

AMENDMENTS TO LB68

Introduced by Government, Military and Veterans Affairs.

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

3           Section 1. Section 14-102, Revised Statutes Cumulative Supplement,  
4 2016, is amended to read:

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

7           Taxes, special assessments.

8           (1) To levy any tax or special assessment authorized by law;  
9           Corporate seal.

10          (2) To provide a corporate seal for the use of the city, and also  
11 any official seal for the use of any officer, board, or agent of the  
12 city, whose duties require an official seal to be used. Such corporate  
13 seal shall be used in the execution of municipal bonds, warrants,  
14 conveyances, and other instruments and proceedings as required by law;

15          Regulation of public health.

16          (3) To provide all needful rules and regulations for the protection  
17 and preservation of health within the city; and for this purpose they may  
18 provide for the enforcement of the use of water from public water  
19 supplies when the use of water from other sources shall be deemed unsafe;

20          Appropriations for debts and expenses.

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

23          Protection of strangers and travelers.

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

27          ~~Firearms Concealed weapons, firearms, fireworks, explosives.~~

1           (6) To punish and prevent ~~the carrying of concealed weapons, except~~  
2 ~~the carrying of a concealed handgun in compliance with the Concealed~~  
3 ~~Handgun Permit Act,~~ and the discharge of firearms, fireworks, or  
4 explosives of any description within the city, other than the discharge  
5 of firearms at a shooting range pursuant to the Nebraska Shooting Range  
6 Protection Act;

7           Sale of foodstuffs.

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

11           Official bonds.

12           (8) To require all officers or servants elected or appointed to give  
13 bond and security for the faithful performance of their duties; but no  
14 officer shall become security upon the official bond of another or upon  
15 any bond executed to the city;

16           Official reports of city officers.

17           (9) To require from any officer of the city at any time a report, in  
18 detail, of the transactions of his or her office or any matter connected  
19 therewith;

20           Cruelty to children and animals.

21           (10) To provide for the prevention of cruelty to children and  
22 animals;

23           Dogs; taxes and restrictions.

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

31           Cleaning sidewalks.

1           (12) To provide for keeping sidewalks clean and free from  
2 obstructions and accumulations, to provide for the assessment and  
3 collection of taxes on real estate and for the sale and conveyance  
4 thereof, and to pay the expenses of keeping the sidewalk adjacent to such  
5 real estate clean and free from obstructions and accumulations as herein  
6 provided;

7           Planting and trimming of trees; protection of birds.

8           (13) To provide for the planting and protection of shade or  
9 ornamental and useful trees upon the streets or boulevards, to assess the  
10 cost thereof to the extent of benefits upon the abutting property as a  
11 special assessment, and to provide for the protection of birds and  
12 animals and their nests; to provide for the trimming of trees located  
13 upon the streets and boulevards or when the branches of trees overhang  
14 the streets and boulevards when in the judgment of the mayor and council  
15 such trimming is made necessary to properly light such street or  
16 boulevard or to furnish proper police protection and to assess the cost  
17 thereof upon the abutting property as a special assessment;

18           Naming and numbering streets and houses.

19           (14) To provide for, regulate, and require the numbering or  
20 renumbering of houses along public streets or avenues; to care for and  
21 control and to name and rename streets, avenues, parks, and squares  
22 within the city;

23           Weeds.

24           (15) To require weeds and worthless vegetation growing upon any lot  
25 or piece of ground within the city or its three-mile zoning jurisdiction  
26 to be cut and destroyed so as to abate any nuisance occasioned thereby,  
27 to prohibit and control the throwing, depositing, or accumulation of  
28 litter on any lot or piece of ground within the city or its three-mile  
29 zoning jurisdiction and to require the removal thereof so as to abate any  
30 nuisance occasioned thereby, and if the owner fails to cut and destroy  
31 weeds and worthless vegetation or remove litter, or both, after notice as

1 required by ordinance, to assess the cost thereof upon the lots or lands  
2 as a special assessment. The notice required to be given may be by  
3 publication in the official newspaper of the city and may be directed in  
4 general terms to the owners of lots and lands affected without naming  
5 such owners;

6 Animals running at large.

7 (16) To prohibit and regulate the running at large or the herding or  
8 driving of domestic animals, such as hogs, cattle, horses, sheep, goats,  
9 fowls, or animals of any kind or description within the corporate limits  
10 and provide for the impounding of all animals running at large, herded,  
11 or driven contrary to such prohibition; and to provide for the forfeiture  
12 and sale of animals impounded to pay the expense of taking up, caring  
13 for, and selling such impounded animals, including the cost of  
14 advertising and fees of officers;

15 Use of streets.

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

19 Playing on streets and sidewalks.

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

26 Combustibles and explosives.

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

29 Public sale of chattels on streets.

30 (20) To regulate, license, or prohibit the sale of domestic animals  
31 or of goods, wares, and merchandise at public auction on the streets,

1 alleys, highways, or any public ground within the city;

