

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 500

Introduced by Brewer, 43; Linehan, 39.

Read first time January 18, 2017

Committee:

- 1 A BILL FOR AN ACT relating to firearms; to amend sections 15-255, 17-556,
2 18-1703, 28-1202, 37-708, 37-712, 60-6,342, and 69-2445, Reissue
3 Revised Statutes of Nebraska, and sections 14-102 and 16-227,
4 Revised Statutes Cumulative Supplement, 2016; to authorize the
5 carrying of concealed handguns by qualified active and retired law
6 enforcement officers as prescribed; to harmonize provisions; and to
7 repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) An individual who is a qualified law enforcement
2 officer or a qualified retired law enforcement officer and who is
3 carrying the identification required by subsection (2) of this section
4 may carry a concealed handgun anywhere in the State of Nebraska, except
5 as prohibited by federal law or section 28-1204.04.

6 (2)(a) The identification required by this section for a qualified
7 law enforcement officer is the photographic identification issued by the
8 governmental agency which employs the individual as a law enforcement
9 officer.

10 (b) The identification required by this section for a qualified
11 retired law enforcement officer is:

12 (i) A photographic identification issued by the agency from which
13 the individual separated in good standing from service as a law
14 enforcement officer that identifies the individual as having been
15 employed as a law enforcement officer and indicates that the individual
16 has, not less recently than one year before the date the individual is
17 carrying the concealed handgun, been tested or otherwise found by the
18 agency to meet the active duty standards for qualification in handgun
19 training as established by the agency to carry a handgun of the same type
20 as the concealed handgun; or

21 (ii)(A) A photographic identification issued by the agency from
22 which the individual separated in good standing from service as a law
23 enforcement officer that identifies the individual as having been
24 employed as a law enforcement officer; and

25 (B) A certification issued by the individual's state of residence or
26 issued by a certified firearms instructor that is qualified to conduct a
27 handgun qualification test for active duty officers within such state
28 that indicates that the individual has, not less recently than one year
29 before the date the individual is carrying the concealed handgun, been
30 tested or otherwise found by such state or certified firearms instructor
31 to have met:

1 (I) The active duty standards for qualification in handgun training,
2 as established by such state, to carry a handgun of the same type as the
3 concealed handgun; or

4 (II) If such state has not established such standards, standards set
5 by any law enforcement agency within such state to carry a handgun of the
6 same type as the concealed handgun.

7 (3) For purposes of this section:

8 (a) Concealed handgun means the handgun is totally hidden from view.
9 If any part of the handgun is capable of being seen, it is not a
10 concealed handgun;

11 (b) Handgun means any firearm with a barrel less than sixteen inches
12 in length or any firearm designed to be held and fired by the use of a
13 single hand;

14 (c) Qualified law enforcement officer means an employee of a
15 governmental agency who:

16 (i) Is authorized by law to engage in or supervise the prevention,
17 detection, investigation, or prosecution of, or the incarceration of any
18 person for, any violation of law and has statutory powers of arrest;

19 (ii) Is authorized by the agency to carry a handgun;

20 (iii) Is not the subject of any disciplinary action by the agency
21 which could result in suspension or loss of police powers;

22 (iv) Meets any standards established by the agency which require the
23 employee to regularly qualify in the use of a handgun;

24 (v) Is not under the influence of alcohol or another intoxicating or
25 hallucinatory drug or substance; and

26 (vi) Is not prohibited by state or federal law from possessing or
27 receiving a handgun; and

28 (d) Qualified retired law enforcement officer means an individual
29 who:

30 (i) Separated in good standing from service with a governmental
31 agency as a law enforcement officer;

1 (ii) Before such separation, was authorized by law to engage in or
2 supervise the prevention, detection, investigation, or prosecution of, or
3 the incarceration of any person for, any violation of law and had
4 statutory powers of arrest;

5 (iii)(A) Before such separation, served as a law enforcement officer
6 for an aggregate of ten years or more; or

