

E AND R AMENDMENTS TO LB863

Introduced by Murante, 49, Chairman Enrollment and Review

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

3 Section 1. (1) A cemetery association which takes over
4 the management and operation of a cemetery pursuant to section 12
5 of this act shall, within one year after taking over, prepare a
6 map of the cemetery and make a good faith effort to identify the
7 remains buried in the cemetery according to the headstones and the
8 owner of all lots. The cemetery association shall file the map and
9 identifying information and a record of all business conducted by
10 the cemetery association in the prior calendar year with the county
11 clerk at the time it files the audit, compilation, or statement of
12 accounts under subsection (2) of this section.

13 (2) (a) On June 30 of each year, the individual trustees
14 or corporate trustee, as the case may be, of a perpetual care trust
15 fund for a cemetery association described in subsection (1) of this
16 section which has a balance of one hundred thousand dollars or more
17 on such date shall have an audit of the perpetual care trust fund
18 made by a certified public accountant. The report of such audit by
19 the auditor shall be filed within thirty days after June 30 of such
20 year with the county clerk of the county in which the cemetery is
21 located. The expense of the audit and the filing fee of the report
22 shall be paid by the cemetery association.

23 (b) On June 30 of each year, the individual trustees or

1 corporate trustee, as the case may be, of a perpetual care trust
2 fund for a cemetery association described in subsection (1) of this
3 section which has a balance of more than ten thousand dollars and
4 less than one hundred thousand dollars on such date shall have a
5 compilation of the perpetual care trust fund made by a certified
6 public accountant. The report of such compilation by the certified
7 public accountant shall be filed within thirty days after June 30
8 of such year with the county clerk of the county in which the
9 cemetery is located. The expense of the compilation and the filing
10 fee of the report shall be paid by the cemetery association.

11 (c) On June 30 of each year, the individual trustees or
12 corporate trustee, as the case may be, of a perpetual care trust
13 fund for a cemetery association described in subsection (1) of this
14 section which has a balance of ten thousand dollars or less on such
15 date shall file a statement of accounts of the perpetual care trust
16 fund within thirty days after June 30 of such year with the county
17 clerk of the county in which the cemetery is located. There shall
18 be no filing fee for filing the statement of accounts.

19 Sec. 2. Any cemetery association shall provide for at
20 least one mowing annually of the cemetery it manages, and one
21 of such mowings shall occur within two weeks prior to Memorial
22 Day. Additional mowings shall be at the discretion of the cemetery
23 association.

24 Sec. 3. Section 12-501, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 12-501 (1) For purposes of sections 12-501 to 12-530
27 and sections 1 and 2 of this act, cemetery association means an

1 association formed under such sections.

2 (2) Every cemetery, hereafter established, other
3 than those owned, operated, and maintained by the state, by
4 towns, villages, and cities, by churches, by public charitable
5 corporations, by cemetery districts, and by fraternal and
6 benevolent societies, shall be owned, conducted, and managed by
7 cemetery associations organized and incorporated as hereinafter
8 provided in sections 12-501 to 12-530 and sections 1 and 2 of this
9 act except as specifically provided in section 12-530 and section
10 12 of this act.

11 (3) The establishment of a cemetery by any agency other
12 than those enumerated ~~herein~~ in this section shall constitute a
13 nuisance, and its operation may be enjoined at the suit of any
14 taxpayer in the state.

15 (4) It shall be lawful for any number of persons, not
16 less than five, who are residents of the county in which they
17 desire to form themselves into an association, to form themselves
18 into a cemetery association, and to elect any number of their
19 members, not less than three, to serve as trustees, and one member
20 as clerk, who shall continue in office during the pleasure of the
21 ~~society;~~ all association. All such elections shall take place at a
22 meeting of four or more members of such association by a majority
23 vote of those present. ~~A + Provided,~~ a notice for such meeting
24 shall ~~have been~~ be published in a local newspaper, or posted in
25 three places within the precinct or township in which the cemetery
26 is or will be located, at least fifteen days prior to ~~said the~~
27 meeting.