2 Signs and obstruction in streets.

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

9 Disorderly conduct.

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

15 Vagrants and tramps.

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

22 Disorderly houses, gambling, offenses against public morals.

23 (24) To prohibit, restrain, and suppress tippling shops, houses of  
24 prostitution, opium joints, gambling houses, prize fighting, dog  
25 fighting, cock fighting, and other disorderly houses and practices, all  
26 games and gambling and desecration of the Sabbath, commonly called  
27 Sunday, and all kinds of indecencies; to regulate and license or prohibit  
28 the keeping and use of billiard tables, ten pins or ball alleys, shooting  
29 galleries except as provided in the Nebraska Shooting Range Protection  
30 Act, and other similar places of amusement; and to prohibit and suppress  
31 all lotteries and gift enterprises of all kinds under whatsoever name

1 carried on, except that nothing in this subdivision shall be construed to  
2 apply to bingo, lotteries, lotteries by the sale of pickle cards, or  
3 raffles conducted in accordance with the Nebraska Bingo Act, the Nebraska  
4 Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the  
5 Nebraska Small Lottery and Raffle Act, or the State Lottery Act;

6 Police regulation in general.

7 (25) To make and enforce all police regulations for the good  
8 government, general welfare, health, safety, and security of the city and  
9 the citizens thereof in addition to the police powers expressly granted  
10 herein; and in the exercise of the police power, to pass all needful and  
11 proper ordinances and impose fines, forfeitures, penalties, and  
12 imprisonment at hard labor for the violation of any ordinance, and to  
13 provide for the recovery, collection, and enforcement thereof; and in  
14 default of payment to provide for confinement in the city or county  
15 prison, workhouse, or other place of confinement with or without hard  
16 labor as may be provided by ordinance;

17 Fast driving on streets.

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

21 Libraries, art galleries, and museums.

22 (27) To establish and maintain public libraries, reading rooms, art  
23 galleries, and museums and to provide the necessary grounds or buildings  
24 therefor; to purchase books, papers, maps, manuscripts, works of art, and  
25 objects of natural or of scientific curiosity, and instruction therefor;  
26 to receive donations and bequests of money or property for the same in  
27 trust or otherwise and to pass necessary bylaws and regulations for the  
28 protection and government of the same;

29 Hospitals, workhouses, jails, firehouses, etc.; garbage disposal.

30 (28) To erect, designate, establish, maintain, and regulate  
31 hospitals or workhouses, houses of correction, jails, station houses,

1 fire engine houses, asphalt repair plants, and other necessary buildings;  
2 and to erect, designate, establish, maintain, and regulate plants for the  
3 removal, disposal, or recycling of garbage and refuse or to make  
4 contracts for garbage and refuse removal, disposal, or recycling, or all  
5 of the same, and to charge equitable fees for such removal, disposal, or  
6 recycling, or all of the same, except as hereinafter provided. The fees  
7 collected pursuant to this subdivision shall be credited to a single fund  
8 to be used exclusively by the city for the removal, disposal, or  
9 recycling of garbage and refuse, or all of the same, including any costs  
10 incurred for collecting the fee. Before any contract for such removal,  
11 disposal, or recycling is let, the city council shall make specifications  
12 therefor, bids shall be advertised for as now provided by law, and the  
13 contract shall be let to the lowest and best bidder, who shall furnish  
14 bond to the city conditioned upon his or her carrying out the terms of  
15 the contract, the bond to be approved by the city council. Nothing in  
16 this section, and no contract or regulation made by the city council,  
17 shall be so construed as to prohibit any person, firm, or corporation  
18 engaged in any business in which garbage or refuse accumulates as a  
19 byproduct from selling, recycling, or otherwise disposing of his, her, or  
20 its garbage or refuse or hauling such garbage or refuse through the  
21 streets and alleys under such uniform and reasonable regulations as the  
22 city council may by ordinance prescribe for the removal and hauling of  
23 garbage or refuse;

24 Market places.

25 (29) To erect and establish market houses and market places and to  
26 provide for the erection of all other useful and necessary buildings for  
27 the use of the city and for the protection and safety of all property  
28 owned by the city; and such market houses and market places and buildings  
29 aforesaid may be located on any street, alley, or public ground or on  
30 land purchased for such purpose;

31 Cemeteries, registers of births and deaths.

1           (30) To prohibit the establishment of additional cemeteries within  
2 the limits of the city, to regulate the registration of births and  
3 deaths, to direct the keeping and returning of bills of mortality, and to  
4 impose penalties on physicians, sextons, and others for any default in  
5 the premises;

