

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 806

Introduced by Wallman, 30; Kopplin, 3.

Read first time January 10, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to animals; to amend sections 15-220, 16-206,
2 17-526, 20-126.01, 20-128, 20-131.02, 20-131.04, 28-1313,
3 28-1314, 49-801, 54-603, and 54-614, Reissue Revised
4 Statutes of Nebraska, and sections 14-102, 20-127,
5 20-129, and 28-1009.01, Revised Statutes Cumulative
6 Supplement, 2006; to change provisions relating to dog
7 guides, hearing aid dogs, and service dogs; to define a
8 term; to harmonize provisions; and to repeal the original
9 sections.

10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-102, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 14-102 In addition to the powers granted in section
4 14-101, cities of the metropolitan class shall have power by
5 ordinance:

6 Taxes, special assessments.

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

9 Corporate seal.

10 (2) To provide a corporate seal for the use of the city,
11 and also any official seal for the use of any officer, board,
12 or agent of the city, whose duties under this act or under any
13 ordinance 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 this act or
16 the ordinances of the city require;

17 Regulation of public health.

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

23 Appropriations for debts and expenses.

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

1 Protection of strangers and travelers.

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

5 Concealed weapons, firearms, fireworks, explosives.

6 (6) To punish and prevent the carrying of concealed
7 weapons and the discharge of firearms, fireworks, or explosives of
8 any description within the city;

9 Sale of foodstuffs.

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

13 Official bonds.

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

19 Official reports of city officers.

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

23 Cruelty to children and animals.

24 (10) To provide for the prevention of cruelty to children
25 and animals;

1 Dogs; taxes and restrictions.

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

10 Cleaning sidewalks.

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

17 Planting and trimming of trees; protection of birds.

18 (13) To provide for the planting and protection of shade
19 or ornamental and useful trees upon the streets or boulevards,
20 to assess the cost thereof to the extent of benefits upon the
21 abutting property as a special assessment, and to provide for the
22 protection of birds and animals and their nests; to provide for
23 the trimming of trees located upon the streets and boulevards or
24 when the branches of trees overhang the streets and boulevards when
25 in the judgment of the mayor and council such trimming is made

1 necessary to properly light such street or boulevard or to furnish
2 proper police protection and to assess the cost thereof upon the
3 abutting property as a special assessment;

4 Naming and numbering streets and houses.

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

9 Weeds.

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

23 Animals running at large.

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

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

8 Use of streets.

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

13 Playing on streets and sidewalks.

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

21 Combustibles and explosives.

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

25 Public sale of chattels on streets.

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

5 Signs and obstruction in streets.

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

12 Disorderly conduct.

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

19 Vagrants and tramps.

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

1 private property;

2 Disorderly houses, gambling, offenses against public
3 morals.

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

19 Police regulation in general.

20 (25) To make and enforce all police regulations for the
21 good government, general welfare, health, safety, and security
22 of the city and the citizens thereof in addition to the police
23 powers expressly granted herein; and in the exercise of the police
24 power, to pass all needful and proper ordinances and impose fines,
25 forfeitures, penalties, and imprisonment at hard labor for the

1 violation of any ordinance, and to provide for the recovery,
2 collection, and enforcement thereof; and in default of payment to
3 provide for confinement in the city or county prison, workhouse,
4 or other place of confinement with or without hard labor as may be
5 provided by ordinance;

6 Fast driving on streets.

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

11 Libraries, art galleries, and museums.

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

20 Hospitals, workhouses, jails, firehouses, etc.; garbage
21 disposal.

22 (28) To erect, designate, establish, maintain, and
23 regulate hospitals or workhouses, houses of correction, jails,
24 station houses, fire engine houses, asphalt repair plants, and
25 other necessary buildings; and to erect, designate, establish,

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

24 Market places.

25 (29) To erect and establish market houses and market

1 places and to provide for the erection of all other useful and
2 necessary buildings for the use of the city and for the protection
3 and safety of all property owned by the city; and such market
4 houses and market places and buildings aforesaid may be located on
5 any street, alley, or public ground or on land purchased for such
6 purpose;