1 Sec. 4. Section 12-502, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 12-502 The clerk~~7~~ hereinbefore authorized to be
4 appointed~~7~~ of the cemetery association shall ~~forthwith~~ make out
5 a true record of the proceedings of the meeting provided for by
6 section 12-501~~7~~ and certify and deliver the same to the clerk of
7 the county in which such meeting ~~shall~~ be is held, together with
8 the name by which such association shall ~~desire to~~ be known. The
9 ~~7~~ and it shall be the duty of each county clerk~~7~~ in the state~~7~~
10 immediately upon the receipt of such certified statement, ~~to~~ shall
11 record the same in a book ~~by him~~ provided by the county clerk for
12 that purpose at the expense of the county~~7~~ and ~~the clerk~~ shall be
13 entitled to the same fees for ~~his~~ the services as ~~he~~ the county
14 clerk is entitled to demand for other similar services. After ~~7~~
15 ~~and from~~ and ~~after~~ the making of such record by the county clerk,
16 the said trustees~~7~~ and ~~their~~ the associated members and successors~~7~~
17 shall be invested with the powers, privileges~~7~~ and immunities
18 incident to aggregate corporations. A ~~7~~ and a certified transcript
19 of the record~~7~~ ~~herein~~ authorized ~~to~~ be made by the county clerk~~7~~
20 shall be deemed and taken in all courts and places whatsoever
21 within this state as prima facie evidence of the existence of such
22 cemetery association.

23 Sec. 5. Section 12-512.01, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 12-512.01 Every cemetery association organized after
26 ~~September 14, 1953,~~ under the provisions of Chapter 12, article
27 ~~5,~~ shall provide for and select trustees, other than officers or

1 members of the association, who shall be selected, as provided for
2 in section 12-512.03, to invest, safeguard, and look after certain
3 funds of the association, including the sums provided for by
4 section 12-512.02 and any other money acquired for the purposes of
5 such fund, in a perpetual care trust fund, the income therefrom to
6 be used for the perpetual care of the cemetery by the association.

7 Sec. 6. Section 12-512.02, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 12-512.02 The cemetery association shall place at least
10 ~~the following sums~~ one hundred dollars for each cemetery lot sold
11 into the perpetual care trust fund. ~~(1) Monument plan cemeteries,~~
12 ~~fifty cents per square foot of each cemetery lot sold;~~ ~~(2) park~~
13 ~~plan or memorial plan cemeteries,~~ ~~twenty-five cents per square foot~~
14 ~~of each cemetery lot sold;~~ and ~~(3) combined monument and park~~
15 ~~plan cemeteries,~~ ~~fifty cents per square foot of each cemetery lot~~
16 ~~sold.~~ Such funds shall be paid by the cemetery association to the
17 trustees of the perpetual care trust fund, who shall invest the
18 funds under the same conditions and restrictions as trust funds are
19 invested under ~~the provisions of section 30-3201.~~ If ~~Provided,~~
20 ~~that when~~ any lots are sold on contract, thirty percent of all
21 payments received on the contract shall be paid to the trustee or
22 trustees of the perpetual care trust fund until the entire payments
23 required by this section are made.

24 Sec. 7. Section 12-512.04, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 12-512.04 On June 30 of each year, the individual
27 trustees or corporate trustee, as the case may be, of ~~such a~~ a

1 perpetual care trust fund shall have an audit of the perpetual
2 care trust fund made by a certified public accountant except as
3 otherwise provided in section 1 of this act. The ~~and the~~ report of
4 such audit by the auditor shall be filed within thirty days after
5 June 30 of such year with the county clerk of the county in which
6 the cemetery is located. The expense of the audit and the filing
7 fee of the report shall be paid by the cemetery association.