6           Plumbing, etc., inspection.

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

11           Fire limits and fire protection.

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

31           Building regulations.

1           (33) To regulate the construction, use, and maintenance of party  
2 walls, to prescribe and regulate the thickness, strength, and manner of  
3 constructing stone, brick, wood, or other buildings and the size and  
4 shape of brick and other material placed therein, to prescribe and  
5 regulate the construction and arrangement of fire escapes and the placing  
6 of iron and metallic shutters and doors therein and thereon, and to  
7 provide for the inspection of elevators and hoist-way openings to avoid  
8 accidents; to prescribe, regulate, and provide for the inspection of all  
9 plumbing, pipefitting, or sewer connections in all houses or buildings  
10 now or hereafter erected; to regulate the size, number, and manner of  
11 construction of halls, doors, stairways, seats, aisles, and passageways  
12 of theaters, tenement houses, audience rooms, and all buildings of a  
13 public character, whether now built or hereafter to be built, so that  
14 there may be convenient, safe, and speedy exit in case of fire; to  
15 prevent the dangerous construction and condition of chimneys, fireplaces,  
16 hearths, stoves, stovepipes, ovens, boilers, and heating appliances used  
17 in or about any building or a manufactory and to cause the same to be  
18 removed or placed in safe condition when they are considered dangerous;  
19 to regulate and prevent the carrying on of manufactures dangerous in  
20 causing and promoting fires; to prevent the deposit of ashes in unsafe  
21 places and to cause such buildings and enclosures as may be in a  
22 dangerous state to be put in a safe condition; to prevent the disposing  
23 of and delivery or use in any building or other structure, of soft,  
24 shelly, or imperfectly burned brick or other unsuitable building material  
25 within the city limits and provide for the inspection of the same; to  
26 provide for the abatement of dense volumes of smoke; to regulate the  
27 construction of areaways, stairways, and vaults and to regulate partition  
28 fences; to enforce proper heating and ventilation of buildings used for  
29 schools, workhouses, or shops of every class in which labor is employed  
30 or large numbers of persons are liable to congregate;  
31           Warehouses and street railways.

1           (34) To regulate levees, depots and depot grounds, and places for  
2 storing freight and goods and to provide for and regulate the laying of  
3 tracks and the passage of steam or other railways through the streets,  
4 alleys, and public grounds of the city;

5           Lighting railroad property.

6           (35) To require the lighting of any railway within the city, the  
7 cars of which are propelled by steam, and to fix and determine the  
8 number, size, and style of lampposts, burners, lamps, and all other  
9 fixtures and apparatus necessary for such lighting and the points of  
10 location for such lampposts; and in case any company owning or operating  
11 such railways shall fail to comply with such requirements, the council  
12 may cause the same to be done and may assess the expense thereof against  
13 such company, and the same shall constitute a lien upon any real estate  
14 belonging to such company and lying within such city and may be collected  
15 in the same manner as taxes for general purposes;

16           City publicity.

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

19           Offstreet parking.

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

27           Public passenger transportation systems.

28           (38) To acquire, by the exercise of the power of eminent domain or  
29 otherwise, lease, purchase, construct, own, maintain, operate, or  
30 contract for the operation of public passenger transportation systems,  
31 excluding taxicabs and railroad systems, including all property and

1 facilities required therefor, within and without the limits of the city,  
2 to redeem such property from prior encumbrance in order to protect or  
3 preserve the interest of the city therein, to exercise all powers granted  
4 by the Constitution of Nebraska and laws of the State of Nebraska or  
5 exercised by or pursuant to a home rule charter adopted pursuant thereto,  
6 including, but not limited to, receiving and accepting from the  
7 government of the United States or any agency thereof, from the State of  
8 Nebraska or any subdivision thereof, and from any person or corporation  
9 donations, devises, gifts, bequests, loans, or grants for or in aid of  
10 the acquisition, operation, and maintenance of such public passenger  
11 transportation systems and to administer, hold, use, and apply the same  
12 for the purposes for which such donations, devises, gifts, bequests,  
13 loans, or grants may have been made, to negotiate with employees and  
14 enter into contracts of employment, to employ by contract or otherwise  
15 individuals singularly or collectively, to enter into agreements  
16 authorized under the Interlocal Cooperation Act or the Joint Public  
17 Agency Act, to contract with an operating and management company for the  
18 purpose of operating, servicing, and maintaining any public passenger  
19 transportation systems any city of the metropolitan class shall acquire,  
20 and to exercise such other and further powers as may be necessary,  
21 incident, or appropriate to the powers of such city; and

22 Regulation of air quality.

23 (39) In addition to powers conferred elsewhere in the laws of the  
24 state and notwithstanding any other law of the state, to implement and  
25 enforce an air pollution control program within the corporate limits of  
26 the city under subdivision (23) of section 81-1504 or subsection (1) of  
27 section 81-1528, which program shall be consistent with the federal Clean  
28 Air Act, as amended, 42 U.S.C. 7401 et seq. Such powers shall include  
29 without limitation those involving injunctive relief, civil penalties,  
30 criminal fines, and burden of proof. Nothing in this section shall  
31 preclude the control of air pollution by resolution, ordinance, or

1 regulation not in actual conflict with the state air pollution control  
2 regulations.

