

## LEGISLATIVE BILL 354

Approved by the Governor March 21, 1991

Introduced by Hall, 7; Hartnett, 45; Will, 8

AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the retail sale of alcoholic liquor during certain hours as prescribed; and to repeal the original section.

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

Section 1. That section 53-179, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-179. (1) No alcoholic ~~liquers~~ liquor, including beer, shall be sold at retail or dispensed on any day between the hours of 1 a.m. and 6 a.m. The local governing body of any city or village, with respect to area within the corporate limits of such city or village, or the county board, with respect to area outside the corporate limits of any city or village, may, by ordinance or resolution, require closing prior to 1 a.m. on any day.

(2) Except as provided for and allowed by ordinance of a local governing body applicable to area within the corporate limits of a city or village, or by resolution of a county board applicable to area within such county and outside the corporate limits of any city or village, no alcoholic ~~liquers~~ liquor, including beer, shall be sold at retail or dispensed between the hours of 6 a.m. Sunday and 1 a.m. Monday. No ordinance or resolution allowed by this subsection shall permit alcoholic ~~liquers~~ liquor, other than beer and wine, to be sold at retail or dispensed ~~for consumption off the premises~~ between the hours of 6 a.m. Sunday and ~~1 a.m. Monday, or for consumption on the premises~~ between the hours of 6 a.m. Sunday and 6 p.m. ~~12 noon~~ Sunday. This subsection shall not apply after 12 noon on Sunday to a licensee which is a nonprofit corporation and the holder of a license issued pursuant to either subdivision (5)C. or (5)H. of section 53-124.

(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

between the hours of 1:15 a.m. and 6 a.m. on any day. ~~Where~~ When any city or village provides by ordinance, or any county provides by resolution, for an earlier closing hour, the provisions of this subsection shall become effective fifteen minutes after such closing hour instead of 1:15 a.m.

(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, Reissue Revised Statutes of Nebraska, 1943, is repealed.