8 Sec. 8. Section 12-512.05, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 12-512.05 Every cemetery association ~~organized after~~
11 ~~September 18, 1955, under the provisions of Chapter 12, article 5,~~
12 shall, before selling or disposing of any interment space or lots,
13 establish a minimum perpetual care and maintenance guarantee fund
14 of not less than two thousand five hundred dollars in cash to be
15 administered by the trustee or trustees of the perpetual care trust
16 fund selected as provided in section 12-512.03.

17 Sec. 9. Section 12-516, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 12-516 ~~Whenever~~ If the trustees of any cemetery
20 association ~~organized under sections 12-501 to 12-505~~ shall receive
21 the gift of any property, real or personal, in their own name, in
22 trust, for the perpetual care of said the cemetery, or anything
23 connected therewith, ~~said~~ the trustees shall, upon the enactment
24 of bylaws to that effect by the association, give a bond to ~~said~~
25 the association of at least one thousand dollars, conditioned for
26 the faithful administration of ~~said~~ the trust and care of ~~said~~
27 the funds and property. ~~Said~~ The bond shall be filed with~~7~~ and

1 approved by the county clerk of the county ~~wherein said~~ in which
2 the association is located, and the clerk shall be paid the same
3 fee for approving and filing ~~said~~ the bond as ~~is now~~ fixed by law
4 for approving and filing official bonds. The cost of ~~said~~ the bond
5 shall be paid by ~~said~~ the cemetery association.

6 Sec. 10. Section 12-518, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 12-518 ~~Such~~ A cemetery association shall cause a plat
9 of ~~its~~ the cemetery grounds, and of the lots ~~by it~~ laid out in
10 the cemetery, to be made and recorded, such lots to be numbered
11 by regular consecutive numbers. It shall have power to enclose,
12 improve, and adorn the grounds and avenues, and erect buildings for
13 the use of the association, to prescribe rules for the enclosing
14 and adorning of lots, and for erecting monuments in the cemetery, and
15 and to prohibit any use, division, improvement, or adornment of a
16 lot which it may deem improper. An annual exhibit shall be made of
17 the affairs of the association.

18 Sec. 11. Section 12-808, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 12-808 For purposes of sections 12-807 to 12-810 and
21 section 12 of this act, an abandoned or neglected pioneer cemetery
22 shall be defined according to the following criteria:

23 (1) Such cemetery was founded or the land upon which such
24 cemetery is situated was given, granted, donated, sold, or deeded
25 to the founders of the cemetery prior to January 1, 1900;

26 (2) Such cemetery contains the grave or graves of a
27 person or persons who were homesteaders, immigrants from a foreign

1 nation, prairie farmers, pioneers, sodbusters, first generation
2 Nebraskans, or Civil War veterans; and

3 (3) Such cemetery has been generally abandoned or
4 neglected for a period of at least five consecutive years.

5 Sec. 12. A county which is maintaining an abandoned
6 or neglected pioneer cemetery may transfer the management of the
7 cemetery to a cemetery association formed under sections 12-501 to
8 12-530 and sections 1 and 2 of this act or to a cemetery district
9 organized under sections 12-909 to 12-923 if:

10 (1) The county has been maintaining the cemetery pursuant
11 to sections 12-807 to 12-810 for at least five years;

12 (2) The planning commission appointed pursuant to section
13 23-114.01, if any, reviews the proposed transfer; and

14 (3) The county board approves the transfer of the
15 cemetery by resolution after a public hearing for which notice
16 is provided to the public.

17 Sec. 13. Section 17-934, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 17-934 In any ~~such~~ city of the second class or village
20 where in which there exists a duly perfected cemetery association,
21 formed under the provisions of sections 12-501 to 12-529, and
22 in the further event that said as defined in section 12-501,
23 if the cemetery association, formed as aforesaid, shall propose
24 proposes to the mayor and council of such city or to the ~~chairman~~
25 chairperson and board of trustees of such village by means of a
26 resolution duly enacted by such cemetery association, signed by its
27 president and attested by its secretary, signifying the willingness

