

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 900

Introduced by Karpisek, 32; Howard, 9.

Read first time January 12, 2010

Committee: General Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Liquor Control Act: to amend
2 section 53-124, Revised Statutes Supplement, 2009; to
3 change retail license fees; and to repeal the original
4 section.

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

1 Section 1. Section 53-124, Revised Statutes Supplement,
2 2009, is amended to read:

3 53-124 At the time application is made to the commission
4 for a license of any type, the applicant shall pay the fee provided
5 in this section and, if the applicant is an individual, provide the
6 applicant's social security number. The fees for annual licenses
7 finally issued by the commission shall be as follows:

8 (1) (a) For a license to manufacture alcohol and
9 spirits.....\$1,000.00;

10 (b) For a license to operate a
11 microdistillery.....\$250.00;

12 (2) For a license to manufacture beer and wine or to
13 operate a farm winery or craft brewery:

14 (a) Manufacture of beer, excluding beer produced by a
15 craft brewery:

16 (i) 1 to 100 barrel daily capacity, or any part
17 thereof.....\$100.00

18 (ii) 100 to 150 barrel daily capacity.....200.00

19 (iii) 150 to 200 barrel daily capacity.....350.00

20 (iv) 200 to 300 barrel daily capacity.....500.00

21 (v) 300 to 400 barrel daily capacity.....650.00

22 (vi) 400 to 500 barrel daily capacity.....700.00

23 (vii) 500 barrel daily capacity, or more.....800.00;

24 (b) Operation of a craft brewery.....\$250.00;

25 (c) Manufacture of wines.....\$250.00;

1 (d) Operation of a farm winery.....\$250.00.

2 For purposes of subdivision (2) (a) of this section, daily
3 capacity shall mean the average daily barrel production for the
4 previous twelve months of manufacturing operation. If no such
5 basis for comparison exists, the manufacturing licensee shall pay
6 in advance for the first year's operation a fee of five hundred
7 dollars;

8 (3) Alcoholic liquor wholesale license, for the first and
9 each additional wholesale place of business operated in this state
10 by the same licensee and wholesaling alcoholic liquor, except beer
11 and wines produced from farm wineries.....\$750.00;

12 (4) Beer wholesale license, for the first and each
13 additional wholesale place of business operated in this state by
14 the same licensee and wholesaling beer only.....\$500.00;

15 (5) For a retail license:

16 (a) Class A: Beer only except for craft breweries, for
17 consumption on the premises, the sum of three hundred dollars in a
18 city of the metropolitan class, the sum of two hundred dollars in
19 a city of the primary class, and the sum of one hundred dollars in
20 any other location;

21 (b) Class B: Beer only except for craft breweries, for
22 consumption off the premises, sales in the original packages only,
23 the sum of three hundred dollars in a city of the metropolitan
24 class, the sum of two hundred dollars in a city of the primary
25 class, and the sum of one hundred dollars in any other location;

1 (c) Class C: Alcoholic liquor, for consumption on the
2 premises and off the premises, sales in original packages only, the
3 sum of one thousand dollars in a city of the metropolitan class,
4 the sum of five hundred dollars in a city of the primary class,
5 and the sum of three hundred dollars in any other location, except
6 for farm winery, microdistillery, or craft brewery sales outlets.
7 If the applicant is making application to operate a cigar bar,
8 the initial, nonrefundable application fee shall be one thousand
9 dollars, the annual fee thereafter shall be as specified in this
10 subdivision, and the application shall meet the requirements of
11 section 53-131. If a Class C license is held by a nonprofit
12 corporation, it shall be restricted to consumption on the premises
13 only. A Class C license may have a sampling designation restricting
14 consumption on the premises to sampling, but such designation
15 shall not affect sales for consumption off the premises under such
16 license;

17 (d) Class D: Alcoholic liquor, including beer, for
18 consumption off the premises, sales in the original packages only,
19 except as provided in subsection (2) of section 53-123.04, the sum
20 of seven hundred fifty dollars in a city of the metropolitan class,
21 the sum of five hundred dollars in a city of the primary class, and
22 the sum of two hundred fifty dollars in any other location, except
23 for farm winery, microdistillery, or craft brewery sales outlets;
24 and

25 (e) Class I: Alcoholic liquor, for consumption on the

1 premises, the sum of seven hundred fifty dollars in a city of the
 2 metropolitan class, the sum of five hundred dollars in a city of
 3 the primary class, and the sum of two hundred fifty dollars in any
 4 other location, except for farm winery, microdistillery, or craft
 5 brewery sales outlets.

6 All applicable license fees shall be paid by the
 7 applicant or licensee directly to the city or village treasurer in
 8 the case of premises located inside the corporate limits of a city
 9 or village and directly to the county treasurer in the case of
 10 premises located outside the corporate limits of a city or village;

11 (6) For a railroad license.....\$100.00 and \$1.00 for each
 12 duplicate;

13 (7) For a boat license.....\$50.00;

14 (8) For a nonbeverage user's license:

15 Class 1.....\$5.00

16 Class 2.....25.00

17 Class 3.....50.00

18 Class 4.....100.00

19 Class 5.....250.00;

20 (9) For an airline license.....\$100.00 and \$1.00 for each
 21 duplicate;

22 (10) For a shipping license, except a shipping license
 23 issued pursuant to subsection (4) of section 53-123.15.....\$200.00;

24 and

25 (11) For a shipping license issued pursuant to subsection

1 (4) of section 53-123.15.....\$500.00.

2 The license year, unless otherwise provided in the
3 Nebraska Liquor Control Act, shall commence on May 1 of each
4 year and shall end on the following April 30, except that the
5 license year for a Class C license shall commence on November 1
6 of each year and shall end on the following October 31. During
7 the license year, no license shall be issued for a sum less than
8 the amount of the annual license fee as fixed in this section,
9 regardless of the time when the application for such license has
10 been made, except that (a) when there is a purchase of an existing
11 licensed business and a new license of the same class is issued or
12 (b) upon the issuance of a new license for a location which has
13 not been previously licensed, the license fee and occupation taxes
14 shall be prorated on a quarterly basis as of the date of issuance.

15 Sec. 2. Original section 53-124, Revised Statutes
16 Supplement, 2009, is repealed.