

AMENDMENTS TO LB 407

Introduced by General Affairs

1 1. Insert the following new sections:

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

4 53-101 Sections 53-101 to 53-1,122 and section 8 of this
5 act shall be known and may be cited as the Nebraska Liquor Control
6 Act.

7 Sec. 2. Section 53-110, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 53-110 (1) No person shall be appointed as a
10 commissioner, the executive director of the commission, or an
11 employee of the commission who is not a citizen of the United
12 States and who has not resided within the State of Nebraska
13 successively for two years next preceding the date of his or her
14 appointment.

15 (2) No person ~~(1)~~ (a) convicted of or who has pleaded
16 guilty to a felony or any violation of any federal or state law
17 concerning the manufacture or sale of alcoholic liquor prior or
18 subsequent to the passage of the Nebraska Liquor Control Act, ~~(2)~~
19 (b) who has paid a fine or penalty in settlement of any prosecution
20 against him or her for any violation of such laws, or ~~(3)~~ (c) who
21 has forfeited his or her bond to appear in court to answer charges
22 for any such violation shall be appointed commissioner.

23 (3) (a) Except as otherwise provided in subdivision (b) of

1 this subsection, no ~~Ne~~ commissioner or employee of the commission
2 may, directly or indirectly, individually, as a member of a
3 partnership, as a member of a limited liability company, or as
4 a shareholder of a corporation, have any interest whatsoever
5 in the manufacture, sale, or distribution of alcoholic liquor,
6 receive any compensation or profit from such manufacture, sale, or
7 distribution, or have any interest whatsoever in the purchases or
8 sales made by the persons authorized by the act to purchase or to
9 sell alcoholic liquor.

10 (b) With the written approval of the executive director,
11 an employee of the commission, other than the executive director
12 or a division manager, may accept part-time or seasonal employment
13 with a person licensed or regulated by the commission. No such
14 employment shall be approved if the licensee receives more than
15 fifty percent of the licensee's gross revenue from the sale or
16 dispensing of alcoholic liquor.

17 (4) This section shall not prevent any commissioner, the
18 executive director, or any employee from purchasing and keeping in
19 his or her possession for the use of himself, herself, or members
20 of his or her family or guests any alcoholic liquor which may be
21 purchased or kept by any person pursuant to the act.

22 Sec. 7. Section 53-177, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 53-177 (1) Except as otherwise provided in subsection
25 (2) of this section, no license shall be issued for the sale
26 at retail of any alcoholic liquor within one hundred fifty feet
27 of any church, school, hospital, or home for aged or indigent

1 persons or for veterans, their wives or children. This prohibition
2 does not apply (a) to any location within such distance of
3 one hundred fifty feet for which a license to sell alcoholic
4 liquor at retail has been granted by the ~~Nebraska Liquor Control~~
5 ~~Commission~~ commission for two years continuously prior to making
6 of application for license, and (b) to hotels offering restaurant
7 service, to regularly organized clubs, or to restaurants, food
8 shops, or other places where sale of alcoholic liquor is not
9 the principal business carried on, if such place of business so
10 exempted was established for such purposes prior to May 24, 1935, or
11 (c) to a college or university in the state which is subject to
12 section 2 of this act.

13 (2) If a proposed location for the sale at retail of
14 any alcoholic liquor is within one hundred fifty feet of any
15 church, a license may be issued if the commission gives notice to
16 the affected church and holds a hearing as prescribed in section
17 53-133.

18 ~~(3) No alcoholic liquor, other than beer, shall be sold~~
19 ~~for consumption on the premises within three hundred feet from the~~
20 ~~campus of any college or university in the state, except that this~~
21 ~~section:~~

22 ~~(a) Does not prohibit a nonpublic college or university~~
23 ~~from contracting with an individual or corporation holding a~~
24 ~~license to sell alcoholic liquor at retail for the purpose of~~
25 ~~selling alcoholic liquor at retail on the campus of such college~~
26 ~~or university at events sanctioned by such college or university~~
27 ~~but does prohibit the sale of alcoholic liquor at retail by such~~

1 licensee on the campus of such nonpublic college or university at
2 student activities or events; and

3 ~~(b) Does not prohibit sales of alcoholic liquor by a
4 community college culinary education program pursuant to section
5 53-124.15.~~

6 Sec. 8. (1) No alcoholic liquor shall be sold for
7 consumption on the premises within three hundred feet from the
8 campus of any college or university in the state, except that this
9 section:

10 (a) Does not prohibit a nonpublic college or university
11 from contracting with an individual or corporation holding a
12 license to sell alcoholic liquor at retail for the purpose of
13 selling alcoholic liquor at retail on the campus of such college
14 or university at events sanctioned by such college or university
15 but does prohibit the sale of alcoholic liquor at retail by such
16 licensee on the campus of such nonpublic college or university at
17 student activities or events; and

18 (b) Does not prohibit sales of alcoholic liquor by a
19 community college culinary education program pursuant to section
20 53-124.15.

21 (2) Except as otherwise provided in subsection (4) of
22 this section, the commission may waive the three-hundred-foot
23 restriction in subsection (1) of this section taking into
24 consideration one or more of the following:

25 (a) The impact of retail sales of alcoholic liquor for
26 consumption on the premises on the academic mission of the college
27 or university;

1 (b) The impact on students and prospective students if
2 such sales were permitted on or near campus;

3 (c) The impact on economic development opportunities
4 located within or in proximity to the campus; and

5 (d) The waiver would likely reduce the number of
6 applications for special designated licenses requested by the
7 college or university or its designee.

8 (3) To apply for a waiver under this section, the
9 applicant shall submit a written application to the commission. The
10 commission shall notify the governing body of the affected college
11 or university when the commission receives an application for a
12 waiver. The application shall include:

13 (a) The address of the location for which the waiver is
14 requested;

15 (b) The name and type of business for which the waiver is
16 requested; and

17 (c) A description of the justification for the waiver
18 explaining how the proposed location complies with the findings
19 prescribed in subsection (2) of this section.

20 (4) The commission shall not waive the three-hundred-foot
21 restriction in subsection (1) of this section without written
22 approval from the governing body of the college or university or
23 its designee if the physical location of the property which is
24 the subject of the requested waiver is (a) surrounded by property
25 owned by the college or university including any public or private
26 easement, street, or right-of-way adjacent to the property owned
27 by the college or university or (b) adjacent to property on two

1 or more sides owned by the college or university including any
2 public or private easement, street, or right-of-way adjacent to the
3 property owned by the college or university.

4 2. On page 8, line 10, after "sections" insert "53-101,
5 53-110,"; and in line 11 strike "and 53-133" and insert "53-133,
6 and 53-177".

7 3. Renumber the remaining sections accordingly.