

AMENDMENTS TO LB1132

(Amendments to E and R amendments, ER139)

Introduced by Thibodeau, 6.

1 1. Insert the following new sections:

2 Sec. 5. Section 53-101, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 53-101 Sections 53-101 to 53-1,122 and section 7 of this act shall
5 be known and may be cited as the Nebraska Liquor Control Act.

6 Sec. 6. Section 53-103, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 53-103 For purposes of the Nebraska Liquor Control Act, the
9 definitions found in sections 53-103.01 to 53-103.46 and section 7 of
10 this act apply.

11 Sec. 7. (1) Bottle club means an operation, whether formally
12 organized as a club having a regular membership list, dues, officers, and
13 meetings or not, keeping and maintaining premises where persons who have
14 made their own purchases of alcoholic liquor congregate for the express
15 purpose of consuming alcoholic liquor upon the payment of a fee or other
16 consideration, including, but not limited to, other services such as the
17 sale of food, ice, mixes, or other fluids for alcoholic drinks, and the
18 maintenance of the space for consumption, entertainment performances, or
19 commercial sexual activity or sexually-explicit performances. For
20 purposes of this subsection, commercial sexual activity and sexually-
21 explicit performance have the same meaning as in section 28-830.

22 (2) A person operating a bottle club shall obtain the appropriate
23 Class A or Class I retail license based on the type of beverages allowed
24 to be consumed on the premises. Such operation may be conducted by a
25 club, an individual, a partnership, a limited liability company, or a
26 corporation. An accurate and current membership list shall be maintained

1 upon the premises which contains the names and residences of the members.
2 The person operating the bottle club shall make the membership list
3 available to the commission and any law enforcement officer for
4 investigatory enforcement purposes.

5 Sec. 8. Section 53-186.01, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 53-186.01 (1) It shall be unlawful for any person owning, operating,
8 managing, or conducting any bottle club, dance hall, restaurant, cafe, or
9 club or any place open to the general public to permit or allow any
10 person to consume alcoholic liquor upon the premises except as permitted
11 by a license issued for such premises pursuant to the Nebraska Liquor
12 Control Act.

13 (2) It shall be unlawful for any person to consume alcoholic liquor
14 in any dance hall, restaurant, cafe, or club or any place open to the
15 general public except as permitted by a license issued for such premises
16 pursuant to the act.

17 (3) This section shall not apply to a retail licensee while lawfully
18 engaged in the catering of alcoholic beverages or to limousines or buses
19 operated under section 60-6,211.08.

20 (4) Any person violating subsection (1) of this section shall, upon
21 conviction thereof, be subject to the penalties contained in section
22 53-1,100.

23 (5) Any person violating subsection (2) of this section shall be
24 guilty of a Class III misdemeanor.

25 Sec. 9. If any section in this act or any part of any section is
26 declared invalid or unconstitutional, the declaration shall not affect
27 the validity or constitutionality of the remaining portions.

28 2. Renumber the remaining section and correct the repealer
29 accordingly.