7 Cemeteries, registers of births and deaths.

8 (30) To prohibit the establishment of additional
9 cemeteries within the limits of the city, to regulate the
10 registration of births and deaths, to direct the keeping and
11 returning of bills of mortality, and to impose penalties on
12 physicians, sextons, and others for any default in the premises;

13 Plumbing, etc., inspection.

14 (31) To provide for the inspection of steam boilers,
15 electric light appliances, pipefittings, and plumbings, to regulate
16 their erection and construction, to appoint inspectors, and to
17 declare their powers and duties, except as herein otherwise
18 provided;

19 Fire limits and fire protection.

20 (32) To prescribe fire limits and regulate the erection
21 of all buildings and other structures within the corporate limits;
22 to provide for the removal of any buildings or structures or
23 additions thereto erected contrary to such regulations, to provide
24 for the removal of dangerous buildings, and to provide that wooden
25 buildings shall not be erected or placed or repaired in the fire

1 limits; but such ordinance shall not be suspended or modified by
2 resolution nor shall exceptions be made by ordinance or resolution
3 in favor of any person, firm, or corporation or concerning any
4 particular lot or building; to direct that all and any building
5 within such fire limits, when the same shall have been damaged by
6 fire, decay, or otherwise, to the extent of fifty percent of the
7 value of a similar new building above the foundation, shall be torn
8 down or removed; and to prescribe the manner of ascertaining such
9 damages and to assess the cost of removal of any building erected
10 or existing contrary to such regulations or provisions, against the
11 lot or real estate upon which such building or structure is located
12 or shall be erected, or to collect such costs from the owner of
13 any such building or structure and enforce such collection by civil
14 action in any court of competent jurisdiction;

15 Building regulations.

16 (33) To regulate the construction, use, and maintenance
17 of party walls, to prescribe and regulate the thickness, strength,
18 and manner of constructing stone, brick, wood, or other buildings
19 and the size and shape of brick and other material placed therein,
20 to prescribe and regulate the construction and arrangement of fire
21 escapes and the placing of iron and metallic shutters and doors
22 therein and thereon, and to provide for the inspection of elevators
23 and hoist-way openings to avoid accidents; to prescribe, regulate,
24 and provide for the inspection of all plumbing, pipefitting, or
25 sewer connections in all houses or buildings now or hereafter

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

24 Warehouses and street railways.

25 (34) To regulate levees, depots and depot grounds, and

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

5 Lighting railroad property.

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

17 City publicity.

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

21 Offstreet parking.

22 (37) To erect, establish, and maintain offstreet parking
23 areas on publicly owned property located beneath any elevated
24 segment of the National System of Interstate and Defense Highways
25 or portion thereof, or public property title to which is in the

1 city on May 12, 1971, or property owned by the city and used in
2 conjunction with and incidental to city-operated facilities, and to
3 regulate parking thereon by time limitation devises or by lease;

4 Public passenger transportation systems.

5 (38) To acquire, by the exercise of the power of eminent
6 domain or otherwise, lease, purchase, construct, own, maintain,
7 operate, or contract for the operation of public passenger
8 transportation systems, excluding taxicabs and railroad systems,
9 including all property and facilities required therefor, within and
10 without the limits of the city, to redeem such property from prior
11 encumbrance in order to protect or preserve the interest of the
12 city therein, to exercise all powers granted by the Constitution
13 of Nebraska and laws of the State of Nebraska or exercised by or
14 pursuant to a home rule charter adopted pursuant thereto, including
15 but not limited to receiving and accepting from the government of
16 the United States or any agency thereof, from the State of Nebraska
17 or any subdivision thereof, and from any person or corporation
18 donations, devises, gifts, bequests, loans, or grants for or in
19 aid of the acquisition, operation, and maintenance of such public
20 passenger transportation systems and to administer, hold, use, and
21 apply the same for the purposes for which such donations, devises,
22 gifts, bequests, loans, or grants may have been made, to negotiate
23 with employees and enter into contracts of employment, to employ
24 by contract or otherwise individuals singularly or collectively, to
25 enter into agreements authorized under the Interlocal Cooperation