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

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

18 Sec. 3. Section 16-227, Revised Statutes Cumulative Supplement,  
19 2016, is amended to read:

20 16-227 A city of the first class may (1) prevent and restrain riots,  
21 routs, noises, disturbances, breaches ~~breach~~ of the peace, or disorderly  
22 assemblies in any street, house, or place in the city, (2) regulate,  
23 punish, and prevent the discharge of firearms, rockets, powder,  
24 fireworks, or any other dangerous combustible material in the streets,  
25 lots, grounds, and alleys or about or in the vicinity of any buildings,  
26 ~~(3) regulate, prevent, and punish the carrying of concealed weapons,~~  
27 ~~except the carrying of a concealed handgun in compliance with the~~  
28 ~~Concealed Handgun Permit Act,~~ (3 4) arrest, regulate, punish, or fine  
29 vagabonds, (4 5) regulate and prevent the transportation or storage of  
30 gunpowder or other explosive or combustible articles, tar, pitch, resin,  
31 coal oil, benzine, turpentine, hemp, cotton, nitroglycerine, dynamite,

1 petroleum or any other productions thereof, and other materials of like  
2 nature, the use of lights in stables, shops, or other places, and the  
3 building of bonfires, and (5 ~~6~~) regulate and prohibit the piling of  
4 building material or any excavation or obstruction in the street.

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

7 17-556 Cities of the second class and villages shall have power to  
8 prevent and restrain riots, routs, noises, disturbances, or disorderly  
9 assemblages; to regulate, prevent, restrain, or remove nuisances in  
10 residential parts of municipalities and to designate what shall be  
11 considered a nuisance; to regulate, punish, and prevent the discharge of  
12 firearms, rockets, powder, fireworks, or any other dangerous combustible  
13 material in the streets, lots, grounds, alleys, or about or in the  
14 vicinity of any buildings; ~~to regulate, prevent, and punish the carrying~~  
15 ~~of concealed weapons, except the carrying of a concealed handgun in~~  
16 ~~compliance with the Concealed Handgun Permit Act;~~ and to arrest,  
17 regulate, punish, fine, or set at work on the streets or elsewhere all  
18 vagrants and persons found without means of support or some legitimate  
19 business.

20 Sec. 5. Section 18-1703, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 18-1703 (1)(a) Cities and villages do shall not have the power to  
23 regulate the ownership, possession, ~~or~~ transportation, carrying,  
24 registration, transfer, or storage of firearms, ammunition, or firearm  
25 accessories except as provided in this section ~~of a concealed handgun, as~~  
26 ~~such ownership, possession, or transportation is authorized under the~~  
27 ~~Concealed Handgun Permit Act, except as expressly provided by state law,~~  
28 ~~and shall not have the power to require registration of a concealed~~  
29 ~~handgun owned, possessed, or transported by a permit holder under the act.~~  
30 ~~Any existing city or village ordinance, permit, or regulation regulating~~  
31 ~~the ownership, possession, or transportation of a concealed handgun, as~~

1 ~~such ownership, possession, or transportation is authorized under the~~  
2 ~~act, except as expressly provided under state law, and any existing city~~  
3 ~~or village ordinance, permit, or regulation requiring the registration of~~  
4 ~~a concealed handgun owned, possessed, or transported by a permit holder~~  
5 ~~under the act, is declared to be null and void as against any~~  
6 ~~permit holder possessing a valid permit under the act.~~

7 (b) This section does not prohibit:

8 (i) A law enforcement agency from enacting and enforcing regulations  
9 pertaining to firearms, ammunition, or firearm accessories issued to or  
10 used by a peace officer in the course of his or her official duties;

11 (ii) Zoning ordinances that encompass firearms businesses along with  
12 other businesses, except that zoning ordinances that are designed for the  
13 purpose of restricting or prohibiting the sale, purchase, transfer, or  
14 manufacture of firearms, ammunition, or firearm accessories as a method  
15 of regulating such items are in conflict with subdivision (1)(a) of this  
16 section and are prohibited;

17 (iii) Any city or village from regulating or prohibiting by  
18 ordinance the carrying of firearms or ammunition by an employee of the  
19 city or village during and in the course of the employee's official  
20 duties except as provided in section 69-2441; or

21 (iv) A court or hearing officer from hearing and resolving any case  
22 or controversy or issuing any opinion or order on a matter within the  
23 jurisdiction of that court or agency.

24 (2)(a) A person adversely affected by an ordinance, a measure, an  
25 enactment, a rule, or a policy adopted or enforced by a city or village  
26 that violates this section may file an action in a court of competent  
27 jurisdiction against the city or village for:

28 (i) Declaratory and injunctive relief; and

29 (ii) Actual and consequential damages attributed to the violation.

30 (b) A person is adversely affected for purposes of subdivision (2)  
31 (a) of this section if:

1       (i) The person is an individual who may legally possess a firearm  
2 under the laws of Nebraska and the individual is or was subject to the  
3 ordinance, measure, enactment, rule, or policy of the city or village. An  
4 individual is or was subject to the ordinance, measure, enactment, rule,  
5 or policy of the city or village if the individual is or was physically  
6 present within the boundaries of the city or village for any reason at  
7 any time after the adoption of such ordinance, measure, enactment, rule,  
8 or policy; or

9       (ii) The person is a membership organization that:

10       (A) Includes two or more individuals described in subdivision (2)(b)  
11 (i) of this section; and

12       (B) Is dedicated in whole or in part to protecting the rights of  
13 persons to possess, own, or use firearms for competitive, sporting,  
14 defensive, or other lawful purposes.