1 of ~~said~~ the cemetery association to exercise control and management
2 of any cemetery belonging to such city or village, then ~~and in that~~
3 ~~event,~~ said the mayor and council, or ~~said chairman~~ chairperson
4 and board of trustees shall submit at the next regular municipal
5 election the question of the management and control over ~~said the~~
6 cemetery under the conveyance made by the proper authorities of
7 such city or village. If a majority of the votes cast at such
8 election ~~shall~~ are in favor of the transfer of the management
9 and control of the cemetery belonging to such city or village to
10 the ~~said~~ cemetery association, the management and control of such
11 cemetery shall be relinquished forthwith by the proper authorities
12 of such city or village to ~~said the~~ cemetery association. ~~Where~~
13 If the real estate of the cemetery of such city or village ~~shall~~
14 ~~have~~ has been acquired by gift or devise, the relinquishment of
15 the management and control to ~~such~~ the cemetery association shall
16 be subject to the conditions imposed by the donor; and upon
17 acceptance by the president and secretary of ~~such~~ the cemetery
18 association, ~~said the~~ conditions shall be binding upon ~~such the~~
19 cemetery association.

20 Sec. 14. Section 17-944, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 17-944 Whenever, in cities of the second class and
23 villages, one-fifth of the resident lot owners of any cemetery
24 under the control of such city or village shall so desire it, it
25 shall be lawful for such lot owners to associate themselves into
26 and form a cemetery association, ~~as provided by sections 12-501 to~~
27 ~~12-529.~~ defined in section 12-501.

1 Sec. 15. Section 28-101, Revised Statutes Supplement,
2 2013, is amended to read:

3 28-101 Sections 28-101 to 28-1356 and sections 17 and
4 22 of this act shall be known and may be cited as the Nebraska
5 Criminal Code.

6 Sec. 16. Section 28-1418, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 28-1418 Whoever, being a minor under the age of eighteen
9 years, shall smoke cigarettes or cigars, use vapor products or
10 alternative nicotine products, or use tobacco in any form whatever,
11 in this state, shall be guilty of a Class V misdemeanor. Any
12 minor ~~se~~ charged with ~~the~~ a violation of this section may be free
13 from prosecution ~~when~~ if he shall have furnished or she furnishes
14 evidence for the conviction of the person or persons selling
15 or giving him or her the cigarettes, cigars, vapor products,
16 alternative nicotine products, or tobacco.

17 Sec. 17. For purposes of sections 28-1418 to 28-1429.02
18 and sections 17 and 22 of this act:

19 (1) Alternative nicotine product means any noncombustible
20 product containing nicotine that is intended for human consumption,
21 whether chewed, absorbed, dissolved, or ingested by any other
22 means. Alternative nicotine product does not include any vapor
23 product, cigarette, cigar, or other tobacco product, or any product
24 regulated as a drug or device by the United States Food and Drug
25 Administration under Chapter V of the federal Food, Drug, and
26 Cosmetic Act;

27 (2) Self-service display means a retail display that

1 contains a tobacco product, a tobacco-derived product, a vapor
2 product, or an alternative nicotine product and is located in
3 an area openly accessible to a retailer's customers and from
4 which such customers can readily access the product without the
5 assistance of a salesperson. Self-service display does not include
6 a display case that holds tobacco products, vapor products, or
7 alternative nicotine products behind locked doors;

8 (3) Tobacco specialty store means a retail store that (a)
9 derives at least seventy-five percent of its revenue from tobacco
10 products, tobacco-derived products, vapor products, or alternative
11 nicotine products and (b) does not permit minors under the age of
12 eighteen years to enter the premises unless accompanied by a parent
13 or legal guardian; and