1 Act or the Joint Public Agency Act, to contract with an operating
2 and management company for the purpose of operating, servicing, and
3 maintaining any public passenger transportation systems any city
4 of the metropolitan class shall acquire under the provisions of
5 this act, and to exercise such other and further powers as may be
6 necessary, incident, or appropriate to the powers of such city; and
7 Regulation of air quality.

8 (39) In addition to powers conferred elsewhere in the
9 laws of the state and notwithstanding any other law of the state,
10 to implement and enforce an air pollution control program within
11 the corporate limits of the city under subdivision (23) of section
12 81-1504 or subsection (1) of section 81-1528, which program shall
13 be consistent with the Clean Air Act, as amended, 42 U.S.C. 7401 et
14 seq. Such powers shall include without limitation those involving
15 injunctive relief, civil penalties, criminal fines, and burden of
16 proof. Nothing in this section shall preclude the control of air
17 pollution by resolution, ordinance, or regulation not in actual
18 conflict with the state air pollution control regulations.

19 Sec. 2. Section 15-220, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 15-220 A primary city shall have power to regulate,
22 license, or prohibit the running at large of dogs and other
23 animals and guard against injuries or annoyances therefrom, and
24 to authorize the destruction of the same when running at large
25 contrary to the provisions of any ordinance. Any licensing

1 provision shall comply with subsection (2) of section 54-603
2 for ~~dog guides, hearing aid dogs, and service dogs,~~ animals.

3 Sec. 3. Section 16-206, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 16-206 A city of the first class may collect a license
6 tax from the owners and harborers of dogs and other animals in
7 an amount which shall be determined by the governing body of such
8 city and enforce the same by appropriate penalties. Any licensing
9 provision shall comply with subsection (2) of section 54-603 for
10 ~~dog guides, hearing aid dogs, and service dogs,~~ animals. The city
11 may cause the destruction of any dog or other animal, for which
12 the owner or harborer shall refuse or neglect to pay such license
13 tax. It may regulate, license, or prohibit the running at large
14 of dogs and other animals and guard against injuries or annoyances
15 therefrom and authorize the destruction of the same when running at
16 large contrary to the provisions of any ordinance.

17 Sec. 4. Section 17-526, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 17-526 Second-class cities and villages may, by ordinance
20 entered at large on the proper journal or record of proceedings of
21 such municipality, impose a license tax in an amount which shall
22 be determined by the governing body of such second-class city or
23 village for each dog or other animal, on the owners and harborers
24 of dogs and other animals, and enforce the same by appropriate
25 penalties, and cause the destruction of any dog or other animal,

1 for which the owner or harborer shall refuse or neglect to pay such
 2 license tax. Any licensing provision shall comply with subsection
 3 (2) of section 54-603 for ~~dog guides, hearing aid dogs, and service~~
 4 ~~dogs- animals.~~ Such municipality may regulate, license, or prohibit
 5 the running at large of dogs and other animals and guard against
 6 injuries or annoyances therefrom and authorize the destruction of
 7 the same when running at large contrary to the provisions of any
 8 ordinance.

9 Sec. 5. Section 20-126.01, Reissue Revised Statutes of
 10 Nebraska, is amended to read:

11 20-126.01 For purposes of sections 20-126 to 20-131,
 12 physically ~~÷(1)~~ Physically disabled person means a person with a
 13 physical disability other than hearing impairment, blindness, or
 14 visual handicap. ~~÷ and~~

15 ~~(2) Service dog means any dog individually trained to do~~
 16 ~~work or perform tasks for the benefit of a physically disabled~~
 17 ~~person, including, but not limited to, providing minimal protection~~
 18 ~~or rescue work, pulling a wheelchair, or fetching dropped items.~~

19 Sec. 6. Section 20-127, Revised Statutes Cumulative
 20 Supplement, 2006, is amended to read:

21 20-127 (1) A blind, visually handicapped, deaf or hard of
 22 hearing, or physically disabled person has the same right as any
 23 other person to the full and free use of the streets, highways,
 24 sidewalks, walkways, public buildings, public facilities, and other
 25 public places.

