

FIFTY-THIRD DAY - MARCH 31, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 31, 2003

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Byars who was excused; and Senators Bromm, Brown, Hartnett, Kremer, McDonald, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

MOTION - Approve Appointment

Senator Stuhr moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment found on page 1083: Nebraska Investment Council - Richard DeFusco.

Voting in the affirmative, 30:

Aguilar	Engel	Johnson	Mines	Redfield
Baker	Erdman	Jones	Mossey	Schrock
Burling	Foley	Kruse	Pedersen, Dw.	Smith
Connealy	Friend	Landis	Pederson, D.	Stuhr
Cudaback	Hudkins	Louden	Preister	Stuthman
Cunningham	Jensen	Maxwell	Quandahl	Synowiecki

Voting in the negative, 0.

Present and not voting, 12:

Beutler	Chambers	Raikes	Tyson
Bourne	Combs	Schimek	Vrtiska
Brashear	Janssen	Thompson	Wehrbein

Excused and not voting, 7:

Bromm	Byars	Kremer	Price
Brown	Hartnett	McDonald	

The appointment was confirmed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

WITHDRAW - Motion to LB 626

Senator Landis withdrew his pending motion, found on page 1078, to indefinitely postpone pursuant to Rule 6, Section 3(f), to LB 626.

GENERAL FILE

LEGISLATIVE BILL 626. Title read. Considered.

The Standing Committee amendment, AM0918, printed separately and referred to on page 1013, was considered.

Senator Preister renewed his pending amendment, AM1078, found on page 1106, to the Standing Committee amendment.

Senator Preister withdrew his amendment.

Senator Preister withdrew his pending amendment, AM1077, found on page 1107.

The Standing Committee amendment lost with 1 aye, 35 nays, 9 present and not voting, and 4 excused and not voting.

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 265. Title read. Considered.

The Standing Committee amendment, AM0768, printed separately and referred to on page 1022, was considered.

Senator Chambers requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

FA1212

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Sections 1 to 18 of this act shall be known
 4 and may be cited as the Concealed Handgun Permit Act.
 5 Sec. 2. An individual may obtain a permit to carry a
 6 concealed handgun in accordance with the Concealed Handgun Permit
 7 Act.
 8 Sec. 3. For purposes of the Concealed Handgun Permit
 9 Act, the following definitions are used:
 10 (1) Concealed means the handgun is totally hidden from
 11 view. If any part of the handgun is capable of being seen, it is
 12 not concealed;
 13 (2) Emergency services personnel means a volunteer or
 14 paid firefighter or rescue squad member or a person certified to
 15 provide emergency medical services pursuant to the Emergency
 16 Medical Services Act;
 17 (3) Handgun means any firearm with a barrel less than
 18 sixteen inches in length or any firearm designed to be held and
 19 fired by the use of a single hand;
 20 (4) Peace officer means any town marshal, chief of police
 21 or local police officer, sheriff or deputy sheriff, the
 22 Superintendent of Law Enforcement and Public Safety or any officer
 23 of the Nebraska State Patrol, any member of the National Guard on
 24 active service by direction of the Governor during periods of
 1 emergency or civil disorder, any Game and Parks Commission
 2 conservation officer, any carrier enforcement officer, and all
 3 other persons with similar authority to make arrests;
 4 (5) Permitholder means an individual holding a current
 5 and valid permit to carry a concealed handgun issued pursuant to
 6 this act; and
 7 (6) Proof of training means an original document or
 8 certified copy of a document, supplied by an applicant, that
 9 certifies that he or she either:
 10 (a) Within the previous three years, has successfully
 11 completed a handgun training and safety course approved by the
 12 Nebraska State Patrol pursuant to section 5 of this act; or
 13 (b) Is a member of the active or reserve military or a
 14 member of the National Guard and has had handgun training within
 15 the previous three years.
 16 Sec. 17. The Nebraska State Patrol may adopt and
 17 promulgate rules and regulations to carry out the provisions of the
 18 Concealed Handgun Permit Act.

SPEAKER BROMM PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 61 and 62 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 61 and 62.

GENERAL FILE

LEGISLATIVE BILL 265. Senator Chambers offered the following amendment to the first Standing Committee amendment:

FA1223

Amend FA1212

P. 1 in lines 5, 6, 8 strike "Concealed Handgun Permit" and insert "Shoot Thy Neighbor and/or Thyself".

Pending.

AMENDMENT - Print in Journal

Senator Landis filed the following amendment to LB 608:
AM1076

(Amendments to E & R amendments, AM7090)

- 1 1. On page 4, line 13, strike "or 77-4110" and insert "
- 2 77-4110, or 77-4113".
- 3 2. On page 6, line 9, before the period insert "who
- 4 increases the employment of such business in this state by two new
- 5 equivalent Nebraska employees and who makes an increased investment
- 6 in this state of at least seventy-five thousand dollars during a
- 7 taxable year".
- 8 3. On page 9, line 20, after "determined" insert "on
- 9 October 1".
- 10 4. On page 11, line 27, strike "July" and insert
- 11 "October".
- 12 5. On page 21, line 27, strike "an".
- 13 6. On page 22, line 1, strike "employee" and insert
- 14 "employees".