7 (B) Separated from service with such agency, after completing any
8 applicable probationary period of such service, due to a service-
9 connected disability, as determined by such agency;

10 (iv) During the most recent twelve-month period, has met, at the
11 expense of the individual, the standards for qualification in firearms
12 training for active law enforcement officers, as determined by the former
13 agency of the individual or the individual's state of residence or, if
14 such state has not established such standards, either a law enforcement
15 agency within such state or the standards used by a certified firearms
16 instructor that is qualified to conduct a firearms qualification test for
17 active duty officers within such state;

18 (v) Has not been officially found by a qualified medical
19 professional employed by the agency to be unqualified for reasons
20 relating to mental health and as a result of this finding would not be
21 issued the photographic identification as described in subdivision (2)(b)
22 (i) of this section;

23 (vi) Has not entered into an agreement with the agency from which
24 the individual separated from service in which the individual
25 acknowledged that he or she is not qualified for reasons relating to
26 mental health and for those reasons will not receive or accept the
27 photographic identification as described in subdivision (2)(b)(i) of this
28 section;

29 (vii) Is not under the influence of alcohol or another intoxicating
30 or hallucinatory drug or substance; and

31 (viii) Is not prohibited by state or federal law from possessing or

1 receiving a handgun.

2 (4) The Nebraska Commission on Law Enforcement and Criminal Justice
3 may adopt and promulgate rules and regulations to carry out this section.

4 Sec. 2. Section 14-102, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

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

8 Taxes, special assessments.

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

10 Corporate seal.

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

16 Regulation of public health.

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

21 Appropriations for debts and expenses.

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

24 Protection of strangers and travelers.

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

28 Concealed weapons, firearms, fireworks, explosives.

29 (6) To punish and prevent the carrying of concealed weapons, except
30 the carrying of a concealed handgun in compliance with the Concealed
31 Handgun Permit Act or section 1 of this act, and the discharge of

1 firearms, fireworks, or explosives of any description within the city,
2 other than the discharge of firearms at a shooting range pursuant to the
3 Nebraska Shooting Range Protection Act;

4 Sale of foodstuffs.

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

8 Official bonds.

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

13 Official reports of city officers.

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

17 Cruelty to children and animals.

18 (10) To provide for the prevention of cruelty to children and
19 animals;

20 Dogs; taxes and restrictions.

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

28 Cleaning sidewalks.

29 (12) To provide for keeping sidewalks clean and free from
30 obstructions and accumulations, to provide for the assessment and
31 collection of taxes on real estate and for the sale and conveyance

1 thereof, and to pay the expenses of keeping the sidewalk adjacent to such
2 real estate clean and free from obstructions and accumulations as herein
3 provided;

4 Planting and trimming of trees; protection of birds.

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

15 Naming and numbering streets and houses.

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

20 Weeds.

21 (15) To require weeds and worthless vegetation growing upon any lot
22 or piece of ground within the city or its three-mile zoning jurisdiction
23 to be cut and destroyed so as to abate any nuisance occasioned thereby,
24 to prohibit and control the throwing, depositing, or accumulation of
25 litter on any lot or piece of ground within the city or its three-mile
26 zoning jurisdiction and to require the removal thereof so as to abate any
27 nuisance occasioned thereby, and if the owner fails to cut and destroy
28 weeds and worthless vegetation or remove litter, or both, after notice as
29 required by ordinance, to assess the cost thereof upon the lots or lands
30 as a special assessment. The notice required to be given may be by
31 publication in the official newspaper of the city and may be directed in

1 general terms to the owners of lots and lands affected without naming
2 such owners;

3 Animals running at large.

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

12 Use of streets.

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

16 Playing on streets and sidewalks.

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

23 Combustibles and explosives.

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

26 Public sale of chattels on streets.

27 (20) To regulate, license, or prohibit the sale of domestic animals
28 or of goods, wares, and merchandise at public auction on the streets,
29 alleys, highways, or any public ground within the city;

