

E AND R AMENDMENTS TO LB 641

Introduced by Larson, 40, Chairperson Enrollment and Review

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

3 Section 1. Section 53-134, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 53-134 The local governing body of any city or village
6 with respect to licenses within its corporate limits and the local
7 governing body of any county with respect to licenses not within
8 the corporate limits of any city or village but within the county
9 shall have the following powers, functions, and duties with respect
10 to retail, craft brewery, and microdistillery licenses:

11 (1) To cancel or revoke for cause retail, craft brewery,
12 or microdistillery licenses to sell or dispense alcoholic liquor
13 issued to persons for premises within its jurisdiction, subject to
14 the right of appeal to the commission;

15 (2) To enter or to authorize any law enforcement officer
16 to enter at any time upon any premises licensed under the Nebraska
17 Liquor Control Act to determine whether any provision of the act,
18 any rule or regulation adopted and promulgated pursuant to the
19 act, or any ordinance, resolution, rule, or regulation adopted
20 by the local governing body has been or is being violated and
21 at such time examine the premises of such licensee in connection
22 with such determination. Any law enforcement officer who determines
23 that any provision of the act, any rule or regulation adopted

1 and promulgated pursuant to the act, or any ordinance, resolution,
2 rule, or regulation adopted by the local governing body has been
3 or is being violated shall report such violation in writing to the
4 executive director of the commission (a) within thirty days after
5 determining that such violation has occurred, (b) within thirty
6 days after the conclusion of an ongoing police investigation, or
7 (c) within thirty days after the verdict in a prosecution related
8 to such an ongoing police investigation if the prosecuting attorney
9 determines that reporting such violation prior to the verdict would
10 jeopardize such prosecution, whichever is later;

11 (3) To receive a signed complaint from any citizen within
12 its jurisdiction that any provision of the act, any rule or
13 regulation adopted and promulgated pursuant to the act, or any
14 ordinance, resolution, rule, or regulation relating to alcoholic
15 liquor has been or is being violated and to act upon such
16 complaints in the manner provided in the act;

17 (4) To receive retail license fees, craft brewery license
18 fees, and microdistillery license fees as provided in sections
19 53-124 and 53-124.01 and pay the same, after the license has
20 been delivered to the applicant, to the city, village, or county
21 treasurer;

22 (5) To examine or cause to be examined any applicant
23 or any retail licensee, craft brewery licensee, or microdistillery
24 licensee upon whom notice of cancellation or revocation has been
25 served as provided in the act, to examine or cause to be examined
26 the books and records of any applicant or licensee, and to hear
27 testimony and to take proof for its information in the performance

1 of its duties. For purposes of obtaining any of the information
2 desired, the local governing body may authorize its agent or
3 attorney to act on its behalf;

4 (6) To cancel or revoke on its own motion any license if,
5 upon the same notice and hearing as provided in section 53-134.04,
6 it determines that the licensee has violated any of the provisions
7 of the act or any valid and subsisting ordinance, resolution, rule,
8 or regulation duly enacted, adopted, and promulgated relating to
9 alcoholic liquor. Such order of cancellation or revocation may
10 be appealed to the commission within thirty days after the date
11 of the order by filing a notice of appeal with the commission.
12 The commission shall handle the appeal in the manner provided for
13 hearing on an application in section 53-133; and

14 (7) Upon receipt from the commission of the notice and
15 copy of application as provided in section 53-131, to fix a time
16 and place for a hearing at which the local governing body shall
17 receive evidence, either orally or by affidavit from the applicant
18 and any other person, bearing upon the propriety of the issuance
19 of a license. Notice of the time and place of such hearing shall
20 be published in a legal newspaper in or of general circulation in
21 such city, village, or county one time not less than seven and not
22 more than fourteen days before the time of the hearing. Such notice
23 shall include, but not be limited to, a statement that all persons
24 desiring to give evidence before the local governing body in
25 support of or in protest against the issuance of such license may
26 do so at the time of the hearing. Such hearing shall be held not
27 more than forty-five days after the date of receipt of the notice

1 from the commission, and after such hearing the local governing
2 body shall cause to be recorded in the minute record of their
3 proceedings a resolution recommending either issuance or refusal of
4 such license. The clerk of such city, village, or county shall mail
5 to the commission by first-class mail, postage prepaid, a copy of
6 the resolution which shall state the cost of the published notice,
7 except that failure to comply with this provision shall not void
8 any license issued by the commission. If the commission refuses to
9 issue such a license, the cost of publication of notice shall be
10 paid by the commission from the security for costs.

11 Sec. 2. Section 53-197, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 53-197 (1) Every sheriff, deputy sheriff, police officer,
14 marshal, or deputy marshal who knows or who is credibly informed
15 that any offense has been committed against the provisions of any
16 law of this state relating to the sale of alcoholic liquers liquor
17 shall make complaint against the person so offending within their
18 respective jurisdictions to the proper court, and for every neglect
19 or refusal so to do, every such officer shall be guilty of a Class
20 V misdemeanor.

21 (2) Every sheriff, deputy sheriff, police officer,
22 marshal, or deputy marshal who knows or who is credibly informed
23 that any offense has been committed against any law of this state
24 relating to the sale of alcoholic liquor shall report such offense
25 in writing to the executive director of the commission (a) within
26 thirty days after such offense is committed, (b) within thirty
27 days after such sheriff, deputy sheriff, police officer, marshal,

1 or deputy marshal is informed of such offense, (c) within thirty
2 days after the conclusion of an ongoing police investigation, or
3 (d) within thirty days after the verdict in a prosecution related
4 to such an ongoing police investigation if the prosecuting attorney
5 determines that reporting such violation prior to the verdict would
6 jeopardize such prosecution, whichever is later.

7 Sec. 3. Original sections 53-134 and 53-197, Reissue
8 Revised Statutes of Nebraska, are repealed.