

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 591

Introduced by Briese, 41.

Read first time January 23, 2019

Committee: General Affairs

- 1 A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
- 2 sections 53-101 and 53-103, Revised Statutes Cumulative Supplement,
- 3 2018; to define a term; to provide for alcohol impact zones; to
- 4 provide duties for the Nebraska Liquor Control Commission; to
- 5 harmonize provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

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

5 Sec. 2. Section 53-103, Revised Statutes Cumulative Supplement,
6 2018, is amended to read:

7 53-103 For purposes of the Nebraska Liquor Control Act, the
8 definitions found in sections 53-103.01 to 53-103.47 and section 3 of
9 this act apply.

10 Sec. 3. Alcohol impact zone means a geographic area that is located
11 within a city, a village, or the unincorporated area of a county and that
12 is adversely affected by chronic public inebriation or illegal activity
13 associated with sales or consumption of alcoholic liquor.

14 Sec. 4. (1)(a) A city council, village board of trustees, or county
15 board may apply to the commission for the creation of an alcohol impact
16 zone.

17 (b) The application shall include:

18 (i) A description of the issue which is the basis for the request to
19 create an alcohol impact zone as well as a geographical description of
20 the area of the city, village, or unincorporated area of the county to be
21 included in the zone, which area shall be as narrowly defined as possible
22 in order to address the issue described in the application; and

23 (ii) Evidence that demonstrates a need for an alcohol impact zone
24 and how chronic public inebriation or illegal activity associated with
25 liquor sales or consumption within a proposed alcohol impact zone:

26 (A) Contributes to the deterioration of the general quality of life
27 within the proposed alcohol impact zone;

28 (B) Threatens the welfare, health, peace, or safety of visitors or
29 occupants of the proposed alcohol impact zone; and

30 (C) Demonstrates a pervasive pattern of public intoxication or
31 public consumption of liquor.

1 (c) The commission may require additional information from the
2 applicant, licensees in the area described in the application, or other
3 interested parties.

4 (d) The commission shall hold a public hearing on the application
5 before deciding whether or not to create the alcohol impact zone
6 described in the application.

7 (2) The commission may place special conditions or restrictions on a
8 licensee under the Nebraska Liquor Control Act having an establishment or
9 otherwise conducting business within an alcohol impact zone to discourage
10 chronic public inebriation or illegal activity associated with sales or
11 consumption of alcoholic liquor. Such conditions or restrictions imposed
12 shall be reasonably linked to the problems associated with the described
13 chronic public inebriation or illegal activity.

14 (3)(a) One year after the creation of the alcohol impact zone and
15 every five years thereafter, the requesting city council, village board
16 of trustees, or county board shall submit a report to the commission that
17 clearly demonstrates the intended effectiveness of the conditions or
18 restrictions on the alcohol impact zone. The report is due no later than
19 sixty calendar days following the first anniversary after the creation of
20 the alcohol impact zone. The report shall include similar information and
21 statistics as were originally used to request the alcohol impact zone.
22 The commission shall then conduct an assessment of the alcohol impact
23 zone.

24 (b) The assessment process shall be as follows:

25 (i) Within twenty calendar days after receiving the report, the
26 commission shall notify the affected party or parties of the upcoming
27 assessment, whereupon the affected party or parties shall have twenty
28 calendar days to comment upon the alcohol impact zone; and

29 (ii) The commission shall complete an assessment within sixty
30 calendar days following the close of the comment or petition period.

31 (c) The assessment shall include an analysis of:

1 (i) The same categories of information and statistics that were
2 originally used to request the alcohol impact zone; and

3 (ii) Comments or petitions submitted by the affected party or
4 parties.

5 (d) The assessment may then be considered by the commission for
6 maintaining, modifying, or revoking the creation of the alcohol impact
7 zone.

8 (4)(a) The commission may modify the conditions or restrictions on
9 an alcohol impact zone on its own initiative or as a response to a
10 petition filed by an affected party or the city council, village board of
11 trustees, or county board that applied for creation of the alcohol impact
12 zone. The commission shall hold a public hearing on the modification of
13 conditions or restrictions.

14 (b) An alcohol impact zone shall remain in effect until the
15 commission repeals the creation of the alcohol impact zone:

16 (i) On its own initiative, following a public hearing and a finding
17 that the alcohol impact zone is no longer necessary; or

18 (ii) After a city council, village board of trustees, or county
19 board requests that the commission revoke the creation of an alcohol
20 impact zone following a public hearing and a finding that the alcohol
21 impact zone is no longer necessary.

22 (5) The commission may adopt and promulgate rules and regulations to
23 carry out this section.

24 Sec. 5. Original sections 53-101 and 53-103, Revised Statutes
25 Cumulative Supplement, 2018, are repealed.