1 (2) A blind, visually handicapped, deaf or hard of
2 hearing, or physically disabled person is entitled to full and
3 equal accommodations, advantages, facilities, and privileges of
4 all common carriers, airplanes, motor vehicles, railroad trains,
5 motor buses, street cars, boats, any other public conveyances or
6 modes of transportation, hotels, lodging places, places of public
7 accommodation, amusement, or resort, and other places to which
8 the general public is invited, subject only to the conditions and
9 limitations established by law and applicable alike to all persons.

10 (3) A totally or partially blind person, ~~has the right to~~
11 ~~be accompanied by a dog guide,~~ a deaf or hard of hearing person,
12 ~~or has the right to be accompanied by a hearing dog,~~ a physically
13 disabled person has the right to be accompanied by a service ~~dog,~~
14 animal, especially trained for the purpose, and a bona fide trainer
15 of a ~~dog guide,~~ ~~hearing dog,~~ ~~or~~ service ~~dog~~ animal has the right to
16 be accompanied by such ~~dog~~ animal in training in any of the places
17 listed in subsection (2) of this section without being required
18 to pay an extra charge for the ~~dog guide,~~ ~~hearing dog,~~ ~~or~~ service
19 ~~dog.~~ animal. Such person shall be liable for any damage done to the
20 premises or facilities or to any person by such ~~dog.~~ animal.

21 (4) A totally or partially blind person has the right to
22 make use of a white cane in any of the places listed in subsection
23 (2) of this section.

24 Sec. 7. Section 20-128, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 20-128 In addition to the provisions of sections 28-1313
2 and 28-1314, the driver of a vehicle approaching ~~(1)~~ a totally
3 or partially blind pedestrian who is carrying a cane predominantly
4 white or metallic in color or using a ~~dog guide,~~ ~~(2)~~ service
5 animal or a hearing-impaired or physically disabled pedestrian
6 ~~who is using a hearing aid dog,~~ ~~or~~ ~~(3)~~ a physically disabled
7 ~~pedestrian~~ who is using a service ~~dog~~ animal shall take all
8 necessary precautions to avoid injury to such pedestrian, and
9 any driver who fails to take such precautions shall be liable
10 in damages for any injury caused such pedestrian. A totally or
11 partially blind pedestrian not carrying such a cane or using a ~~dog~~
12 ~~guide,~~ service animal or a hearing-impaired or physically disabled
13 ~~pedestrian not using a hearing aid dog,~~ ~~or~~ a physically disabled
14 ~~pedestrian~~ not using a service ~~dog~~ animal in any of the places,
15 accommodations, or conveyances listed in section 20-127 shall have
16 all of the rights and privileges conferred by law upon other
17 persons, and the failure of a totally or partially blind pedestrian
18 to carry such a cane or to use a ~~dog guide,~~ service animal or the
19 failure of a hearing-impaired or physically disabled pedestrian ~~to~~
20 ~~use a hearing aid dog,~~ ~~or~~ ~~of~~ a physically disabled pedestrian to
21 use a service ~~dog~~ animal in any such places, accommodations, or
22 conveyances does not constitute and is not evidence of contributory
23 negligence.

24 Sec. 8. Section 20-129, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

1 20-129 (1) Any person or agent of such person who
2 denies or interferes with admittance to or enjoyment of the public
3 facilities enumerated in section 20-127 or otherwise interferes
4 with the rights of a totally or partially blind, deaf or hard
5 of hearing, or physically disabled person under section 20-127
6 or sections 20-131.01 to 20-131.04 is guilty of a Class III
7 misdemeanor.