15       (3) A prevailing plaintiff in an action under this section is  
16 entitled to recover from the city or village:

17       (a) Actual damages, including consequential damages;

18       (b) Court costs; and

19       (c) Reasonable attorney's fees.

20       (4) For purposes of this section:

21       (a) Ammunition means ammunition or cartridge cases, primers,  
22 bullets, or propellant powder designed for use in any firearm;

23       (b) Firearm has the same meaning as in section 28-1201; and

24       (c) Firearm accessory means any item intended for use with a  
25 firearm.

26       Sec. 6. Section 23-187, Revised Statutes Cumulative Supplement,  
27 2016, is amended to read:

28       23-187 (1) In addition to the powers granted by section 23-104, a  
29 county may, in the manner specified by sections 23-187 to 23-193,  
30 regulate the following subjects by ordinance:

31       (a) Parking of motor vehicles on public roads, highways, and rights-

1 of-way as it pertains to snow removal for and access by emergency  
2 vehicles to areas within the county;

3 (b) Motor vehicles as defined in section 60-339 that are abandoned  
4 on public or private property;

5 (c) Low-speed vehicles as described and operated pursuant to section  
6 60-6,380;

7 (d) Golf car vehicles as described and operated pursuant to section  
8 60-6,381;

9 (e) Graffiti on public or private property;

10 (f) False alarms from electronic security systems that result in  
11 requests for emergency response from law enforcement or other emergency  
12 responders;

13 (g) Violation of the public peace and good order of the county by  
14 disorderly conduct, lewd or lascivious behavior, or public nudity;

15 (h) Peddlers, hawkers, or solicitors operating for commercial  
16 purposes. If a county adopts an ordinance under this subdivision, the  
17 ordinance shall provide for registration of any such peddler, hawker, or  
18 solicitor without any fee and allow the operation or conduct of any  
19 registered peddler, hawker, or solicitor in all areas of the county where  
20 the county has jurisdiction and where a city or village has not otherwise  
21 regulated such operation or conduct; and

22 (i) Operation of vehicles on any highway or restrictions on the  
23 weight of vehicles pursuant to section 60-681.

24 (2) For the enforcement of any ordinance authorized by this section,  
25 a county may impose fines, forfeitures, or penalties and provide for the  
26 recovery, collection, and enforcement of such fines, forfeitures, or  
27 penalties. A county may also authorize such other measures for the  
28 enforcement of ordinances as may be necessary and proper. A fine enacted  
29 pursuant to this section shall not exceed five hundred dollars for each  
30 offense.

31 (3) A county shall not regulate by ordinance the ownership,

1 possession, transportation, carrying, registration, transfer, or storage  
2 of firearms, ammunition, or firearm accessories.

3 (4) For purposes of this section:

4 (a) Ammunition means ammunition or cartridge cases, primers,  
5 bullets, or propellant powder designed for use in any firearm;

6 (b) Firearm has the same meaning as in section 28-1201; and

7 (c) Firearm accessory means any item intended for use with a  
8 firearm.

9 Sec. 7. Section 28-101, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 28-101 Sections 28-101 to 28-1357, ~~28-1418.01, 28-1429.03,~~ and  
12 28-1601 to 28-1603 and sections 11 and 12 of this act shall be known and  
13 may be cited as the Nebraska Criminal Code.

14 Sec. 8. Section 28-1201, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 28-1201 For purposes of sections 28-1201 to 28-1212.04 and sections  
17 11 and 12 of this act, unless the context otherwise requires:

18 (1) Firearm means any weapon which is designed to or may readily be  
19 converted to expel any projectile by the action of an explosive or frame  
20 or receiver of any such weapon;

21 (2) Fugitive from justice means any person who has fled or is  
22 fleeing from any peace officer to avoid prosecution or incarceration for  
23 a felony;

24 (3) Handgun means any firearm with a barrel less than sixteen inches  
25 in length or any firearm designed to be held and fired by the use of a  
26 single hand;

27 (4) Juvenile means any person under the age of eighteen years;

28 (5) Knife means any dagger, dirk, knife, or stiletto with a blade  
29 over three and one-half inches in length or any other dangerous  
30 instrument capable of inflicting cutting, stabbing, or tearing wounds;

31 (6) Knuckles and brass or iron knuckles means any instrument that

1 consists of finger rings or guards made of a hard substance and that is  
2 designed, made, or adapted for the purpose of inflicting serious bodily  
3 injury or death by striking a person with a fist enclosed in the  
4 knuckles;

5 (7) Machine gun means any firearm, whatever its size and usual  
6 designation, that shoots automatically more than one shot, without manual  
7 reloading, by a single function of the trigger;

8 (8) School means a public, private, denominational, or parochial  
9 elementary, vocational, or secondary school, a private postsecondary  
10 career school as defined in section 85-1603, a community college, a  
11 public or private college, a junior college, or a university;

12 (9) Short rifle means a rifle having a barrel less than sixteen  
13 inches long or an overall length of less than twenty-six inches; and

14 (10) Short shotgun means a shotgun having a barrel or barrels less  
15 than eighteen inches long or an overall length of less than twenty-six  
16 inches.

