

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 854**

Introduced by Howard, 9.

Read first time January 11, 2010

Committee: General Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Liquor Control Act; to amend  
2 sections 53-131.01 and 53-135, Reissue Revised Statutes  
3 of Nebraska; to change requirements for licensure; and to  
4 repeal the original sections.

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

1           Section 1. Section 53-131.01, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           53-131.01 (1) The application for a new license shall be  
4 submitted upon such forms as the commission may prescribe. Such  
5 forms shall contain (a) the name and residence of the applicant and  
6 how long he or she has resided within the State of Nebraska, (b)  
7 the particular premises for which a license is desired designating  
8 the same by street and number if practicable or, if not, by such  
9 other description as definitely locates the premises, (c) the name  
10 of the owner of the premises upon which the business licensed is  
11 to be carried on, (d) a statement that the applicant is a citizen  
12 of the United States, that the applicant and the spouse of the  
13 applicant are not less than twenty-one years of age, and that such  
14 applicant has never been convicted of or pleaded guilty to a felony  
15 or been adjudged guilty of violating the laws governing the sale  
16 of alcoholic liquor or the law for the prevention of gambling in  
17 the State of Nebraska, except that a manager for a corporation  
18 applying for a license shall qualify with all provisions of this  
19 subdivision as though the manager were the applicant, except that  
20 the provisions of this subdivision shall not apply to the spouse  
21 of a manager-applicant, (e) a statement that the applicant intends  
22 to carry on the business authorized by the license for himself  
23 or herself and not as the agent of any other persons and that  
24 if licensed he or she will carry on such business for himself  
25 or herself and not as the agent for any other person, (f) a

1 statement that the applicant intends to superintend in person the  
2 management of the business licensed and that if so licensed he or  
3 she will superintend in person the management of the business, and  
4 (g) certification that the applicant is current on all obligations  
5 relating to federal, state, and local taxes and all contributions  
6 required under the Nebraska Workers' Compensation Act and the  
7 Employment Security Law, and (h) such other information as the  
8 commission may from time to time direct. The applicant shall also  
9 submit two legible sets of fingerprints to be furnished to the  
10 Federal Bureau of Investigation through the Nebraska State Patrol  
11 for a national criminal history record check and the fee for such  
12 record check payable to the patrol.

13 (2) The application shall be verified by the affidavit  
14 of the petitioner made before a notary public or other person duly  
15 authorized by law to administer oaths. If any false statement is  
16 made in any part of such application, the applicant or applicants  
17 shall be deemed guilty of perjury, and upon conviction thereof  
18 the license shall be revoked and the applicant subjected to the  
19 penalties provided by law for that crime.

20 Sec. 2. Section 53-135, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 53-135 A retail license issued by the commission and  
23 outstanding may be automatically renewed by the commission without  
24 formal application upon payment of the state registration fee and  
25 license fee if payable to the commission. The payment shall be

1 an affirmative representation and certification by the licensee  
2 that all answers contained in an application, if submitted, would  
3 be the same in all material respects as the answers contained  
4 in the last previous application. The commission shall require  
5 certification that the licensee is current on all obligations  
6 described in subdivision (1)(g) of section 53-131.01 as of the date  
7 of the renewal application. The commission may at any time require  
8 a licensee to submit an application, and the commission shall at  
9 any time require a licensee to submit an application if requested  
10 in writing to do so by the local governing body.

11 If a licensee files an application form in triplicate  
12 original upon seeking renewal of his or her license, the  
13 application shall be processed as set forth in section 53-131.

14 Any licensed retail premises located in an area which  
15 is annexed to any governmental subdivision shall file a formal  
16 application for a license, and while such application is pending,  
17 the licensee may continue all license privileges until the original  
18 license expires or is canceled or revoked. If such license expires  
19 within sixty days following the annexation date of such area, the  
20 license may be renewed by order of the commission for not more than  
21 one year.

22 Sec. 3. Original sections 53-131.01 and 53-135, Reissue  
23 Revised Statutes of Nebraska, are repealed.