8 (2) Any person or agent of such person who denies or
9 interferes with admittance to or enjoyment of the public facilities
10 enumerated in section 20-127 or otherwise interferes with the
11 rights of a bona fide trainer of a ~~dog guide~~, ~~hearing dog~~, or
12 service ~~dog~~ animal when training such ~~dog~~ animal under section
13 20-127 is guilty of a Class III misdemeanor.

14 Sec. 9. Section 20-131.02, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 20-131.02 For purposes of sections 20-131.01 to
17 20-131.04, unless the context otherwise requires:

18 (1) Housing accommodations means any real property which
19 is used or occupied or is intended, arranged, or designed to be
20 used or occupied as the home, residence, or sleeping place of one
21 or more human beings. Housing accommodations does not include any
22 single-family residence in which the owner lives and in which any
23 room is rented, leased, or provided for compensation to persons
24 other than the owner or primary tenant; and

25 (2) Physically disabled person means a person with a

1 physical disability other than hearing impairment, blindness, or
 2 visual handicap. ~~and~~

3 ~~(3) Service dog means any dog individually trained to do~~
 4 ~~work or perform tasks for the benefit of a physically disabled~~
 5 ~~person, including, but not limited to, providing minimal protection~~
 6 ~~or rescue work, pulling a wheelchair, or fetching dropped items.~~

7 Sec. 10. Section 20-131.04, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 20-131.04 Every totally or partially blind person, ~~who~~
 10 ~~has a dog guide or who obtains a dog guide,~~ every hearing-impaired
 11 ~~person, or who has a hearing aid dog or who obtains a hearing~~
 12 ~~aid dog, and every physically disabled person who has a service~~
 13 ~~dog animal or obtains a service dog animal shall have full and~~
 14 ~~equal access to all housing accommodations with such dog animal as~~
 15 ~~prescribed in sections 20-131.01 to 20-131.04. Such person shall~~
 16 ~~not be required to pay extra compensation for such dog- animal.~~
 17 ~~Such person shall be liable for any damage done to such premises by~~
 18 ~~such dog- animal. Any person who rents, leases, or provides housing~~
 19 ~~accommodations for compensation may demand or receive a reasonable~~
 20 ~~dog deposit, not to exceed one-fourth of one month's periodic rent,~~
 21 ~~from any totally or partially blind person, ~~who has or obtains a~~~~
 22 ~~dog guide, from any hearing-impaired person, ~~or~~ who has ~~or~~ obtains~~
 23 ~~a hearing aid dog, or from any physically disabled person who has~~
 24 ~~or obtains a service dog- animal.~~

25 Sec. 11. Section 28-1009.01, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2 28-1009.01 (1) A person commits the offense of violence
3 on a service ~~dog~~ animal when he or she (a) intentionally injures,
4 harasses, or threatens to injure or harass or (b) attempts to
5 intentionally injure, harass, or threaten a ~~dog~~ an animal that he
6 or she knows or has reason to believe is a ~~dog~~ guide service animal
7 for a blind or visually impaired person, a ~~hearing aid dog~~ ~~for~~ a
8 deaf or hearing-impaired person, or a ~~service dog~~ ~~for~~ a physically
9 limited person.

10 (2) A person commits the offense of interference with
11 a service ~~dog~~ animal when he or she (a) intentionally impedes,
12 interferes, or threatens to impede or interfere or (b) attempts to
13 intentionally impede, interfere, or threaten to impede or interfere
14 with a ~~dog~~ an animal that he or she knows or has reason to believe
15 is a ~~dog~~ guide service animal for a blind or visually impaired
16 person, a ~~hearing aid dog~~ ~~for~~ a deaf or hearing-impaired person, or
17 a ~~service dog~~ ~~for~~ a physically limited person.