30 Signs and obstruction in streets.

31 (21) To regulate and prevent the use of streets, sidewalks, and

1 public grounds for signs, posts, awnings, awning posts, scales, or other
2 like purposes; to regulate and prohibit the exhibition or carrying or
3 conveying of banners, placards, advertisements, or the distribution or
4 posting of advertisements or handbills in the streets or public grounds
5 or upon the sidewalks;

6 Disorderly conduct.

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

12 Vagrants and tramps.

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

19 Disorderly houses, gambling, offenses against public morals.

20 (24) To prohibit, restrain, and suppress tippling shops, houses of
21 prostitution, opium joints, gambling houses, prize fighting, dog
22 fighting, cock fighting, and other disorderly houses and practices, all
23 games and gambling and desecration of the Sabbath, commonly called
24 Sunday, and all kinds of indecencies; to regulate and license or prohibit
25 the keeping and use of billiard tables, ten pins or ball alleys, shooting
26 galleries except as provided in the Nebraska Shooting Range Protection
27 Act, and other similar places of amusement; and to prohibit and suppress
28 all lotteries and gift enterprises of all kinds under whatsoever name
29 carried on, except that nothing in this subdivision shall be construed to
30 apply to bingo, lotteries, lotteries by the sale of pickle cards, or
31 raffles conducted in accordance with the Nebraska Bingo Act, the Nebraska

1 Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the
2 Nebraska Small Lottery and Raffle Act, or the State Lottery Act;
3 Police regulation in general.

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

14 Fast driving on streets.

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

18 Libraries, art galleries, and museums.

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

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

27 (28) To erect, designate, establish, maintain, and regulate
28 hospitals or workhouses, houses of correction, jails, station houses,
29 fire engine houses, asphalt repair plants, and other necessary buildings;
30 and to erect, designate, establish, maintain, and regulate plants for the
31 removal, disposal, or recycling of garbage and refuse or to make

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

21 Market places.

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

28 Cemeteries, registers of births and deaths.

29 (30) To prohibit the establishment of additional cemeteries within
30 the limits of the city, to regulate the registration of births and
31 deaths, to direct the keeping and returning of bills of mortality, and to

1 impose penalties on physicians, sextons, and others for any default in
2 the premises;

3 Plumbing, etc., inspection.

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

8 Fire limits and fire protection.

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

28 Building regulations.

29 (33) To regulate the construction, use, and maintenance of party
30 walls, to prescribe and regulate the thickness, strength, and manner of
31 constructing stone, brick, wood, or other buildings and the size and

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

28 Warehouses and street railways.

29 (34) To regulate levees, depots and depot grounds, and places for
30 storing freight and goods and to provide for and regulate the laying of
31 tracks and the passage of steam or other railways through the streets,

1 alleys, and public grounds of the city;

2 Lighting railroad property.

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

13 City publicity.

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

16 Offstreet parking.

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

24 Public passenger transportation systems.

25 (38) To acquire, by the exercise of the power of eminent domain or
26 otherwise, lease, purchase, construct, own, maintain, operate, or
27 contract for the operation of public passenger transportation systems,
28 excluding taxicabs and railroad systems, including all property and
29 facilities required therefor, within and without the limits of the city,
30 to redeem such property from prior encumbrance in order to protect or
31 preserve the interest of the city therein, to exercise all powers granted