17 Sec. 9. Section 28-1204, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 28-1204 (1) Any person under the age of eighteen years who possesses  
20 a handgun commits the offense of unlawful possession of a handgun.

21 (2) Any person who possesses a handgun in a public place in a city  
22 of the metropolitan class commits the offense of unlawful possession of a  
23 handgun unless the person is a lawful possessor and is transporting the  
24 handgun in or on any vehicle in compliance with section 12 of this act.

25 (3) {2} This section does not apply to a person in possession of a  
26 permit issued pursuant to or recognized under the Concealed Handgun  
27 Permit Act, to the issuance of handguns to members of the armed forces of  
28 the United States, active or reserve, National Guard of this state, or  
29 Reserve Officers Training Corps, when on duty or training, or to the  
30 temporary loan of handguns for instruction under the immediate  
31 supervision of a parent or guardian or adult instructor.

1           (4) ~~(3)~~ Unlawful possession of a handgun is a Class I misdemeanor.

2           Sec. 10. Section 28-1204.01, Reissue Revised Statutes of Nebraska,  
3 is amended to read:

4           28-1204.01 (1) Any person who knowingly and intentionally does or  
5 attempts to sell, provide, loan, deliver, or in any other way transfer  
6 the possession of a firearm to a juvenile commits the offense of unlawful  
7 transfer of a firearm to a juvenile. The county attorney shall have a  
8 copy of the petition served upon the owner of the firearm, if known, in  
9 person or by registered or certified mail at his or her last-known  
10 address.

11           (2) This section does not apply to the transfer of a firearm, other  
12 than a handgun, to a juvenile:

13           (a) From a person related to such juvenile within the second degree  
14 of consanguinity or affinity if the transfer of physical possession of  
15 such firearm does not occur until such time as express permission has  
16 been obtained from the juvenile's parent or guardian;

17           (b) For a legitimate and lawful sporting purpose; or

18           (c) Who is under direct adult supervision in an appropriate  
19 educational program.

20           (3) This section applies to the transfer of a handgun except as  
21 specifically provided in subsection ~~(3)~~ ~~(2)~~ of section 28-1204.

22           (4) Unlawful transfer of a firearm to a juvenile is a Class III  
23 felony.

24           Sec. 11. (1) It shall be unlawful to transport or possess a firearm,  
25 machine gun, air gun, air rifle, or paintball gun in a public place in a  
26 city of the metropolitan class unless such item is unloaded and contained  
27 in any enclosed case or unloaded and broken down. The removal of the bolt  
28 or carrying in a holster-type gun case without further breaking down  
29 shall not be deemed sufficient for compliance with this section.

30           (2) This section does not apply to:

31           (a) The transportation of a firearm in or on any vehicle in

1 compliance with section 12 of this act;

2 (b) The transportation of a handgun by a person in possession of a  
3 permit issued pursuant to or recognized under the Concealed Handgun  
4 Permit Act;

5 (c) The transportation of a handgun by a member of the armed forces  
6 of the United States, active or reserve, National Guard of this state, or  
7 Reserve Officers Training Corps, when on duty or training;

8 (d) A peace officer;

9 (e) The carrying of unloaded and uncased rifles in parades or the  
10 use of rifles in bona fide ceremonies;

11 (f) Possession at bona fide shows or exhibits; or

12 (g) Any other lawful use, purpose, or activity, including, but not  
13 limited to, skeet and trap shooting, target shooting at rifle ranges, or  
14 hunter safety instruction conducted by qualified instructors, when such  
15 use, purpose, or activity:

16 (i) Does not endanger public safety and is not detrimental to public  
17 welfare;

18 (ii) Has received the prior approval of the city's chief law  
19 enforcement officer; and

20 (iii) If occurring in a public park, has received the prior approval  
21 of the city's governing body.

22 (3) Any person violating this section is guilty of a Class II  
23 misdemeanor.

24 Sec. 12. (1)(a) It shall be unlawful to transport a firearm in or on  
25 any vehicle on any highway as defined in section 39-101 in a city of the  
26 metropolitan class unless such firearm does not have shells or ammunition  
27 in either the chamber or receiver and neither the firearm nor any  
28 ammunition being transported is readily or directly accessible from the  
29 passenger compartment of the vehicle.

30 (b) In a vehicle without a compartment separate from the driver's  
31 compartment, the firearm or ammunition shall not be considered readily or

1 directly accessible if the firearm or ammunition is contained in a locked  
2 container other than the glove compartment or console.

