LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 863

Final Reading

(Second)

Introduced by Karpisek, 32.

Read first time January 13, 2014

Committee: General Affairs

A BILL

FOR AN ACT relating to public protection, health, and safety; to amend sections 12-501, 12-502, 12-512.01, 12-512.02, 12-512.04, 12-512.05, 12-516, 12-518, 12-808, 17-934, 17-944, 28-1418, 28-1419, 28-1425, 28-1427, 28-1429.02, 53-122, and 53-190, Reissue Revised Statutes of Nebraska, sections 53-179, 53-183, 59-1523, and 81-2104, Revised Statutes Cumulative Supplement, 2012, and section 28-101, Revised Statutes Supplement, 2013; to change provisions relating to cemeteries and the formation of, operation of, and transfer of management functions to cemetery associations or cemetery districts; to prohibit the use by minors and sale to minors of vapor products and alternative nicotine products; to prohibit the sale of certain tobacco, vapor, and nicotine products through a vending machine or self-service display as prescribed; to

1 Section 1. (1) A cemetery association which takes over
2 the management and operation of a cemetery pursuant to section 12 of
3 this act shall, within one year after taking over, prepare a map of
4 the cemetery and make a good faith effort to identify the remains
5 buried in the cemetery according to the headstones and the owner of
6 all lots. The cemetery association shall file the map and identifying
7 information and a record of all business conducted by the cemetery
8 association in the prior calendar year with the county clerk at the
9 time it files the audit, compilation, or statement of accounts under
10 subsection (2) of this section.
11 (2)(a) On June 30 of each year, the individual trustees
12 or 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 one hundred thousand dollars or more
15 on such date shall have an audit of the perpetual care trust fund
16 made by a certified public accountant. The report of such audit by
17 the auditor shall be filed within thirty days after June 30 of such
18 year with the county clerk of the county in which the cemetery is
19 located. The expense of the audit and the filing fee of the report
20 shall be paid by the cemetery association.
21 (b) On June 30 of each year, the individual trustees or
22 corporate trustee, as the case may be, of a perpetual care trust fund
23 for a cemetery association described in subsection (1) of this
24 section which has a balance of more than ten thousand dollars and
25 less than one hundred thousand dollars on such date shall have a

compilation of the perpetual care trust fund made by a certified public accountant. The report of such compilation by the certified public accountant shall be filed within thirty days after June 30 of such year with the county clerk of the county in which the cemetery is located. The expense of the compilation and the filing fee of the report shall be paid by the cemetery association.

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

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

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

12-501 (1) For purposes of sections 12-501 to 12-530 and sections 1 and 2 of this act, cemetery association means an association formed under such sections.

(2) Every cemetery, ~~hereafter established,~~ other than

those owned, operated, and maintained by the state, by towns, villages, and cities, by churches, by public charitable corporations, by cemetery districts, and by fraternal and benevolent societies, shall be owned, conducted, and managed by cemetery associations organized and incorporated as ~~hereinafter~~ provided in sections 12-501 to 12-530 and sections 1 and 2 of this act except as specifically provided in section 12-530 and section 12 of this act.

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

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

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

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

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

12-512.01 Every cemetery association ~~organized after September 14, 1953, under the provisions of Chapter 12, article 5,~~ shall provide for and select trustees, other than officers or members of the association, who shall be selected, as provided for in section

12-512.03, to invest, safeguard, and look after certain funds of the association, including the sums provided for by section 12-512.02 and any other money acquired for the purposes of such fund, in a perpetual care trust fund, the income therefrom to be used for the perpetual care of the cemetery by the association.

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

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

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

12-512.04 On June 30 of each year, the individual

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

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

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

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

12-516 ~~Whenever~~ If the trustees of any cemetery association ~~organized under sections 12-501 to 12-505 shall~~ receive the gift of any property, real or personal, in their own name, in trust, for the perpetual care of ~~said~~ the cemetery, or anything connected therewith, ~~said~~ the trustees shall, upon the enactment of bylaws to that effect by the association, give a bond to ~~said~~ the

association of at least one thousand dollars, conditioned for the faithful administration of ~~said~~ the trust and care of ~~said~~ the funds and property. ~~Said~~ The bond shall be filed with~~,~~ and approved by the county clerk of the county ~~wherein said~~ in which the association is located, and the clerk shall be paid the same fee for approving and filing ~~said~~ the bond as ~~is now~~ fixed by law for approving and filing official bonds. The cost of ~~said~~ the bond shall be paid by ~~said~~ the cemetery association.

