

AMENDMENTS TO LB444

Introduced by General Affairs

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

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

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

8 Sec. 2. Section 53-117.03, Revised Statutes Supplement,
9 2013, is amended to read:

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

16 (a) Minimum standards governing training of beverage
17 servers, including standards and requirements governing curriculum,
18 program trainers, and certification requirements;

19 (b) Minimum standards governing training in management of
20 licensed premises, including standards and requirements governing
21 curriculum, program trainers, and certification requirements;

22 (c) Minimum standards governing the methods allowed for
23 training programs which may include the Internet, interactive

1 video, live training in various locations across the state, and
2 other means deemed appropriate by the commission;

3 (d) Methods for approving beverage-server training
4 organizations and programs. All beverage-server training programs
5 approved by the commission shall issue a certificate of completion
6 to all persons who successfully complete the program and shall
7 provide the names of all persons completing the program to the
8 commission;

9 (e) Enrollment fees in an amount determined by the
10 commission to be necessary to cover the administrative costs,
11 including salary and benefits, of enrolling in a training program
12 offered by the commission pursuant to subsection (2) of this
13 section, but not to exceed thirty dollars; and

14 (f) Procedures and fees for certification, which fees
15 shall be in an amount determined by the commission to be sufficient
16 to defray the administrative costs, including salary and benefits,
17 associated with maintaining a list of persons certified under this
18 section and issuing proof of certification to eligible individuals
19 but shall not exceed twenty dollars.

20 (2) The commission may create a program to provide
21 training for persons employed in the sale and service of alcoholic
22 liquor and management of licensed premises. The program shall
23 include training on the issues of sales and service of alcoholic
24 liquor to minors and to visibly inebriated purchasers. The
25 commission may charge each person enrolling in the program an
26 enrollment fee as provided in the rules and regulations, but
27 such fee shall not exceed thirty dollars. All such fees shall be

1 collected by the commission and remitted to the State Treasurer
2 for credit to the Nebraska Liquor Control Commission Rule and
3 Regulation Cash Fund.

4 (3) A person who has completed a training program which
5 complies with the rules and regulations, whether such program is
6 offered by the commission or by another organization, may become
7 certified by the commission upon the commission receiving evidence
8 that he or she has completed such program and the person seeking
9 certification paying the certification fee established under this
10 section.

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

20 Sec. 3. Section 53-117.06, Revised Statutes Supplement,
21 2013, is amended to read:

22 53-117.06 Any money collected by the commission pursuant
23 to section 53-117.03, 53-117.05, or 53-167.02 shall be credited
24 to the Nebraska Liquor Control Commission Rule and Regulation
25 Cash Fund, which fund is hereby created. The purpose of the fund
26 shall be to cover any administrative costs, including salary and
27 benefits, incurred by the commission in producing or distributing

1 the material referred to in ~~such~~ sections 53-117.05 and 53-167.02
2 and to defray the costs associated with electronic regulatory
3 transactions, industry education events, enforcement training, ~~and~~
4 equipment for regulatory work, and administering section 53-117.03
5 and section 4 of this act. Transfers may be made from the fund
6 to the General Fund at the direction of the Legislature. Any
7 money in the Nebraska Liquor Control Commission Rule and Regulation
8 Cash Fund available for investment shall be invested by the state
9 investment officer pursuant to the Nebraska Capital Expansion Act
10 and the Nebraska State Funds Investment Act.

11 Sec. 4. (1) Beginning November 1, 2015, a retail licensee
12 shall only employ a person to be a manager as defined in section
13 53-103.18 if such person has successfully completed a course and
14 received a certification as provided for in section 53-117.03. The
15 person shall show proof of certification to the retail licensee by
16 presenting the certification issued by the commission. The retail
17 licensee shall maintain on its licensed premises a copy of each
18 such manager's required certificate.

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

22 Sec. 5. Original section 53-101, Revised Statutes
23 Cumulative Supplement, 2012, and sections 53-117.03 and 53-117.06,
24 Revised Statutes Supplement, 2013, are repealed.