

LEGISLATIVE BILL 217

Approved by the Governor March 16, 1981

Introduced by Von Minden, 17

AN ACT to amend section 53-179, Revised Statutes Supplement, 1980, relating to liquors; to allow the sale of liquor on election days; and to repeal the original section.

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

Section 1. That section 53-179, Revised Statutes Supplement, 1980, be amended to read as follows:

~~53-179. (1) No person shall sell at retail or dispense any alcoholic liquor during the hours the polls are open on the day in which any statewide primary or general election is conducted.~~

~~(z) (1) No alcoholic liquors, including beer, shall be sold at retail or dispensed between the hours of 1:00 a.m. Sunday and 6:00 a.m. Sunday. No alcoholic liquors for consumption on the premises, except beer and wine, shall be sold at retail or dispensed between the hours of 6:00 a.m. Sunday and 6:00 p.m. Sunday; and no alcoholic liquors for consumption off the premises, except beer and wine, shall be sold at retail or dispensed between the hours of 6:00 a.m. Sunday and 12:00 midnight Sunday; Provided, that such limitations shall not apply after 12:00 noon on Sunday to a licensee which is a nonprofit corporation as defined in section 53-103 and is the holder of a license issued under the provisions of either subdivision (5) C. or subdivision (5) H. of section 53-124. The permissible hours for the sale of alcoholic liquors, including beer, at retail or the dispensing thereof on Sunday, if allowed, by other than a nonprofit corporation licensee, within the corporate limits of cities and villages, shall be governed by ordinance of the local governing body; and outside the corporate limits of cities and villages, as shall be determined by resolution of the county board as provided more fully in subsection (3) hereof (2) of this section.~~

~~(3) (2) No alcoholic liquors, including beer, shall be sold at retail or dispensed on secular days between 1:00 a.m. and 6:00 a.m.; Provided, that the local governing body of any city or village, in respect to the licensees within the corporate limits of cities or villages, or the county board, in respect to licensees outside the corporate limits of cities or villages, may~~

require closing prior to 1:00 a.m. by ordinance or resolution on any day, including Sundays.

~~(4)~~ (3) It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption after 1:15 a.m. on any day; Provided, that where any city or village provides by law for an earlier closing hour, the provisions of this subsection shall become effective fifteen minutes after such closing hour.

~~(5)~~ (4) Nothing in this section shall be construed to 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. 2. That original section 53-179, Revised Statutes Supplement, 1980, is repealed.