

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 444**

Introduced by Krist, 10.

Read first time January 22, 2013

Committee:

A BILL

1 FOR AN ACT relating to the Nebraska Liquor Control Act; to amend  
2 sections 53-117.03 and 53-117.06, Reissue Revised  
3 Statutes of Nebraska, and section 53-101, Revised  
4 Statutes Cumulative Supplement, 2012; to provide for  
5 issuance of certificates; to require employment of  
6 certified personnel; to require the presence of  
7 authorized personnel; to provide for a fee; to harmonize  
8 provisions; and to repeal the original sections.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 53-101, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3           53-101 Sections 53-101 to 53-1,122 and sections 4 and 5  
4 of this act shall be known and may be cited as the Nebraska Liquor  
5 Control Act.

6           Sec. 2. Section 53-117.03, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           53-117.03 (1) ~~On or before January 1, 2007, the~~ The  
9 commission shall adopt and promulgate rules and regulations governing  
10 programs which provide training for persons employed in the sale and  
11 service of alcoholic liquor and management of licensed premises. Such  
12 rules and regulations may include, but need not be limited to:

13           (a) Minimum standards governing training of beverage  
14 servers, including standards and requirements governing curriculum,  
15 program trainers, and certification requirements;

16           (b) Minimum standards governing training in management of  
17 licensed premises, including standards and requirements governing  
18 curriculum, program trainers, and certification requirements;

19           (c) Minimum standards governing the methods allowed for  
20 training programs which may include the Internet, interactive video,  
21 live training in various locations across the state, and other means  
22 deemed appropriate by the commission;

23           (d) Methods for approving beverage-server training  
24 organizations and programs. All beverage-server training programs  
25 approved by the commission shall issue a certificate of completion to

1 all persons who successfully complete the program and shall provide  
2 the names of all persons completing the program to the commission;

3 (e) Enrollment fees in an amount determined by the  
4 commission to be necessary to cover the expense of enrolling in a  
5 training program offered by the commission pursuant to subsection (2)  
6 of this section, but not to exceed thirty dollars; and

7 (f) Procedures and fees for certification, which fees  
8 shall be in an amount determined by the commission to be sufficient  
9 to defray the expenses associated with maintaining a list of persons  
10 certified under this section and issuing proof of certification to  
11 eligible individuals but shall not exceed twenty dollars.

12 (2) The commission may create a program to provide  
13 training for persons employed in the sale and service of alcoholic  
14 liquor and management of licensed premises. The program shall include  
15 training on the issues of sales and service of alcoholic liquor to  
16 minors and to visibly inebriated purchasers. The commission may  
17 charge each person enrolling in the program an enrollment fee as  
18 provided in the rules and regulations, but such fee shall not exceed  
19 thirty dollars. All such fees shall be collected by the commission  
20 and remitted to the State Treasurer for credit to the Nebraska Liquor  
21 Control Commission Rule and Regulation Cash Fund.

22 (3) A person who has completed a training program which  
23 complies with the rules and regulations, whether such program is  
24 offered by the commission or by another organization, may become  
25 certified by the commission upon the commission receiving evidence

1 that he or she has completed such program and the person seeking  
2 certification paying the certification fee established under this  
3 section.

4 (4) In order to receive certification from the  
5 commission, a person shall file an application on a form prescribed  
6 by the commission and pay a certification application fee of fifteen  
7 dollars. The applicant shall include evidence of successful  
8 completion of a course as provided for in this section and successful  
9 completion of the examination prescribed by the commission. Upon  
10 successful completion of the application process, the commission  
11 shall provide the applicant with a certified seller document which  
12 shall be valid for three years.

13 Sec. 3. Section 53-117.06, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 53-117.06 Any money collected by the commission pursuant  
16 to section 53-117.03, 53-117.05, or 53-167.02 shall be credited to  
17 the Nebraska Liquor Control Commission Rule and Regulation Cash Fund,  
18 which fund is hereby created. The purpose of the fund shall be to  
19 cover any costs incurred by the commission in producing or  
20 distributing the material referred to in ~~such~~ sections 53-117.05 and  
21 53-167.02 and to defray the costs associated with electronic  
22 regulatory transactions, industry education events, enforcement  
23 training, ~~and~~ equipment for regulatory work, and administering  
24 section 53-117.03 and section 4 of this act. Transfers may be made  
25 from the fund to the General Fund at the direction of the

1 Legislature. Any money in the Nebraska Liquor Control Commission Rule  
2 and Regulation Cash Fund available for investment shall be invested  
3 by the state investment officer pursuant to the Nebraska Capital  
4 Expansion Act and the Nebraska State Funds Investment Act.

5           Sec. 4. (1) Beginning November 1, 2014, a retail licensee  
6 shall only employ a person to be engaged in the sale or service of  
7 alcohol, in management, or in security for licensed premises or to be  
8 in any other way responsible for verifying a customer's age if such  
9 person has successfully completed a course and received a  
10 certification as provided for in section 53-117.03. The person shall  
11 show proof of certification to the retail licensee by presenting the  
12 certification issued by the commission. The retail licensee shall  
13 maintain on its licensed premises a copy of each employee's required  
14 certificate.

15           (2) Any retail licensee who employs a person in violation  
16 of this section may have its license suspended, canceled, or revoked  
17 by the commission.

18           Sec. 5. At all times when alcoholic liquor is being  
19 lawfully sold or dispensed for consumption on any premises licensed  
20 under the Nebraska Liquor Control Act, the licensee shall provide for  
21 an employee or other authorized representative of the licensee who is  
22 twenty-one years of age or older to be on duty on the premises of the  
23 licensee.

24           Sec. 6. Original sections 53-117.03 and 53-117.06,  
25 Reissue Revised Statutes of Nebraska, and section 53-101, Revised

1 Statutes Cumulative Supplement, 2012, are repealed.