18 (3) Evidence that the defendant initiated or continued
19 conduct toward a ~~dog~~ an animal as described in subsection (1)
20 or (2) of this section after being requested to avoid or
21 discontinue such conduct by the blind, visually impaired, deaf,
22 hearing-impaired, or physically limited person being served or
23 assisted by the ~~dog~~ animal shall create a rebuttable presumption
24 that the conduct of the defendant was initiated or continued
25 intentionally.

1 (4) For purposes of this section:

2 (a) Blind person means a person with totally impaired
3 vision or with vision, with or without correction, which is so
4 severely impaired that the primary means of receiving information
5 is through other sensory input, including, but not limited to,
6 braille, mechanical reproduction, synthesized speech, or readers;

7 (b) Deaf person means a person with totally impaired
8 hearing or with hearing, with or without amplification, which is
9 so severely impaired that the primary means of receiving spoken
10 language is through other sensory input, including, but not limited
11 to, lip reading, sign language, finger spelling, or reading;

12 (c) Hearing-impaired person means a person who is unable
13 to hear air conduction thresholds at an average of forty decibels
14 or greater in the person's better ear;

15 (d) Physically limited person means a person having
16 limited ambulatory abilities, including, but not limited to, having
17 a permanent impairment or condition that requires the person to use
18 a wheelchair or to walk with difficulty or insecurity to the extent
19 that the person is insecure or exposed to danger; and

20 (e) Visually impaired person means a person having a
21 visual acuity of 20/200 or less in the person's better eye with
22 correction or having a limitation to the person's field of vision
23 so that the widest diameter of the visual field subtends an angular
24 distance not greater than twenty degrees.

25 (5) Violence on a service ~~dog~~ animal or interference with

1 a service ~~dog~~ animal is a Class III misdemeanor.

2 Sec. 12. Section 28-1313, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 28-1313 (1) A person commits unlawfully using a white
5 cane or ~~guide dog~~ service animal if he or she is not blind as
6 defined by law and carries, displays, or otherwise makes use of a
7 white cane or ~~guide dog~~ service animal.

8 (2) Such use of a white cane or the use of a ~~guide dog~~
9 service animal by a person shall be officially recognized as an
10 indication that the ~~bearer~~ user is blind.

11 (3) Unlawful use of a white cane or ~~guide dog~~ service
12 animal is a Class III misdemeanor.

13 Sec. 13. Section 28-1314, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 28-1314 (1) A person commits the offense of failing to
16 observe a blind person if as an operator of any vehicle or other
17 conveyance, he or she fails to:

18 (a) Give special consideration to the ~~bearer~~ user of a
19 white cane or ~~user~~ of a ~~guide dog~~ service animal; and

20 (b) Stop and remain when approaching such ~~bearer~~ user
21 until such time as the ~~bearer~~ user has safely reached a position
22 well outside the course normally used by the operator of the
23 vehicle or other conveyance.

24 (2) Failure to observe a blind person is a Class III
25 misdemeanor.

1 Sec. 14. Section 49-801, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 49-801 Unless the context is shown to intend otherwise,
4 words and phrases in the statutes of Nebraska hereafter enacted are
5 used in the following sense:

6 (1) Acquire when used in connection with a grant of power
7 or property right to any person shall include the purchase, grant,
8 gift, devise, bequest, and obtaining by eminent domain;

9 (2) Action shall include any proceeding in any court of
10 this state;

11 (3) Attorney shall mean attorney at law;

12 (4) Company shall include any corporation, partnership,
13 limited liability company, joint-stock company, joint venture, or
14 association;

15 (5) Domestic when applied to corporations shall mean all
16 those created by authority of this state;

17 (6) Federal shall refer to the United States;

18 (7) Foreign when applied to corporations shall include
19 all those created by authority other than that of this state;

20 (8) Grantee shall include every person to whom any estate
21 or interest passes in or by any conveyance;

22 (9) Grantor shall include every person from or by whom
23 any estate or interest passes in or by any conveyance;

24 (10) Inhabitant shall be construed to mean a resident in
25 the particular locality in reference to which that word is used;

