district court of the judicial district
20 of the county in which he or she resides or the county in which
21 he or she applied for the permit pursuant to the Administrative
22 Procedure Act.

23 Sec. 8. Section 69-2433, Revised Statutes Cumulative
24 Supplement, 2008, is amended to read:

25 69-2433 An applicant shall:

26 (1) Be at least twenty-one years of age;

27 (2) Not be prohibited from purchasing or possessing a

1 handgun by 18 U.S.C. 922, as such section existed on January 1,
2 2005;

3 (3) Possess the same powers of eyesight as required under
4 section 60-4,118 for a Class O operator's license. If an applicant
5 does not possess a current Nebraska motor vehicle operator's
6 license, the applicant may present a current optometrist's or
7 ophthalmologist's statement certifying the vision reading obtained
8 when testing the applicant. If such certified vision reading meets
9 the vision requirements prescribed by section 60-4,118 for a Class
10 O operator's license, the vision requirements of this subdivision
11 shall have been met;

12 (4) Not have pled guilty to, not have pled nolo
13 contendere to, or not have been convicted of a felony or a
14 crime of violence under the laws of this state or under the laws of
15 any other jurisdiction;

16 (5) Not have been found in the previous ten years to be a
17 mentally ill and dangerous person under the Nebraska Mental Health
18 Commitment Act or a similar law of another jurisdiction or not be
19 currently adjudged mentally incompetent;

20 ~~(6)~~ (6)(a) Have been a resident of this state for at
21 least one hundred eighty days. For purposes of this section,
22 resident does not include an applicant who maintains a residence in
23 another state and claims that residence for voting or tax purposes
24 except as provided in subdivision (b) of this subdivision;

25 (b) If an applicant is a member of the United States
26 Armed Forces, such applicant shall be considered a resident of
27 this state for purposes of this section after he or she has been

1 stationed at a military installation in this state for at least one
2 hundred eighty days pursuant to permanent duty station orders even
3 though he or she maintains a residence in another state and claims
4 that residence for voting or tax purposes;

5 (7) Have had no violations of any law of this state
6 relating to firearms, unlawful use of a weapon, or controlled
7 substances or of any similar laws of another jurisdiction in the
8 ten years preceding the date of application;

9 (8) Not be on parole, probation, house arrest, or work
10 release;

11 (9) Be a citizen of the United States; and

12 (10) Provide proof of training.

13 Sec. 9. Section 69-2441, Revised Statutes Cumulative
14 Supplement, 2008, is amended to read:

15 69-2441 (1)(a) A permitholder may carry a concealed
16 handgun anywhere in Nebraska, except any: Police, sheriff, or
17 Nebraska State Patrol station or office; detention facility,
18 prison, or jail; courtroom or building which contains a courtroom;
19 polling place during a bona fide election; meeting of the
20 governing body of a county, public school district, municipality,
21 or other political subdivision; meeting of the Legislature or a
22 committee of the Legislature; financial institution; professional
23 or semiprofessional athletic event; building, grounds, vehicle,
24 or sponsored activity or athletic event of any public, private,
25 denominational, or parochial school or private or public
26 university, college, or community college; place of worship;
27 hospital, emergency room, or trauma center; political rally

1 or fundraiser; establishment having a license issued under the
2 Nebraska Liquor Control Act that derives over one-half of its
3 total income from the sale of alcoholic liquor; place where the
4 possession or carrying of a firearm is prohibited by state or
5 federal law; a place or premises where the person, persons, entity,
6 or entities in control of the property or employer in control of
7 the property has prohibited permitholders from carrying concealed
8 handguns into or onto the place or premises; or into or onto any
9 other place or premises where handguns are prohibited by ~~law or~~
10 ~~rule or regulation.~~ state law.

11 (b) A financial institution may authorize its security
12 personnel to carry concealed handguns in the financial institution
13 while on duty so long as each member of the security personnel, as
14 authorized, is in compliance with the Concealed Handgun Permit Act
15 and possesses a permit to carry a concealed handgun issued pursuant
16 to the act.

17 (2) If a person, persons, entity, or entities in control
18 of the property or an employer in control of the property prohibits
19 a permitholder from carrying a concealed handgun into or onto the
20 place or premises and such place or premises are open to the
21 public, a permitholder does not violate this section unless the
22 person, persons, entity, or entities in control of the property
23 or employer in control of the property has posted conspicuous
24 notice that carrying a concealed handgun is prohibited in or
25 on the place or premises or has made a request, directly or
26 through an authorized representative or management personnel, that
27 the permitholder remove the concealed handgun from the place or

1 premises. A permitholder carrying a concealed handgun in a vehicle
2 into or onto any place or premises does not violate this section
3 so long as the handgun is not removed from the vehicle while the
4 vehicle is in or on the place or premises. An employer may prohibit
5 employees or other persons who are permitholders from carrying
6 concealed handguns in vehicles owned by the employer.

7 (3) A permitholder shall not carry a concealed handgun
8 while he or she is consuming alcohol or while the permitholder
9 has remaining in his or her blood, urine, or breath any previously
10 consumed alcohol or any controlled substance as defined in section
11 28-401. A permitholder does not violate this subsection if the
12 controlled substance in his or her blood, urine, or breath was
13 lawfully obtained and was taken in therapeutically prescribed
14 amounts.

15 Sec. 10. A valid license or permit to carry a concealed
16 handgun issued by any other state or the District of Columbia shall
17 be recognized as valid in this state under the Concealed Handgun
18 Permit Act if (1) the holder of the license or permit is not a
19 resident of Nebraska and (2) the Attorney General has determined
20 that the standards for issuance of such license or permit by such
21 state or the District of Columbia are equal to or greater than the
22 standards imposed by the act. The Attorney General shall maintain
23 and publish a list of such states and the District of Columbia
24 which he or she has determined have standards equal to or greater
25 than the standards imposed by the act.

26 Sec. 11. Original sections 15-255, 16-227, and 17-556,
27 Reissue Revised Statutes of Nebraska, and sections 14-102,

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- 1 69-2427, 69-2430, 69-2433, and 69-2441, Revised Statutes Cumulative
- 2 Supplement, 2008, are repealed.