14 (4) Vapor product means any noncombustible product
15 containing nicotine that employs a heating element, power source,
16 electronic circuit, or other electronic, chemical, or mechanical
17 means, regardless of shape or size, that can be used to produce
18 vapor from nicotine in a solution or other form. Vapor product
19 includes any electronic cigarette, electronic cigar, electronic
20 cigarillo, electronic pipe, or similar product or device and any
21 vapor cartridge or other container of nicotine in a solution or
22 other form that is intended to be used with or in an electronic
23 cigarette, electronic cigar, electronic cigarillo, electronic pipe,
24 or similar product or device. Vapor product does not include an
25 alternative nicotine product, cigarette, cigar, or other tobacco
26 product, or any product regulated as a drug or device by the United
27 States Food and Drug Administration under Chapter V of the federal

1 Food, Drug, and Cosmetic Act.

2 Sec. 18. Section 28-1419, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 28-1419 Whoever shall sell, give_l or furnish, in any way,
5 any tobacco in any form whatever, or any cigarettes, ~~ex~~ cigarette
6 paper, vapor products, or alternative nicotine products, to any
7 minor under eighteen years of age, ~~shall be~~ is guilty of a Class
8 III misdemeanor for each offense.

9 Sec. 19. Section 28-1425, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 28-1425 Any licensee who shall sell, give_l or furnish
12 in any way to any person under the age of eighteen years, or
13 who shall willingly allow to be taken from his or her place of
14 business by any person under the age of eighteen years, any cigars,
15 tobacco, cigarettes_l, ~~ex~~ cigarette material, vapor products, or
16 alternative nicotine products is ~~shall be~~ guilty of a Class III
17 misdemeanor. Any officer, director, or manager having charge or
18 control_l, either separately or jointly with others, of the business
19 of any corporation which violates ~~the provisions of sections~~
20 28-1420 to 28-1429 and sections 17 and 22 of this act, if he
21 ~~have~~ or she has knowledge of ~~the same,~~ such violation, shall be
22 subject to the penalties provided in this section. In addition
23 to the penalties provided in this section, such licensee shall be
24 subject to the additional penalty of a revocation and forfeiture
25 of his, her, their, or its license, at the discretion of the court
26 before whom the complaint for violation of ~~said~~ such sections may
27 be heard. If such license ~~be~~ is revoked and forfeited, all rights

1 under such license shall at once cease and terminate.

2 Sec. 20. Section 28-1427, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 28-1427 Any person under the age of eighteen years who
5 shall obtain cigars, tobacco, cigarettes, ~~or~~ cigarette material,
6 vapor products, or alternative nicotine products from a licensee
7 ~~hereunder~~ by representing that he or she is of the age of eighteen
8 years or over, ~~shall be~~ is guilty of a Class V misdemeanor.

9 Sec. 21. Section 28-1429.02, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 28-1429.02 (1) Except as provided in subsection (2) of
12 this section, it shall be unlawful to dispense cigarettes, ~~or~~ other
13 tobacco products, vapor products, or alternative nicotine products
14 from a vending machine or similar device. Any person violating this
15 section ~~shall be~~ is guilty of a Class III misdemeanor. In addition,
16 upon conviction for a second offense, the court shall order a
17 six-month suspension of the offender's license to sell tobacco,
18 if any, and, upon conviction for a third or subsequent offense,
19 the court shall order the permanent revocation of the offender's
20 license to sell tobacco, if any.

21 (2) Cigarettes, ~~or~~ other tobacco products, vapor
22 products, or alternative nicotine products may be dispensed from
23 a vending machine or similar device when such machine or device
24 is located in an area, office, business, plant, or factory which
25 is not open to the general public or on the licensed premises of
26 any establishment having a license issued under the Nebraska Liquor
27 Control Act for the sale of alcoholic liquor for consumption on the

1 premises when such machine or device is located in the same room in
2 which the alcoholic liquor is dispensed.

3 (3) Nothing in this section shall be construed to
4 restrict or prohibit a governing body of a city or village
5 from establishing and enforcing ordinances at least as stringent as
6 or more stringent than the provisions of this section.