3 (2) This section does not apply to:

4 (a) The transportation of a handgun by a person in possession of a  
5 permit issued pursuant to or recognized under the Concealed Handgun  
6 Permit Act;

7 (b) The transportation of a handgun by a member of the armed forces  
8 of the United States, active or reserve, National Guard of this state, or  
9 Reserve Officers Training Corps, when on duty or training; or

10 (c) A peace officer.

11 (3) Any person violating this section is guilty of a Class II  
12 misdemeanor.

13 Sec. 13. Section 28-1212, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 28-1212 The presence in a motor vehicle other than a public vehicle  
16 of any firearm or instrument referred to in section 28-1203, 28-1206,  
17 28-1207, or 28-1212.03, subsection (2) of section 28-1204, or sections 11  
18 or 12 of this act shall be prima facie evidence that it is in the  
19 possession of and is carried by all persons occupying such motor vehicle  
20 at the time such firearm or instrument is found, except that this section  
21 shall not be applicable if such firearm or instrument is found upon the  
22 person of one of the occupants therein.

23 Sec. 14. Section 28-1212.03, Reissue Revised Statutes of Nebraska,  
24 is amended to read:

25 28-1212.03 Any person who possesses, receives, retains, or disposes  
26 of a stolen firearm and who knows or should know ~~knowing that it has been~~  
27 ~~or believing~~ that it has been stolen shall be guilty of a Class IIA  
28 felony unless the firearm is possessed, received, retained, or disposed  
29 of with intent to restore it to the owner. If the stolen firearm is a  
30 handgun, a person's failure, prior to trial, to produce a certificate  
31 obtained pursuant to section 62-2404 shall be prima facie evidence that

1 the person knew or should have known the handgun was stolen, unless the  
2 certificate was not required under subsection (2) of section 69-2403.

3 Sec. 15. Section 69-2401, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 69-2401 The Legislature hereby finds and declares that the state has  
6 a valid interest in the regulation of the purchase, lease, rental,  
7 acquisition, and transfer of handguns and that requiring a certificate  
8 prior to the purchase, lease, rental, acquisition, or transfer of a  
9 handgun serves a valid public purpose.

10 Sec. 16. Section 69-2402, Revised Statutes Cumulative Supplement,  
11 2016, is amended to read:

12 69-2402 For purposes of sections 69-2401 to 69-2425:

13 (1) Antique handgun or pistol means any handgun or pistol, including  
14 those with a matchlock, flintlock, percussion cap, or similar type of  
15 ignition system, manufactured in or before 1898 and any replica of such a  
16 handgun or pistol if such replica (a) is not designed or redesigned for  
17 using rimfire or conventional centerfire fixed ammunition or (b) uses  
18 rimfire or conventional centerfire fixed ammunition which is no longer  
19 manufactured in the United States and which is not readily available in  
20 the ordinary channels of commercial trade;

21 (2) Criminal history record check includes a check of the criminal  
22 history records of the Nebraska State Patrol and a check of the Federal  
23 Bureau of Investigation's National Instant Criminal Background Check  
24 System;

25 (3) Firearm-related disability means a person is not permitted to  
26 (a) purchase, possess, ship, transport, or receive a firearm under either  
27 state or federal law, (b) obtain a certificate to purchase, lease, rent,  
28 acquire, or receive transfer of a handgun under section 69-2404, or (c)  
29 obtain a permit to carry a concealed handgun under the Concealed Handgun  
30 Permit Act; and

31 (4) Handgun means any firearm with a barrel less than sixteen inches

1 in length or any firearm designed to be held and fired by the use of a  
2 single hand.

3 Sec. 17. Section 69-2403, Revised Statutes Cumulative Supplement,  
4 2016, is amended to read:

5 69-2403 (1) Except as provided in this section and section 69-2409,  
6 a person shall not purchase, lease, rent, acquire, or receive transfer of  
7 a handgun until he or she has obtained a certificate in accordance with  
8 section 69-2404. Except as provided in this section and section 69-2409,  
9 a person shall not sell, lease, rent, or transfer a handgun to a person  
10 who has not obtained a certificate.

11 (2) The certificate shall not be required if:

12 (a) The person acquiring the handgun is a licensed firearms dealer  
13 under federal law;

14 (b) The handgun is an antique handgun;

15 (c) The person acquiring the handgun is authorized to do so on  
16 behalf of a law enforcement agency;

17 (d) The transfer is a temporary transfer of a handgun and the  
18 transferee remains (i) in the line of sight of the transferor or (ii)  
19 within the premises of an established shooting facility;

20 (e) The transfer is between a person and his or her spouse, sibling,  
21 parent, child, aunt, uncle, niece, nephew, or grandparent;

22 (f) The person acquiring the handgun is a holder of a valid permit  
23 under the Concealed Handgun Permit Act; or

24 (g) The person acquiring the handgun is a peace officer as defined  
25 in section 69-2429.

26 (3) It shall be an affirmative defense to prosecution for a  
27 violation of this section if a person presents a valid certificate  
28 obtained in accordance with section 69-2404 that the person possessed at  
29 the time the handgun was purchased, leased, rented, acquired, or  
30 received.

