

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 411

Introduced by Karpisek, 32.

Read first time January 13, 2011

Committee: General Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
2 sections 53-124.11 and 53-124.12, Reissue Revised
3 Statutes of Nebraska; to change fees for a special
4 designated license and a catering license; and to repeal
5 the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-124.11, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 53-124.11 (1) The commission may issue a special
4 designated license for sale or consumption of alcoholic liquor at a
5 designated location to a retail licensee, a craft brewery licensee, a
6 microdistillery licensee, a farm winery licensee, a municipal
7 corporation, a fine arts museum incorporated as a nonprofit
8 corporation, a religious nonprofit corporation which has been
9 exempted from the payment of federal income taxes, a political
10 organization which has been exempted from the payment of federal
11 income taxes, or any other nonprofit corporation the purpose of which
12 is fraternal, charitable, or public service and which has been
13 exempted from the payment of federal income taxes, under conditions
14 specified in this section. The applicant shall demonstrate meeting
15 the requirements of this subsection.

16 (2) No retail licensee, craft brewery licensee,
17 microdistillery licensee, farm winery licensee, organization, or
18 corporation enumerated in subsection (1) of this section may be
19 issued a special designated license under this section for more than
20 six calendar days in any one calendar year. Only one special
21 designated license shall be required for any application for two or
22 more consecutive days. This subsection shall not apply to any holder
23 of a catering license.

24 (3) Except for any special designated license issued to a
25 holder of a catering license, there shall be a fee of ~~forty~~seventy-

1 five dollars for each day identified in the special designated
2 license. Such fee shall be submitted with the application for the
3 special designated license, collected by the commission, and remitted
4 to the State Treasurer for credit to the General Fund. The applicant
5 shall be exempt from the provisions of the Nebraska Liquor Control
6 Act requiring an application or renewal fee and the provisions of the
7 act requiring the expiration of forty-five days from the time the
8 application is received by the commission prior to the issuance of a
9 license, if granted by the commission. The retail licensees, craft
10 brewery licensees, microdistillery licensees, farm winery licensees,
11 municipal corporations, organizations, and nonprofit corporations
12 enumerated in subsection (1) of this section seeking a special
13 designated license shall file an application on such forms as the
14 commission may prescribe. Such forms shall contain, along with other
15 information as required by the commission, (a) the name of the
16 applicant, (b) the premises for which a special designated license is
17 requested, identified by street and number if practicable and, if
18 not, by some other appropriate description which definitely locates
19 the premises, (c) the name of the owner or lessee of the premises for
20 which the special designated license is requested, (d) sufficient
21 evidence that the holder of the special designated license, if
22 issued, will carry on the activities and business authorized by the
23 license for himself, herself, or itself and not as the agent of any
24 other person, group, organization, or corporation, for profit or not
25 for profit, (e) a statement of the type of activity to be carried on

1 during the time period for which a special designated license is
2 requested, and (f) sufficient evidence that the activity will be
3 supervised by persons or managers who are agents of and directly
4 responsible to the holder of the special designated license.

5 (4) No special designated license provided for by this
6 section shall be issued by the commission without the approval of the
7 local governing body. The local governing body may establish criteria
8 for approving or denying a special designated license. The local
9 governing body may designate an agent to determine whether a special
10 designated license is to be approved or denied. Such agent shall
11 follow criteria established by the local governing body in making his
12 or her determination. The determination of the agent shall be
13 considered the determination of the local governing body unless
14 otherwise provided by the local governing body. For purposes of this
15 section, the local governing body shall be the city or village within
16 which the premises for which the special designated license is
17 requested are located or, if such premises are not within the
18 corporate limits of a city or village, then the local governing body
19 shall be the county within which the premises for which the special
20 designated license is requested are located.

21 (5) If the applicant meets the requirements of this
22 section, a special designated license shall be granted and issued by
23 the commission for use by the holder of the special designated
24 license. All statutory provisions and rules and regulations of the
25 commission that apply to a retail licensee shall apply to the holder

1 of a special designated license with the exception of such statutory
2 provisions and rules and regulations of the commission so designated
3 by the commission and stated upon the issued special designated
4 license, except that the commission may not designate exemption of
5 sections 53-180 to 53-180.07. The decision of the commission shall be
6 final. If the applicant does not qualify for a special designated
7 license, the application shall be denied by the commission.

8 (6) A special designated license issued by the commission
9 shall be mailed or delivered to the city, village, or county clerk
10 who shall deliver such license to the licensee upon receipt of any
11 fee or tax imposed by such city, village, or county.

12 Sec. 2. Section 53-124.12, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 53-124.12 (1) The holder of a license to sell alcoholic
15 liquor at retail issued under subsection (6) of section 53-124, a
16 craft brewery license, a microdistillery license, or a farm winery
17 license may obtain an annual catering license as prescribed in this
18 section. The catering license shall be issued for the same period and
19 may be renewed in the same manner as the retail license, craft
20 brewery license, microdistillery license, or farm winery license.

21 (2) Any person desiring to obtain a catering license
22 shall file with the commission:

23 (a) An application in triplicate original upon such forms
24 as the commission prescribes; and

25 (b) A license fee of ~~one hundred~~ two hundred fifty

1 dollars payable to the commission, which fee shall be returned to the
2 applicant if the application is denied.

3 (3) When an application for a catering license is filed,
4 the commission shall notify, by registered or certified mail, return
5 receipt requested with postage prepaid, (a) the clerk of the city or
6 incorporated village in which such applicant is located or (b) if the
7 applicant is not located within a city or incorporated village, the
8 county clerk of the county in which such applicant is located, of the
9 receipt of the application. The commission shall enclose with such
10 notice one copy of the application. The local governing body and the
11 commission shall process the application in the same manner as
12 provided in section 53-132.

13 (4) The local governing body with respect to catering
14 licensees within its liquor license jurisdiction as provided in
15 subsection (5) of this section may cancel a catering license for
16 cause for the remainder of the period for which such catering license
17 is issued. Any person whose catering license is canceled may appeal
18 to the district court of the county in which the local governing body
19 is located.

20 (5) For purposes of this section, local governing body
21 means (a) the governing body of the city or village in which the
22 catering licensee is located or (b) if such licensee is not located
23 within a city or village, the governing body of the county in which
24 such licensee is located.

25 (6) The local governing body may impose an occupation tax

1 on the business of a catering licensee doing business within the
2 liquor license jurisdiction of the local governing body as provided
3 in subsection (5) of this section. Such tax may not exceed double the
4 license fee to be paid under this section.

5 Sec. 3. Original sections 53-124.11 and 53-124.12,
6 Reissue Revised Statutes of Nebraska, are repealed.