7 Sec. 22. (1) Except as provided in subsection (2) of this
8 section and section 28-1429.02, it shall be unlawful to sell or
9 distribute cigarettes, cigars, vapor products, alternative nicotine
10 products, or tobacco in any form whatever through a self-service
11 display. Any person violating this section is guilty of a Class
12 III misdemeanor. In addition, upon conviction for a second or
13 subsequent offense within a twelve-month period, the court shall
14 order a six-month suspension of the license issued under section
15 28-1421.

16 (2) Cigarettes, cigars, vapor products, alternative
17 nicotine products, or tobacco in any form whatever may be sold or
18 distributed in a self-service display that is located in a tobacco
19 specialty store or cigar bar as defined in section 53-103.08.

20 Sec. 23. Section 53-122, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 53-122 ~~(1)~~ The commission may issue licenses for the sale
23 of alcoholic liquor, except beer, by the drink subject to all the
24 terms and conditions of the Nebraska Liquor Control Act in all
25 cities and villages in this state, except in those cases when it
26 affirmatively appears that the issuance will render null and void
27 prior conveyances of land to such city or village for public uses

1 and purposes by purchase, gift, or devise, under the conditions and
2 in the manner provided in this section.

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

17 ~~(3) The question of licensing the sale of alcoholic~~
18 ~~liquor either by the drink or in the original package, or both~~
19 ~~by the drink and in the original package, may also be submitted~~
20 ~~at any general municipal election, except as otherwise provided in~~
21 ~~section 53-121, in any city or village in this state subject to the~~
22 ~~following:~~

23 ~~(a) Upon the filing with the clerk of the city or village~~
24 ~~of a petition signed by registered voters of the city or village~~
25 ~~in a number equal to twenty percent of the votes cast at the last~~
26 ~~general election held in the city or village, such proposition or~~
27 ~~propositions shall be submitted;~~

1 (b) Each petition shall conform to the requirements of
2 section 32-628;

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

6 (d) No signature on the petition shall be valid unless
7 appended to the petition within the last ninety days prior to the
8 date of filing the petition with the clerk of the city or village;
9 and

10 (e) The petition shall be filed thirty days prior to the
11 day of the general municipal election at which the proposition is
12 to be submitted, and during such thirty-day period no signature
13 shall be withdrawn and no signature shall be added.

14 (4) Any person who signs any proposal or petition
15 contemplated under this section knowing that he or she is not
16 a registered voter in the place where such proposal or petition is
17 made, who signs any name other than his or her own to such proposal
18 or petition, or who aids or abets any other person in doing any of
19 the acts mentioned is guilty of a Class I misdemeanor. Any person
20 who bribes or gives or pays any money or thing of value to any
21 person directly or indirectly to induce him or her to sign such
22 proposal or petition, who accepts money for signing such proposal
23 or petition, or who aids or abets any other person in doing any of
24 such acts is guilty of a Class IV felony.

25 (5) Upon the ballot either at the special election or
26 at any general municipal election, the proposition or propositions
27 shall be stated as follows:

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

3 For license to sell by drink.

4 Against license to sell by drink.

5 Shall the sale of alcoholic liquor, except beer, by the
6 package be licensed in (here insert the name of the city or
7 village)?

8 For license to sell by the package.

9 Against license to sell by the package.

10 The provisions of the Election Act relating to election
11 officers, voting places, election apparatus and blanks, preparation
12 and form of ballots, information to voters, delivery of ballots,
13 calling of elections, conduct of elections, manner of voting,
14 counting of votes, records and certificates of elections, and
15 recounts of votes, so far as applicable, shall apply to voting on
16 the proposition or propositions under the Nebraska Liquor Control
17 Act, and a majority vote of those voting on the question shall be
18 mandatory upon the commission.

