

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 249**

Introduced by Karpisek, 32.

Read first time January 11, 2011

Committee: General Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Liquor Control Act; to amend  
2 sections 53-101 and 53-177, Reissue Revised Statutes of  
3 Nebraska; to provide for a waiver of restrictions on  
4 sales of alcoholic liquor near a campus of a college or  
5 university; to harmonize provisions; and to repeal the  
6 original sections.

7 Be it enacted by the people of the State of Nebraska,

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

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

6           Sec. 2. (1) No alcoholic liquor shall be sold for  
7 consumption on the premises within three hundred feet from the campus  
8 of any college or university in the state, except that this section:

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

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

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

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

1 university;

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

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

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

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

13 The application shall include:

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

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

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

21 (4) The commission shall not waive the three-hundred-foot  
22 restriction in subsection (1) of this section without written  
23 approval from the governing body of the college or university or its  
24 designee if the physical location of the property which is the  
25 subject of the requested waiver is surrounded by property owned by

1 the college or university.

2           Sec. 3. Section 53-177, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           53-177 (1) Except as otherwise provided in subsection (2)  
5 of this section, no license shall be issued for the sale at retail of  
6 any alcoholic liquor within one hundred fifty feet of any church,  
7 school, hospital, or home for aged or indigent persons or for  
8 veterans, their wives or children. This prohibition does not apply  
9 (a) to any location within such distance of one hundred fifty feet  
10 for which a license to sell alcoholic liquor at retail has been  
11 granted by the ~~Nebraska Liquor Control Commission~~ commission for two  
12 years continuously prior to making of application for license, ~~and~~  
13 (b) to hotels offering restaurant service, to regularly organized  
14 clubs, or to restaurants, food shops, or other places where sale of  
15 alcoholic liquor is not the principal business carried on, if such  
16 place of business so exempted was established for such purposes prior  
17 to May 24, 1935, or (c) to a college or university in the state which  
18 is subject to section 2 of this act.

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

23           ~~(3) No alcoholic liquor, other than beer, shall be sold~~  
24 ~~for consumption on the premises within three hundred feet from the~~  
25 ~~campus of any college or university in the state, except that this~~

1 section:

2           (a) ~~Does not prohibit a nonpublic college or university~~  
3 ~~from contracting with an individual or corporation holding a license~~  
4 ~~to sell alcoholic liquor at retail for the purpose of selling~~  
5 ~~alcoholic liquor at retail on the campus of such college or~~  
6 ~~university at events sanctioned by such college or university but~~  
7 ~~does prohibit the sale of alcoholic liquor at retail by such licensee~~  
8 ~~on the campus of such nonpublic college or university at student~~  
9 ~~activities or events; and~~

10           (b) ~~Does not prohibit sales of alcoholic liquor by a~~  
11 ~~community college culinary education program pursuant to section~~  
12 ~~53-124.15.~~

13           Sec. 4. Original sections 53-101 and 53-177, Reissue  
14 Revised Statutes of Nebraska, are repealed.