

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 579
Final Reading

Introduced by Karpisek, 32.

Read first time January 23, 2013

Committee: General Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
2 section 53-117, Reissue Revised Statutes of Nebraska; to
3 provide a duty for the Nebraska Liquor Control Commission
4 regarding administration and enforcement of the act; and
5 to repeal the original section.

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

1 Section 1. Section 53-117, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 53-117 The commission has the following powers,
4 functions, and duties:

5 (1) To receive applications for and to issue licenses to
6 and suspend, cancel, and revoke licenses of manufacturers,
7 wholesalers, nonbeverage users, retailers, railroads including owners
8 and lessees of sleeping, dining, and cafe cars, airlines, and boats
9 in accordance with the Nebraska Liquor Control Act;

10 (2) To fix by rules and regulations the standards of
11 manufacture of alcoholic liquor not inconsistent with federal laws in
12 order to insure the use of proper ingredients and methods in the
13 manufacture and distribution thereof and to adopt and promulgate
14 rules and regulations not inconsistent with federal laws for the
15 proper labeling of containers, barrels, casks, or other bulk
16 containers or of bottles of alcoholic liquor manufactured or sold in
17 this state. The Legislature intends, by the grant of power to adopt
18 and promulgate rules and regulations, that the commission have broad
19 discretionary powers to govern the traffic in alcoholic liquor and to
20 enforce strictly all provisions of the act in the interest of
21 sanitation, purity of products, truthful representations, and honest
22 dealings in a manner that generally will promote the public health
23 and welfare. All such rules and regulations shall be absolutely
24 binding upon all licensees and enforceable by the commission through
25 the power of suspension or cancellation of licenses, except that all

1 rules and regulations of the commission affecting a club possessing
2 any form of retail license shall have equal application to all such
3 licenses or shall be void;

4 (3) To call upon other administrative departments of the
5 state, county and municipal governments, county sheriffs, city police
6 departments, village marshals, peace officers, and prosecuting
7 officers for such information and assistance as the commission deems
8 necessary in the performance of its duties. The commission shall
9 enter into an agreement with the Nebraska State Patrol in which the
10 Nebraska State Patrol shall hire six new patrol officers and, from
11 the entire Nebraska State Patrol, shall designate a minimum of six
12 patrol officers who will spend a majority of their time in
13 administration and enforcement of the Nebraska Liquor Control Act;

14 (4) To recommend to local governing bodies rules and
15 regulations not inconsistent with law for the distribution and sale
16 of alcoholic liquor throughout the state;

17 (5) To inspect or cause to be inspected any premises
18 where alcoholic liquor is manufactured, distributed, or sold and,
19 when sold on unlicensed premises or on any premises in violation of
20 law, to bring an action to enjoin the use of the property for such
21 purpose;

22 (6) To hear and determine appeals from orders of a local
23 governing body in accordance with the act;

24 (7) To conduct or cause to be conducted an audit to
25 inspect any licensee's records and books;

1 (8) In the conduct of any hearing or audit authorized to
2 be held by the commission (a) to examine or cause to be examined,
3 under oath, any licensee and to examine or cause to be examined the
4 books and records of such licensee, (b) to hear testimony and take
5 proof material for its information in the discharge of its duties
6 under the act, and (c) to administer or cause to be administered
7 oaths;

8 (9) To investigate the administration of laws in relation
9 to alcoholic liquor in this and other states and to recommend to the
10 Governor and through him or her to the Legislature amendments to the
11 act; and

12 (10) To receive, account for, and remit to the State
13 Treasurer state license fees and taxes provided for in the act.

14 Sec. 2. Original section 53-117, Reissue Revised Statutes
15 of Nebraska, is repealed.