19 (6) If the question is to be submitted at a statewide
20 primary or general election, the petitions shall be filed with the
21 clerk of the city or village not less than sixty days prior to
22 the election. The provisions for the required number of signers and
23 the form of petition shall be the same as for a special election.
24 The clerk of the city or village shall verify the signatures on
25 the petitions with the voter registration records in the office
26 of the county clerk or election commissioner. During the ten-day
27 period while the petitions are being checked, no signatures shall

1 ~~be withdrawn and no signatures shall be added.~~

2 If the clerk of the city or village finds the petitions
3 to be valid, he or she shall, not less than fifty days prior to
4 the statewide primary or general election, give notice in writing
5 to the county clerk or election commissioner that the question is
6 to be submitted at the time of the statewide primary or general
7 election. The election notices, issuing of the official ballots on
8 election day, issuing of the ballots for early voting, and counting
9 and canvassing of the ballots shall be conducted by the county
10 clerk or election commissioner as provided in the Election Act and
11 the official results certified to the clerk of the city or village.

12 ~~(7) An election may not be held in the same city or~~
13 ~~village under this section more often than once every twenty-three~~
14 ~~months. A Class I retail license under subdivision (6)(a)(v) of~~
15 ~~section 53-124 is not subject to this section.~~

16 Sec. 24. Section 53-179, Revised Statutes Cumulative
17 Supplement, 2012, is amended to read:

18 53-179 (1) No alcoholic liquor, including beer, shall be
19 sold at retail or dispensed on any day between the hours of 1 a.m.
20 and 6 a.m., except that the local governing body of any city or
21 village with respect to area inside the corporate limits of such
22 city or village, or the county board with respect to area outside
23 the corporate limits of any city or village, may by ordinance or
24 resolution (a) require closing prior to 1 a.m. on any day, ~~or~~
25 (b) if adopted by a vote of at least two-thirds of the members
26 of such local governing body or county board, permit retail sale
27 or dispensing of alcoholic liquor for consumption on the premises,

1 excluding sales for consumption off the premises, later than 1
2 a.m. and prior to 2 a.m. on any day, (c) if adopted by a vote
3 of at least two-thirds of the members of such local governing
4 body or county board, permit retail sale of alcoholic liquor for
5 consumption off the premises later than 1 a.m. and prior to 2 a.m.
6 on any day, or (d) if adopted by a vote of at least two-thirds of
7 the members of such local governing body or county board, permit
8 retail sale or dispensing of alcoholic liquor for consumption on
9 the premises, excluding sales for consumption off the premises,
10 and permit retail sale of alcoholic liquor for consumption off the
11 premises later than 1 a.m. and prior to 2 a.m. on any day.

12 (2) Except as provided for and allowed by ordinance of a
13 local governing body applicable to area inside the corporate limits
14 of a city or village or by resolution of a county board applicable
15 to area inside such county and outside the corporate limits of
16 any city or village, no alcoholic liquor, including beer, shall
17 be sold at retail or dispensed between the hours of 6 a.m. Sunday
18 and 1 a.m. Monday. This subsection shall not apply after 12 noon
19 on Sunday to a licensee which is a nonprofit corporation and the
20 holder of a Class C license or a Class I license.

21 (3) It shall be unlawful on property licensed to sell
22 alcoholic liquor at retail to allow alcoholic liquor in open
23 containers to remain or be in possession or control of any person
24 for purposes of consumption between the hours of fifteen minutes
25 after the closing hour applicable to the licensed premises and 6
26 a.m. on any day.

27 (4) Nothing in this section shall prohibit licensed

1 premises from being open for other business on days and hours
2 during which the sale or dispensing of alcoholic liquor is
3 prohibited by this section.

4 Sec. 25. Section 53-183, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 53-183 (1) No person shall sell or furnish alcoholic
7 liquor at retail to any person on credit, on a passbook, on an
8 order on a store, in exchange for any goods, wares, or merchandise,
9 or in payment for any services rendered, and if any person extends
10 credit for any such purpose, the debt thereby attempted to be
11 created shall not be recoverable at law.

