

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1109

Introduced by Murman, 38.

Read first time January 19, 2022

Committee: General Affairs

- 1 A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
- 2 sections 53-101 and 53-125, Reissue Revised Statutes of Nebraska; to
- 3 provide for the issuance of a liquor license to the spouse of a law
- 4 enforcement officer as prescribed; to harmonize provisions; and to
- 5 repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-101, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 53-101 Sections 53-101 to 53-1,122 and section 2 of this act shall
4 be known and may be cited as the Nebraska Liquor Control Act.

5 Sec. 2. A liquor license to sell alcoholic liquor at retail for
6 consumption on the premises may be issued to the spouse of a law
7 enforcement officer for a business and such law enforcement officer may
8 participate in the day-to-day operations of such business.

9 Sec. 3. Section 53-125, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 53-125 No license of any kind shall be issued to (1) a person who is
12 not a resident of Nebraska, except in case of railroad, airline, boat, or
13 special party bus licenses, (2) a person who is not of good character and
14 reputation in the community in which he or she resides, (3) a person who
15 is not a Nebraska resident and legally able to work in Nebraska, (4) a
16 person who has been convicted of or has pleaded guilty to a felony under
17 the laws of this state, any other state, or the United States, (5) a
18 person who has been convicted of or has pleaded guilty to any Class I
19 misdemeanor pursuant to Chapter 28, article 3, 4, 7, 8, 10, 11, or 12, or
20 any similar offense under a prior criminal statute or in another state,
21 except that any additional requirements imposed by this subdivision on
22 May 18, 1983, shall not prevent any person holding a license on such date
23 from retaining or renewing such license if the conviction or plea
24 occurred prior to May 18, 1983, (6) a person whose license issued under
25 the Nebraska Liquor Control Act has been revoked for cause, (7) a person
26 who at the time of application for renewal of any license issued under
27 the act would not be eligible for such license upon initial application,
28 (8) a partnership, unless one of the partners is a resident of Nebraska
29 and unless all the members of such partnership are otherwise qualified to
30 obtain a license, (9) a limited liability company, if any officer or
31 director of the limited liability company or any member having an

1 ownership interest in the aggregate of more than twenty-five percent of
2 such company would be ineligible to receive a license under this section
3 for any reason other than the reasons stated in subdivisions (1) and (3)
4 of this section, or if a manager of a limited liability company licensee
5 would be ineligible to receive a license under this section for any
6 reason, (10) a corporation, if any officer or director of the corporation
7 or any stockholder owning in the aggregate more than twenty-five percent
8 of the stock of such corporation would be ineligible to receive a license
9 under this section for any reason other than the reasons stated in
10 subdivisions (1) and (3) of this section, or if a manager of a corporate
11 licensee would be ineligible to receive a license under this section for
12 any reason. This subdivision shall not apply to railroad licenses, (11) a
13 person whose place of business is conducted by a manager or agent unless
14 such manager or agent possesses the same qualifications required of the
15 licensee, (12) a person who does not own the premises for which a license
16 is sought or does not have a lease or combination of leases on such
17 premises for the full period for which the license is to be issued, (13)
18 except as provided in this subdivision, an applicant whose spouse is
19 ineligible under this section to receive and hold a liquor license. Such
20 applicant shall become eligible for a liquor license only if the
21 commission finds from the evidence that the public interest will not be
22 infringed upon if such license is granted. It shall be prima facie
23 evidence that when a spouse is ineligible to receive a liquor license the
24 applicant is also ineligible to receive a liquor license. Such prima
25 facie evidence shall be overcome if it is shown to the satisfaction of
26 the commission (a) that the licensed business will be the sole property
27 of the applicant and (b) that such licensed premises will be properly
28 operated. This subdivision (13) does not apply to the spouse of a law
29 enforcement officer as provided in section 2 of this act, (14) a person
30 seeking a license for premises which do not meet standards for fire
31 safety as established by the State Fire Marshal, (15) a law enforcement

1 officer, except that this subdivision shall not prohibit a law
2 enforcement officer from holding membership in any nonprofit organization
3 holding a liquor license or from participating in any manner in the
4 management or administration of a nonprofit organization, or (16) a
5 person less than twenty-one years of age.

6 When a trustee is the licensee, the beneficiary or beneficiaries of
7 the trust shall comply with the requirements of this section, but nothing
8 in this section shall prohibit any such beneficiary from being a minor or
9 a person who is mentally incompetent.

10 Sec. 4. Original sections 53-101 and 53-125, Reissue Revised
11 Statutes of Nebraska, are repealed.