31 Sec. 18. Section 69-2404, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 69-2404 Any person desiring to purchase, lease, rent, acquire, or  
3 receive transfer of a handgun shall apply with the chief of police or  
4 sheriff of the applicant's place of residence for a certificate. The  
5 application may be made in person or by mail. The application form and  
6 certificate shall be made on forms approved by the Superintendent of Law  
7 Enforcement and Public Safety. The application shall include the  
8 applicant's full name, address, date of birth, and country of  
9 citizenship. If the applicant is not a United States citizen, the  
10 application shall include the applicant's place of birth and his or her  
11 alien or admission number. If the application is made in person, the  
12 applicant shall also present a current Nebraska motor vehicle operator's  
13 license, state identification card, or military identification card, or  
14 if the application is made by mail, the application form shall describe  
15 the license or card used for identification and be notarized by a notary  
16 public who has verified the identification of the applicant through such  
17 a license or card. An applicant shall receive a certificate if he or she  
18 is twenty-one years of age or older and is not prohibited from purchasing  
19 or possessing a handgun by 18 U.S.C. 922. A fee of five dollars shall be  
20 charged for each application for a certificate to cover the cost of a  
21 criminal history record check.

22 Sec. 19. Section 71-904.01, Revised Statutes Cumulative Supplement,  
23 2016, is amended to read:

24 71-904.01 Firearm-related disability means a person is not permitted  
25 to (1) purchase, possess, ship, transport, or receive a firearm under  
26 either state or federal law, (2) obtain a certificate to purchase, lease,  
27 rent, acquire, or receive transfer of a handgun under section 69-2404, or  
28 (3) obtain a permit to carry a concealed handgun under the Concealed  
29 Handgun Permit Act.

30 Sec. 20. Section 71-963, Revised Statutes Cumulative Supplement,  
31 2016, is amended to read:

1           71-963 (1) Upon release from commitment or treatment, a person who,  
2 because of a mental health-related commitment or adjudication occurring  
3 under the laws of this state, is subject to the disability provisions of  
4 18 U.S.C. 922(d)(4) and (g)(4) or is disqualified from obtaining a  
5 certificate to purchase, lease, rent, acquire, or receive transfer of a  
6 handgun under section 69-2404 or a permit to carry a concealed handgun  
7 under the Concealed Handgun Permit Act may petition the mental health  
8 board to remove such disabilities.

9           (2)(a) Upon the filing of the petition, the subject may request and,  
10 if the request is made, shall be entitled to, a review hearing by the  
11 mental health board. The mental health board shall grant a petition filed  
12 under subsection (1) of this section if the mental health board  
13 determines that:

14           (i) The subject will not be likely to act in a manner dangerous to  
15 public safety; and

16           (ii) The granting of the relief would not be contrary to the public  
17 interest.

18           (b) In determining whether to remove the subject's firearm-related  
19 disabilities, the mental health board shall receive and consider evidence  
20 upon the following:

21           (i) The circumstances surrounding the subject's mental health  
22 commitment or adjudication;

23           (ii) The subject's record, which shall include, at a minimum, the  
24 subject's mental health and criminal history records;

25           (iii) The subject's reputation, developed, at a minimum, through  
26 character witness statements, testimony, or other character evidence; and

27           (iv) Changes in the subject's condition, treatment, treatment  
28 history, or circumstances relevant to the relief sought.

29           (3) If a decision is made by the mental health board to remove the  
30 subject's firearm-related disabilities, the clerks of the various courts  
31 shall immediately send as soon as practicable but within thirty days an

1 order to the Nebraska State Patrol and the Department of Health and Human  
2 Services, in a form and in a manner prescribed by the Department of  
3 Health and Human Services and the Nebraska State Patrol, stating its  
4 findings, which shall include a statement that, in the opinion of the  
5 mental health board, (a) the subject is not likely to act in a manner  
6 that is dangerous to public safety and (b) removing the subject's  
7 firearm-related disabilities will not be contrary to the public interest.

8 (4) The subject may appeal a denial of the requested relief to the  
9 district court, and review on appeal shall be de novo.

10 (5) If a petition is granted under this section, the commitment or  
11 adjudication for which relief is granted shall be deemed not to have  
12 occurred for purposes of section 69-2404 and the Concealed Handgun Permit  
13 Act and, pursuant to section 105(b) of Public Law 110-180, for purposes  
14 of 18 U.S.C. 922(d)(4) and (g)(4).

15 Sec. 21. Original sections 15-255, 17-556, 18-1703, 28-101, 28-1201,  
16 28-1204, 28-1204.01, 28-1212, 28-1212.03, 69-2401, and 69-2404, Reissue  
17 Revised Statutes of Nebraska, and sections 14-102, 16-227, 23-187,  
18 69-2402, 69-2403, 71-904.01, and 71-963, Revised Statutes Cumulative  
19 Supplement, 2016, are repealed.