VISITORS

Visitors to the Chamber were 41 fourth-grade students, teachers, and sponsors from Seward; 63 fourth-grade students, teachers, and sponsors from Trumble Park Elementary School, Papillion; and 50 fifth-grade

students and teachers from Clarmar Elementary School, Fremont.

RECESS

At 12:01 p.m., on a motion by Senator Mines, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Bromm presiding.

ROLL CALL

The roll was called and all members were present except Senator Byars who was excused; and Senators Bourne, Hartnett, Landis, and Preister who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 265. Senator Chambers renewed his pending amendment, FA1223, found in this day's Journal, to the first Standing Committee amendment.

Senator Jones moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Chambers amendment lost with 1 aye, 35 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 208. Placed on Select File as amended.

E & R amendment to LB 208:

AM7094

- 1 1. In the Standing Committee amendments, AM0571:
- 2 a. To harmonize with the adoption of the Kruse
- 3 amendment, AM1053:
- 4 i. Strike sections 5 and 6.
- 5 ii. On page 46, lines 4 and 5, strike the new matter;

6 iii. On page 62, line 2, strike "60-462, 60-479,"; and
 7 iv. Renumber the remaining sections and correct internal
 8 references accordingly;
 9 b. On page 34, line 7, strike "(4)", show as stricken,
 10 and insert "(3)"; and
 11 c. On page 54, line 2, strike "violation" and insert
 12 "violations".
 13 2. On page 1, strike beginning with "motor" in line 1
 14 through line 9 and insert "driving under the influence; to amend
 15 sections 29-2221, 60-4,110, 60-6,210, 60-6,211.04, and 83-1,129,
 16 Reissue Revised Statutes of Nebraska, and sections 28-106, 28-306,
 17 28-394, 60-484, 60-4,118.06, 60-4,144, 60-601, 60-6,196, 60-6,197,
 18 60-6,197.01, 60-6,198, 60-6,205, 60-6,209, and 60-6,211.05, Revised
 19 Statutes Supplement, 2002; to change penalty provisions for Class W
 20 misdemeanors, motor vehicle homicide, death of an unborn child,
 21 and habitual offenders; to change and eliminate provisions relating
 22 to revoking or suspending an operator's license; to provide for the
 23 seizure, forfeiture, and sale of a motor vehicle as prescribed; to
 24 provide a duty for prosecutors as prescribed; to create the offense
 1 of aggravated driving under the influence; to provide, change, and
 2 eliminate penalties relating to driving under the influence and
 3 implied consent; to harmonize provisions; and to repeal the
 4 original sections."

LEGISLATIVE BILL 790. Placed on Select File as amended.

E & R amendment to LB 790:

AM7093

1 1. On page 1, strike lines 2 through 15 and insert
 2 "75-110.01, 75-112, 75-118, 75-129, 75-131, and 75-132, Reissue
 3 Revised Statutes of Nebraska, and sections 57-705, 59-1617, 75-101,
 4 75-109, 75-109.01, 75-122.01, 75-128, 75-130.01, 75-139.01, and
 5 84-612, Revised Statutes Supplement, 2002; to adopt the State
 6 Natural Gas Regulation Act; to repeal the Municipal Natural Gas
 7 Regulation Act; to create and eliminate funds; to provide powers
 8 and duties; to harmonize provisions; to provide an operative date;
 9 to provide severability; to repeal the original sections; and to
 10 outright repeal sections 19-4601 to 19-4616 and 19-4618 to 19-4623,
 11 Reissue Revised Statutes of Nebraska, and section 19-4617, Revised
 12 Statutes Supplement, 2002."
 13 2. On page 67, line 1, strike "75-132, and 77-2704.13"
 14 and insert "and 75-132"; and in lines 3 and 4 strike "77-2701,
 15 77-2702.07,".

LEGISLATIVE BILL 112. Placed on Select File as amended.

E & R amendment to LB 112:

AM7095

1 1. On page 1, line 3, strike "communications" and insert
 2 "telecommunications".

LEGISLATIVE BILL 267. Placed on Select File.

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 175, 186, 250, and 259.

ER9040

Enrollment and Review Change to LB 250
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 21, line 23, "6" has been struck and "5" inserted.

(Signed) Ray Mossey, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 46A. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 46, Ninety-eighth Legislature, First Session, 2003; to reduce appropriations; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 265. Senator Chambers offered the following amendment to the first Standing Committee amendment:

FA1224

Amend FA1212

P. 2, line 2, strike "any carrier enforcement officer".

Senators Beutler, Connealy, and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Landis asked unanimous consent to be excused. No objections. So ordered.

Senator Erdman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Tyson moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Chambers amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the first Standing Committee amendment:

FA1225

Amend FA1212

P. 13 in line 14, strike "may" and insert "shall"

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 667A. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 667, Ninety-eighth Legislature, First Session, 2003.

UNANIMOUS CONSENT - Add Cointroducers

Senator Thompson asked unanimous consent to have her name added as cointroducer to LB 724. No objections. So ordered.

Senator Bromm asked unanimous consent to have his name added as cointroducer to LB 524. No objections. So ordered.

Senator Combs asked unanimous consent to have her name added as cointroducer to LR 39. No objections. So ordered.

VISITORS

Visitors to the Chamber were 40 fourth-grade students and teachers from Jackson Academy, Omaha.

ADJOURNMENT

At 4:03 p.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Tuesday, April 1, 2003.

Patrick J. O'Donnell
Clerk of the Legislature