1 by the Constitution of Nebraska and laws of the State of Nebraska or
2 exercised by or pursuant to a home rule charter adopted pursuant thereto,
3 including, but not limited to, receiving and accepting from the
4 government of the United States or any agency thereof, from the State of
5 Nebraska or any subdivision thereof, and from any person or corporation
6 donations, devises, gifts, bequests, loans, or grants for or in aid of
7 the acquisition, operation, and maintenance of such public passenger
8 transportation systems and to administer, hold, use, and apply the same
9 for the purposes for which such donations, devises, gifts, bequests,
10 loans, or grants may have been made, to negotiate with employees and
11 enter into contracts of employment, to employ by contract or otherwise
12 individuals singularly or collectively, to enter into agreements
13 authorized under the Interlocal Cooperation Act or the Joint Public
14 Agency Act, to contract with an operating and management company for the
15 purpose of operating, servicing, and maintaining any public passenger
16 transportation systems any city of the metropolitan class shall acquire,
17 and to exercise such other and further powers as may be necessary,
18 incident, or appropriate to the powers of such city; and

19 Regulation of air quality.

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

31 Sec. 3. Section 15-255, Reissue Revised Statutes of Nebraska, is

1 amended to read:

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

16 Sec. 4. Section 16-227, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 16-227 A city of the first class may (1) prevent and restrain riots,
19 routs, noises, disturbances, breaches ~~breach~~ of the peace, or disorderly
20 assemblies in any street, house, or place in the city, (2) regulate,
21 punish, and prevent the discharge of firearms, rockets, powder,
22 fireworks, or any other dangerous combustible material in the streets,
23 lots, grounds, and alleys or about or in the vicinity of any buildings,
24 (3) regulate, prevent, and punish the carrying of concealed weapons,
25 except the carrying of a concealed handgun in compliance with the
26 Concealed Handgun Permit Act or section 1 of this act, (4) arrest,
27 regulate, punish, or fine vagabonds, (5) regulate and prevent the
28 transportation or storage of gunpowder or other explosive or combustible
29 articles, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton,
30 nitroglycerine, dynamite, petroleum or any other productions thereof, and
31 other materials of like nature, the use of lights in stables, shops, or

1 other places, and the building of bonfires, and (6) regulate and prohibit
2 the piling of building material or any excavation or obstruction in the
3 street.

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

6 17-556 Cities of the second class and villages shall have power to
7 prevent and restrain riots, routs, noises, disturbances, or disorderly
8 assemblages; to regulate, prevent, restrain, or remove nuisances in
9 residential parts of municipalities and to designate what shall be
10 considered a nuisance; to regulate, punish, and prevent the discharge of
11 firearms, rockets, powder, fireworks, or any other dangerous combustible
12 material in the streets, lots, grounds, alleys, or about or in the
13 vicinity of any buildings; to regulate, prevent, and punish the carrying
14 of concealed weapons, except the carrying of a concealed handgun in
15 compliance with the Concealed Handgun Permit Act or section 1 of this
16 act; and to arrest, regulate, punish, fine, or set at work on the streets
17 or elsewhere all vagrants and persons found without means of support or
18 some legitimate business.

19 Sec. 6. Section 18-1703, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 18-1703 Cities and villages shall not have the power to regulate the
22 ownership, possession, or transportation of a concealed handgun, as such
23 ownership, possession, or transportation is authorized pursuant to
24 section 1 of this act or ~~under~~ the Concealed Handgun Permit Act, except
25 as expressly provided by state law, and shall not have the power to
26 require registration of a concealed handgun owned, possessed, or
27 transported pursuant to section 1 of this act or by a permitholder under
28 such the act. Any existing city or village ordinance, permit, or
29 regulation regulating the ownership, possession, or transportation of a
30 concealed handgun, as such ownership, possession, or transportation is
31 authorized pursuant to section 1 of this act or such ~~under~~ the act,

1 except as expressly provided under state law, and any existing city or
2 village ordinance, permit, or regulation requiring the registration of a
3 concealed handgun owned, possessed, or transported pursuant to section 1
4 of this act or by a permitholder under such the act, is declared to be
5 null and void as against any person acting pursuant to section 1 of this
6 act or permitholder possessing a valid permit under such the act.