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

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

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

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

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

(2) Such cemetery contains the grave or graves of a person or persons who were homesteaders, immigrants from a foreign nation, prairie farmers, pioneers, sodbusters, first generation Nebraskans, or Civil War veterans; and

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

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

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

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

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

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

17-934 In any ~~such~~ city of the second class or village ~~where~~ in which there exists a duly perfected cemetery association~~,~~

~~formed under the provisions of sections 12-501 to 12-529, and in the further event that said~~ as defined in section 12-501, if the cemetery association~~, formed as aforesaid, shall propose~~ proposes to the mayor and council of such city or to the ~~chairman~~ chairperson and board of trustees of such village by means of a resolution duly enacted by such cemetery association, signed by its president and attested by its secretary, signifying the willingness of ~~said~~ the cemetery association to exercise control and management of any cemetery belonging to such city or village, then ~~and in that event, said~~ the mayor and council~~,~~ or ~~said chairman~~ chairperson and board of trustees shall submit at the next regular municipal election the question of the management and control over ~~said~~ the cemetery under the conveyance made by the proper authorities of such city or village. If a majority of the votes cast at such election ~~shall~~ are in favor of the transfer of the management and control of the cemetery belonging to such city or village to the ~~said~~ cemetery association, the management and control of such cemetery shall be relinquished forthwith by the proper authorities of such city or village to ~~said~~ the cemetery association. ~~Where~~ If the real estate of the cemetery of such city or village ~~shall have~~ has been acquired by gift or devise, the relinquishment of the management and control to ~~such~~ the cemetery association shall be subject to the conditions imposed by the donor; and upon acceptance by the president and secretary of ~~such~~ the cemetery association, ~~said~~ the conditions shall be binding upon ~~such~~ the cemetery association.

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

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

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

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

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

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

Sec. 17. For purposes of sections 28-1418 to 28-1429.02

and sections 17 and 22 of this act:

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

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

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

(4) Vapor product means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical

means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include an alternative nicotine product, cigarette, cigar, or other tobacco product, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act.

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

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

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

28-1425 Any licensee who shall sell, give, or furnish in any way to any person under the age of eighteen years, or who shall willingly allow to be taken from his or her place of business by any person under the age of eighteen years, any cigars, tobacco,

cigarettes, ~~or~~ cigarette material, vapor products, or alternative nicotine products is ~~shall be~~ guilty of a Class III misdemeanor. Any officer, director, or manager having charge or control, either separately or jointly with others, of the business of any corporation which violates ~~the provisions of~~ sections 28-1420 to 28-1429 and sections 17 and 22 of this act, if he ~~have~~ or she has knowledge of ~~the same,~~ such violation, shall be subject to the penalties provided in this section. In addition to the penalties provided in this section, such licensee shall be subject to the additional penalty of a revocation and forfeiture of his, her, their, or its license, at the discretion of the court before whom the complaint for violation of ~~said~~ such sections may be heard. If such license ~~be~~ is revoked and forfeited, all rights under such license shall at once cease and terminate.

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

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

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

28-1429.02 (1) Except as provided in subsection (2) of this section, it shall be unlawful to dispense cigarettes, ~~or~~ other

tobacco products, vapor products, or alternative nicotine products from a vending machine or similar device. Any person violating this section ~~shall be~~ is guilty of a Class III misdemeanor. In addition, upon conviction for a second offense, the court shall order a six-month suspension of the offender's license to sell tobacco, if any, and, upon conviction for a third or subsequent offense, the court shall order the permanent revocation of the offender's license to sell tobacco, if any.

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

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

Sec. 22. (1) Except as provided in subsection (2) of this section and section 28-1429.02, it shall be unlawful to sell or distribute cigarettes, cigars, vapor products, alternative nicotine products, or tobacco in any form whatever through a self-service

display. Any person violating this section is guilty of a Class III misdemeanor. In addition, upon conviction for a second or subsequent offense within a twelve-month period, the court shall order a six-month suspension of the license issued under section 28-1421.