1 (11) Land or real estate shall include lands, tenements,
2 and hereditaments and all rights thereto and interest therein other
3 than a chattel interest;

4 (12) Magistrate shall include judge of the county court
5 and clerk magistrate;

6 (13) Month shall mean calendar month;

7 (14) Oath shall include affirmation in all cases in which
8 an affirmation may be substituted for an oath;

9 (15) Peace officer shall include sheriffs, coroners,
10 jailers, marshals, police officers, state highway patrol officers,
11 members of the National Guard on active service by direction of the
12 Governor during periods of emergency, and all other persons with
13 similar authority to make arrests;

14 (16) Person shall include bodies politic and corporate,
15 societies, communities, the public generally, individuals,
16 partnerships, limited liability companies, joint-stock companies,
17 and associations;

18 (17) Personal estate shall include money, goods,
19 chattels, claims, and evidences of debt;

20 (18) Process shall mean a summons, subpoena, or notice to
21 appear issued out of a court in the course of judicial proceedings;

22 (19) Service animal shall have the same meaning as in 28
23 C.F.R. 36.104, as such regulation existed on January 1, 2008;

24 ~~(19)~~ (20) State when applied to different states of
25 the United States shall be construed to extend to and include

1 the District of Columbia and the several territories organized by
2 Congress;

3 ~~(20)~~ (21) Sworn shall include affirmed in all cases in
4 which an affirmation may be substituted for an oath;

5 ~~(21)~~ (22) The United States shall include territories,
6 outlying possessions, and the District of Columbia;

7 ~~(22)~~ (23) Violate shall include failure to comply with;

8 ~~(23)~~ (24) Writ shall signify an order or citation in
9 writing issued in the name of the state out of a court or by a
10 judicial officer; and

11 ~~(24)~~ (25) Year shall mean calendar year.

12 Sec. 15. Section 54-603, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 54-603 (1) Any county, city, or village shall have
15 authority by ordinance or resolution, to impose a license tax in an
16 amount which shall be determined by the appropriate governing body,
17 on the owner or harbinger of any dog or dogs, to be paid under such
18 regulations as shall be provided by such ordinance or resolutions.

19 (2) Every ~~dog guide, hearing aid dog, and service dog~~
20 animal shall be licensed as required by local ordinances or
21 resolutions, but no license tax shall be charged ~~upon a showing~~
22 ~~by the owner that the dog is a graduate of a recognized training~~
23 ~~school for dog guides, hearing aid dogs, or service dogs.~~ Upon the
24 retirement or discontinuance of the dog as a ~~dog guide, hearing~~
25 ~~aid dog, or animal as a service dog, animal,~~ the owner of the

1 ~~dog~~ animal shall be liable for the payment of a license tax as
2 prescribed by local ordinances or resolutions.

3 Sec. 16. Section 54-614, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 54-614 Any county having a population in excess of
6 fifteen thousand inhabitants according to the most recent federal
7 decennial census may collect a license tax in an amount which
8 shall be determined by the appropriate governing body from the
9 owners and harborers of dogs, enforce the same by appropriate
10 penalties, and cause the destruction of any dog for which the
11 owner or harborer shall refuse or neglect to pay such license
12 tax. Any licensing provision shall comply with subsection (2) of
13 section 54-603 for ~~dog guides, hearing aid dogs, and service dogs.~~
14 animals. Such county may regulate, license, or prohibit the running
15 at large of dogs and guard against injuries or annoyances therefrom
16 and authorize the destruction of the same when running at large
17 contrary to the provisions of any regulations.

18 Sec. 17. Original sections 15-220, 16-206, 17-526,
19 20-126.01, 20-128, 20-131.02, 20-131.04, 28-1313, 28-1314, 49-801,
20 54-603, and 54-614, Reissue Revised Statutes of Nebraska, and
21 sections 14-102, 20-127, 20-129, and 28-1009.01, Revised Statutes
22 Cumulative Supplement, 2006, are repealed.