7 Sec. 7. Section 28-1202, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 28-1202 (1)(a) Except as otherwise provided in this section, any
10 person who carries a weapon or weapons concealed on or about his or her
11 person, such as a handgun, a knife, brass or iron knuckles, or any other
12 deadly weapon, commits the offense of carrying a concealed weapon.

13 (b) It is an affirmative defense that the defendant was engaged in
14 any lawful business, calling, or employment at the time he or she was
15 carrying any weapon or weapons and the circumstances in which such person
16 was placed at the time were such as to justify a prudent person in
17 carrying the weapon or weapons for the defense of his or her person,
18 property, or family.

19 (2) This section does not apply to the carrying of a concealed
20 handgun pursuant to a person who is the holder of a valid permit issued
21 under the Concealed Handgun Permit Act or section 1 of this act if the
22 concealed weapon the defendant is carrying is a handgun.

23 (3) Carrying a concealed weapon is a Class I misdemeanor.

24 (4) In the case of a second or subsequent conviction under this
25 section, carrying a concealed weapon is a Class IV felony.

26 Sec. 8. Section 37-708, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 37-708 (1) It shall be unlawful within the boundaries of the state
29 game refuges designated in section 37-706 for any person (a) to hunt or
30 chase with dogs any game birds, game animals, or other birds or animals
31 of any kind or description whatever, (b) to carry firearms of any kind

1 except as authorized by section 1 of this act, or (c) from October 15
2 through January 15 each year to operate a motorboat as defined in section
3 37-1204.

4 (2) This section shall not prevent highway or railroad transport of
5 firearms or dogs across the refuge, retrieval of game birds lawfully
6 killed from such refuge, or the taking of fur-bearing animals by the use
7 of traps during lawful open seasons on the refuge.

8 (3) This section shall not prevent the commission from issuing such
9 permits as may be necessary for the killing of animal or bird predators
10 that may endanger game birds or game animals or the domestic property of
11 adjacent landowners or from issuing permits as provided in sections
12 37-447 to 37-452 for the taking of deer from such refuges whenever the
13 number of deer on such refuges is deemed detrimental to habitat
14 conditions on the refuges or to adjacent privately owned real or personal
15 property.

16 (4) This section shall not prevent the owners of land or dwellings
17 or their relatives or invitees from operating any motorboat within the
18 boundaries of the refuge for purposes of access by the most direct route
19 to and from such land or dwellings.

20 Sec. 9. Section 37-712, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 37-712 Within ~~Except as provided in section 37-713, it shall be~~
23 ~~unlawful for any person to carry firearms, hunt, or fish within the~~
24 ~~limits of the State Wild Game Preserve, it shall be unlawful for any~~
25 person to: -

26 (1) Hunt or fish except as provided in section 37-713; and

27 (2) Carry firearms except as provided in section 37-713 and section
28 1 of this act.

29 Sec. 10. Section 60-6,342, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 60-6,342 It shall be unlawful for any person to shoot, take, hunt,

1 or kill or attempt to shoot, take, hunt, or kill any wild animal or bird
2 from or with a snowmobile or for any person to carry or possess any
3 shotgun or rimfire rifle while operating or riding on a snowmobile, or,
4 except as provided in section 1 of this act, for any person to carry or
5 possess any firearm, bow and arrow, or other projectile device on a
6 snowmobile unless such bow and arrow or projectile device is enclosed in
7 a car carrying case or such firearm is unloaded and enclosed in a
8 carrying case.

9 Sec. 11. Section 69-2445, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 69-2445 Nothing in the Concealed Handgun Permit Act prevents a
12 person from carrying a concealed weapon as permitted under section
13 28-1202 or section 1 of this act.

14 Sec. 12. Original sections 15-255, 17-556, 18-1703, 28-1202,
15 37-708, 37-712, 60-6,342, and 69-2445, Reissue Revised Statutes of
16 Nebraska, and sections 14-102 and 16-227, Revised Statutes Cumulative
17 Supplement, 2016, are repealed.