

AMENDMENTS TO LB113

Introduced by Dover, 19.

1           1. Insert the following new section:

2           **Sec. 4.** Section 53-123.17, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4           53-123.17 (1) A local governing body may designate an entertainment  
5 district in which a commons area may be used by retail, craft brewery,  
6 and microdistillery licensees and holders of a manufacturer's license  
7 which obtain an entertainment district license. The local governing body  
8 may, at any time, revoke such designation if it finds that the commons  
9 area threatens the health, safety, or welfare of the public or has become  
10 a common nuisance. The local governing body shall file the designation or  
11 the revocation of the designation with the commission.

12           (2) An entertainment district license allows the sale of alcoholic  
13 liquor for consumption on the premises within the confines of a commons  
14 area. The consumption of alcoholic liquor in the commons area shall only  
15 occur during the hours authorized for sale of alcoholic liquor for  
16 consumption on the premises under section 53-179 and while food service  
17 is available in the commons area or is available for sale by at least one  
18 holder of an entertainment district license. Only the holder of an  
19 entertainment district license or employees of such licensee may sell or  
20 dispense alcoholic liquor in the commons area.

21           (3) An entertainment district licensee shall serve alcoholic liquor  
22 to be consumed in the commons area in containers that prominently display  
23 ~~displays~~ the licensee's trade name or logo or some other mark that is  
24 unique to the licensee under the licensee's retail license, craft brewery  
25 license, microdistillery license, or manufacturer's license. An  
26 entertainment district licensee may allow alcohol sold by another  
27 entertainment district licensee to enter the licensed premises of either

1 licensee. No entertainment district licensee shall allow alcoholic liquor  
2 to leave the commons area or the premises licensed under its retail  
3 license, craft brewery license, microdistillery license, or  
4 manufacturer's license.

5 (4) If the licensed premises of the holder of a license to sell  
6 alcoholic liquor at retail issued under subsection (6) of section 53-124,  
7 a craft brewery license, a microdistillery license, or a manufacturer's  
8 license is adjacent to a commons area in an entertainment district  
9 designated by a local governing body pursuant to this section, the holder  
10 of the license may obtain an annual entertainment district license as  
11 prescribed in this section. The entertainment district license shall be  
12 issued for the same period and may be renewed in the same manner as the  
13 retail license, craft brewery license, microdistillery license, or  
14 manufacturer's license.

15 (5) In order to obtain an entertainment district license, a person  
16 eligible under subsection (4) of this section shall:

17 (a) File an application with the commission upon such forms as the  
18 commission prescribes; and

19 (b) Pay an additional license fee of three hundred dollars for the  
20 privilege of serving alcohol in the entertainment district payable to the  
21 clerk of the local governing body in the same manner as license fees  
22 under subdivision (4) of section 53-134.

23 (6) When an application for an entertainment district license is  
24 filed, the commission shall notify the clerk of the local governing body.  
25 The commission shall include with such notice one copy of the application  
26 by mail or electronic delivery. The local governing body and the  
27 commission shall process the application in the same manner as provided  
28 in section 53-132.

29 (7) The local governing body may impose an occupation tax on the  
30 business of an entertainment district licensee doing business within the  
31 liquor license jurisdiction of the local governing body as provided in

1 subdivision (11)(b) of this section in accordance with section 53-132.

2 (8) The local governing body with respect to entertainment district  
3 licensees within its liquor license jurisdiction as provided in  
4 subdivision (11)(b) of this section may cancel an entertainment district  
5 license for cause for the remainder of the period for which such  
6 entertainment district license is issued. Any person whose entertainment  
7 district license is canceled may appeal to the commission in accordance  
8 with section 53-134.

9 (9) A local governing body may regulate by ordinance, not  
10 inconsistent with the Nebraska Liquor Control Act, any area it designates  
11 as an entertainment district.

12 (10) Violation of any provision of this section or any rules or  
13 regulations adopted and promulgated pursuant to this section by an  
14 entertainment district licensee may be cause to revoke, cancel, or  
15 suspend the retail license issued under subsection (6) of section 53-124,  
16 craft brewery license, microdistillery license, or manufacturer's license  
17 held by such licensee.

18 (11) For purposes of this section:

19 (a)(i) ~~(a)~~ Commons area means an area:

20 (A) ~~(i)~~ Within an entertainment district designated by a local  
21 governing body;

22 (B) ~~(ii)~~ Shared by authorized licensees with entertainment district  
23 licenses;

24 (C) ~~(iii)~~ Abutting the licensed premises of such licensees;

25 (D) With reasonable safety measures in place to protect pedestrians,  
26 including signage, lighting, and reduced motor vehicle speeds when motor  
27 vehicles will be in close proximity to pedestrians ~~(iv) Having limited~~  
28 ~~pedestrian accessibility by use of a physical barrier, either on a~~  
29 ~~permanent or temporary basis; and~~

30 (E) With a prohibition on the carrying of open alcoholic liquor  
31 containers and the consumption of alcoholic liquor on any open street or

- 1 highway except when necessary to cross the same at a designated crosswalk
- 2 ~~(v) Closed to vehicular traffic when used as a commons area.~~
- 3       (ii) Commons area may include any area of a public or private right-
- 4 of-way if the area otherwise meets the requirements of this section; and
- 5       (b) Local governing body means the governing body of the city or
- 6 village in which the entertainment district licensee is located.
- 7       2. Renumber the remaining sections and correct the repealer
- 8 accordingly.