

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 863**

Introduced by Karpisek, 32.

Read first time January 13, 2014

Committee: General Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Liquor Control Act; to amend  
2 sections 53-122 and 53-190, Reissue Revised Statutes of  
3 Nebraska; to eliminate provisions relating to elections  
4 and prohibited territory; to harmonize provisions; to  
5 repeal the original sections; and to outright repeal  
6 sections 53-121, 53-188, 53-189, and 53-191, Reissue  
7 Revised Statutes of Nebraska.  
8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 53-122, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           53-122 ~~(1)~~—The commission may issue licenses for the sale  
4 of alcoholic liquor, except beer, by the drink subject to all the  
5 terms and conditions of the Nebraska Liquor Control Act in all cities  
6 and villages in this state, except in those cases when it  
7 affirmatively appears that the issuance will render null and void  
8 prior conveyances of land to such city or village for public uses and  
9 purposes by purchase, gift, or devise, under the conditions and in  
10 the manner provided in this section.

11           ~~(2) If (a) a sufficient petition is signed by the~~  
12 ~~registered voters of any such city or village of such number as~~  
13 ~~equals twenty percent of the votes cast at the last general election~~  
14 ~~held in such city or village, which petition requests that the~~  
15 ~~question of licensing the sale of alcoholic liquor, except beer, by~~  
16 ~~the drink in the city or village be submitted to the registered~~  
17 ~~voters of the city or village at a special election to be called for~~  
18 ~~that purpose and (b) such petition is presented to the clerk of the~~  
19 ~~city or village, the clerk shall cause to be published one time in a~~  
20 ~~legal newspaper published in or of general circulation in the city or~~  
21 ~~village a notice of a special election to be held not less than ten~~  
22 ~~days nor more than twenty days after the date of such publication.~~  
23 ~~The notice shall state the proposition to be submitted at such~~  
24 ~~special election.~~

25           ~~(3) The question of licensing the sale of alcoholic~~

1 ~~liquor either by the drink or in the original package, or both by the~~  
2 ~~drink and in the original package, may also be submitted at any~~  
3 ~~general municipal election, except as otherwise provided in section~~  
4 ~~53-121, in any city or village in this state subject to the~~  
5 ~~following:~~

6 ~~(a) Upon the filing with the clerk of the city or village~~  
7 ~~of a petition signed by registered voters of the city or village in a~~  
8 ~~number equal to twenty percent of the votes cast at the last general~~  
9 ~~election held in the city or village, such proposition or~~  
10 ~~propositions shall be submitted;~~

11 ~~(b) Each petition shall conform to the requirements of~~  
12 ~~section 32-628;~~

13 ~~(c) At the top of each sheet shall be stated the~~  
14 ~~proposition or propositions to be submitted and the date of the~~  
15 ~~general municipal election at which it is proposed to be submitted;~~

16 ~~(d) No signature on the petition shall be valid unless~~  
17 ~~appended to the petition within the last ninety days prior to the~~  
18 ~~date of filing the petition with the clerk of the city or village;~~  
19 ~~and~~

20 ~~(e) The petition shall be filed thirty days prior to the~~  
21 ~~day of the general municipal election at which the proposition is to~~  
22 ~~be submitted, and during such thirty day period no signature shall be~~  
23 ~~withdrawn and no signature shall be added.~~

24 ~~(4) Any person who signs any proposal or petition~~  
25 ~~contemplated under this section knowing that he or she is not a~~

1 ~~registered voter in the place where such proposal or petition is~~  
2 ~~made, who signs any name other than his or her own to such proposal~~  
3 ~~or petition, or who aids or abets any other person in doing any of~~  
4 ~~the acts mentioned is guilty of a Class I misdemeanor. Any person who~~  
5 ~~bribes or gives or pays any money or thing of value to any person~~  
6 ~~directly or indirectly to induce him or her to sign such proposal or~~  
7 ~~petition, who accepts money for signing such proposal or petition, or~~  
8 ~~who aids or abets any other person in doing any of such acts is~~  
9 ~~guilty of a Class IV felony.~~

10 ~~(5) Upon the ballot either at the special election or at~~  
11 ~~any general municipal election, the proposition or propositions shall~~  
12 ~~be stated as follows:~~

13 ~~Shall the sale of alcoholic liquor, except beer, by the~~  
14 ~~drink be licensed in (here insert the name of the city or village)?~~

15 ~~.... For license to sell by drink.~~

16 ~~.... Against license to sell by drink.~~

17 ~~Shall the sale of alcoholic liquor, except beer, by the~~  
18 ~~package be licensed in (here insert the name of the city or village)?~~

19 ~~.... For license to sell by the package.~~

20 ~~.... Against license to sell by the package.~~

21 ~~The provisions of the Election Act relating to election~~  
22 ~~officers, voting places, election apparatus and blanks, preparation~~  
23 ~~and form of ballots, information to voters, delivery of ballots,~~  
24 ~~calling of elections, conduct of elections, manner of voting,~~  
25 ~~counting of votes, records and certificates of elections, and~~

1 recounts of votes, so far as applicable, shall apply to voting on the  
2 proposition or propositions under the Nebraska Liquor Control Act,  
3 and a majority vote of those voting on the question shall be  
4 mandatory upon the commission.

5           (6) If the question is to be submitted at a statewide  
6 primary or general election, the petitions shall be filed with the  
7 clerk of the city or village not less than sixty days prior to the  
8 election. The provisions for the required number of signers and the  
9 form of petition shall be the same as for a special election. The  
10 clerk of the city or village shall verify the signatures on the  
11 petitions with the voter registration records in the office of the  
12 county clerk or election commissioner. During the ten day period  
13 while the petitions are being checked, no signatures shall be  
14 withdrawn and no signatures shall be added.

15           If the clerk of the city or village finds the petitions  
16 to be valid, he or she shall, not less than fifty days prior to the  
17 statewide primary or general election, give notice in writing to the  
18 county clerk or election commissioner that the question is to be  
19 submitted at the time of the statewide primary or general election.  
20 The election notices, issuing of the official ballots on election  
21 day, issuing of the ballots for early voting, and counting and  
22 canvassing of the ballots shall be conducted by the county clerk or  
23 election commissioner as provided in the Election Act and the  
24 official results certified to the clerk of the city or village.

25           (7) An election may not be held in the same city or

1 ~~village under this section more often than once every twenty-three~~  
2 ~~months. A Class I retail license under subdivision (6)(a)(v) of~~  
3 ~~section 53-124 is not subject to this section.~~

4           Sec. 2. Section 53-190, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           53-190 All places where alcoholic liquor is sold or  
7 consumed in violation of any provision of section 53-186.01 ~~or~~  
8 ~~sections 53-188 and 53-189,~~ shall be taken and held and are declared  
9 to be common nuisances, and may be abated as such in the manner  
10 hereinafter provided in the Nebraska Liquor Control Act.

11           Sec. 3. Original sections 53-122 and 53-190, Reissue  
12 Revised Statutes of Nebraska, are repealed.

13           Sec. 4. The following sections are outright repealed:  
14 Sections 53-121, 53-188, 53-189, and 53-191, Reissue Revised Statutes  
15 of Nebraska.