12 (2) Nothing in this section shall prevent:

13 (a) Any club holding a Class C license from permitting
14 checks or statements for alcoholic liquor to be signed by members
15 or bona fide guests of members and charged to the account of such
16 members or guests in accordance with the bylaws of such club;

17 (b) Any hotel or restaurant holding a retail license from
18 permitting checks or statements for liquor to be signed by regular
19 guests residing at such hotel or eating at such restaurant and
20 charged to the accounts of such guests; or

21 (c) Any licensed retailer engaged in the sale of wine
22 or distilled spirits from issuing ~~wine-tasting~~ tasting cards to
23 customers.

24 Sec. 26. Section 53-190, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 53-190 All places where alcoholic liquor is sold or
27 consumed in violation of any provision of section 53-186.01 ~~or~~

1 ~~sections 53-188 and 53-189~~, shall be taken and held and are
2 declared to be common nuisances~~7~~ and may be abated as such in the
3 manner ~~hereinafter~~ provided in the Nebraska Liquor Control Act.

4 Sec. 27. Section 59-1523, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 59-1523 (1) The cigarette tax division of the Tax
7 Commissioner may, after notice and hearing, revoke or suspend
8 for any violation of section 59-1520 the license or licenses of any
9 person licensed under sections 28-1418 to ~~28-1429~~ 28-1429.02 and
10 sections 17 and 22 of this act or sections 77-2601 to 77-2622.

11 (2) Cigarettes that are acquired, held, owned, possessed,
12 transported, sold, or distributed in or imported into this state in
13 violation of section 59-1520 are declared to be contraband goods
14 and are subject to seizure and forfeiture. Any cigarettes so seized
15 and forfeited shall be destroyed. Such cigarettes shall be declared
16 to be contraband goods whether the violation of section 59-1520 is
17 knowing or otherwise.

18 Sec. 28. If any section in this act or any part of any
19 section is declared invalid or unconstitutional, the declaration
20 shall not affect the validity or constitutionality of the remaining
21 portions.

22 Sec. 29. Original sections 12-501, 12-502, 12-512.01,
23 12-512.02, 12-512.04, 12-512.05, 12-516, 12-518, 12-808, 17-934,
24 17-944, 28-1418, 28-1419, 28-1425, 28-1427, 28-1429.02, 53-122,
25 and 53-190, Reissue Revised Statutes of Nebraska, sections 53-179,
26 53-183, and 59-1523, Revised Statutes Cumulative Supplement,
27 2012, and section 28-101, Revised Statutes Supplement, 2013, are

1 repealed.

2 Sec. 30. The following sections are outright repealed:
3 Sections 53-121, 53-188, 53-189, and 53-191, Reissue Revised
4 Statutes of Nebraska.

5 Sec. 31. Since an emergency exists, this act takes effect
6 when passed and approved according to law.

7 2. On page 1, strike beginning with "the" in line
8 1 through line 7 and insert "public protection, health, and
9 safety; to amend sections 12-501, 12-502, 12-512.01, 12-512.02,
10 12-512.04, 12-512.05, 12-516, 12-518, 12-808, 17-934, 17-944,
11 28-1418, 28-1419, 28-1425, 28-1427, 28-1429.02, 53-122, and 53-190,
12 Reissue Revised Statutes of Nebraska, sections 53-179, 53-183, and
13 59-1523, Revised Statutes Cumulative Supplement, 2012, and section
14 28-101, Revised Statutes Supplement, 2013; to change provisions
15 relating to cemeteries and the formation of, operation of, and
16 transfer of management functions to cemetery associations or
17 cemetery districts; to prohibit the use by minors and sale
18 to minors of vapor products and alternative nicotine products;
19 to prohibit the sale of certain tobacco, vapor, and nicotine
20 products through a vending machine or self-service display as
21 prescribed; to provide penalties; to change and eliminate certain
22 election provisions under the Nebraska Liquor Control Act and
23 provisions relating to alcohol sales; to harmonize provisions; to
24 provide severability; to repeal the original sections; to outright
25 repeal sections 53-121, 53-188, 53-189, and 53-191, Reissue Revised
26 Statutes of Nebraska; and to declare an emergency."