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

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

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

~~(2) If (a) a sufficient petition is signed by the registered voters of any such city or village of such number as equals twenty percent of the votes cast at the last general election held in such city or village, which petition requests that the question of licensing the sale of alcoholic liquor, except beer, by the drink in the city or village be submitted to the registered voters of the city or village at a special election to be called for~~

~~that purpose and (b) such petition is presented to the clerk of the city or village, the clerk shall cause to be published one time in a legal newspaper published in or of general circulation in the city or village a notice of a special election to be held not less than ten days nor more than twenty days after the date of such publication. The notice shall state the proposition to be submitted at such special election.~~

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

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

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

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

~~(d) No signature on the petition shall be valid unless appended to the petition within the last ninety days prior to the~~

~~date of filing the petition with the clerk of the city or village, and~~

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

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

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

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

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

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

~~Shall the sale of alcoholic liquor, except beer, by the~~

~~package be licensed in (here insert the name of the city or village)?~~

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

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

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

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

~~If the clerk of the city or village finds the petitions to be valid, he or she shall, not less than fifty days prior to the statewide primary or general election, give notice in writing to the~~

~~county clerk or election commissioner that the question is to be submitted at the time of the statewide primary or general election. The election notices, issuing of the official ballots on election day, issuing of the ballots for early voting, and counting and canvassing of the ballots shall be conducted by the county clerk or election commissioner as provided in the Election Act and the official results certified to the clerk of the city or village.~~

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

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

53-179 (1) No alcoholic liquor, including beer, shall be sold at retail or dispensed on any day between the hours of 1 a.m. and 6 a.m., except that the local governing body of any city or village with respect to area inside the corporate limits of such city or village, or the county board with respect to area outside the corporate limits of any city or village, may by ordinance or resolution (a) require closing prior to 1 a.m. on any day, ~~or~~ (b) if adopted by a vote of at least two-thirds of the members of such local governing body or county board, permit retail sale or dispensing of alcoholic liquor for consumption on the premises, excluding sales for consumption off the premises, later than 1 a.m. and prior to 2 a.m. on any day, (c) if adopted by a vote of at least two-thirds of the

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

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

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

25 (4) Nothing in this section shall prohibit licensed

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

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

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

(2) Nothing in this section shall prevent:

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

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

(c) Any licensed retailer engaged in the sale of wine <u>or distilled spirits</u> from issuing ~~wine tasting~~ <u>tasting</u> cards to customers.

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

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

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

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

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

Sec. 28. Section 81-2104, Revised Statutes Cumulative Supplement, 2012, is amended to read:

81-2104 The board shall have power to:

(1) Elect its own officers;

(2) Engage and fix the compensation of such officers, inspectors, and employees as may be required in the performance of

its duties;

(3) Pay such other expenses as may be necessary in the performance of its duties;

(4) Provide upon request such additional voluntary inspections and reviews as it deems appropriate;

(5) Adopt, promulgate, and revise rules and regulations necessary to enable it to carry into effect the State Electrical Act. In adopting and promulgating such rules and regulations, the board shall be governed by the minimum standards set forth in the National Electrical Code issued and adopted by the National Fire Protection Association in ~~2011,~~ 2014, Publication Number ~~70-2011,~~ 70-2014, which code shall be filed in the offices of the Secretary of State and the board and shall be a public record. The board shall adopt and promulgate rules and regulations establishing wiring standards that protect public safety and health and property and that apply to all electrical wiring which is installed subject to the State Electrical Act;

(6) Revoke, suspend, or refuse to renew any license or registration granted pursuant to the State Electrical Act when the licensee or registrant (a) violates any provision of the National Electrical Code as adopted pursuant to subdivision (5) of this section, the act, or any rule or regulation adopted and promulgated pursuant to the act, (b) fails or refuses to pay any examination, registration, or license renewal fee required by law, (c) is an electrical contractor or master electrician and fails or refuses to

provide and keep in force a public liability insurance policy as required by the board, or (d) violates any political subdivision's approved inspection ordinances;

(7) Order disconnection of power to any electrical installation that is proximately dangerous to health and property;

(8) Order removal of electrical wiring and apparatus from premises when such wiring and apparatus is proximately dangerous to health and property;

(9) Investigate, for the purpose of identifying dangerous electrical wiring or violations of the National Electrical Code as adopted pursuant to subdivision (5) of this section, any death by electrocution that occurs within the State of Nebraska;

(10) Refuse to renew any license granted pursuant to the act when the licensee fails to submit evidence of completing the continuing education requirements under section 81-2117.01;

(11) Provide for the amount and collection of fees for inspection and other services;

(12) Adopt a seal, and the executive secretary shall have the care and custody thereof; and

(13) Enforce the provisions of the National Electrical Code as adopted pursuant to subdivision (5) of this section.

Sec. 29. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.