

AMENDMENTS TO LB460

Introduced by General Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 53-101 Sections 53-101 to 53-1,122 and sections 3 and 7 of this act
6 shall be known and may be cited as the Nebraska Liquor Control Act.

7 Sec. 2. Section 53-103, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 53-103 For purposes of the Nebraska Liquor Control Act, the
10 definitions found in sections 53-103.01 to 53-103.43 and section 3 of
11 this act apply.

12 Sec. 3. Pedal-pub vehicle means a multi-passenger, human-powered
13 vehicle.

14 Sec. 4. Section 53-117, Revised Statutes Cumulative Supplement,
15 2014, is amended to read:

16 53-117 The commission has the following powers, functions, and
17 duties:

18 (1) To receive applications for and to issue licenses to and
19 suspend, cancel, and revoke licenses of manufacturers, wholesalers,
20 nonbeverage users, retailers, railroads including owners and lessees of
21 sleeping, dining, and cafe cars, airlines, ~~and~~ boats, and pedal-pub
22 vehicles in accordance with the Nebraska Liquor Control Act;

23 (2) To fix by rules and regulations the standards of manufacture of
24 alcoholic liquor not inconsistent with federal laws in order to insure
25 the use of proper ingredients and methods in the manufacture and
26 distribution thereof and to adopt and promulgate rules and regulations
27 not inconsistent with federal laws for the proper labeling of containers,

1 barrels, casks, or other bulk containers or of bottles of alcoholic
2 liquor manufactured or sold in this state. The Legislature intends, by
3 the grant of power to adopt and promulgate rules and regulations, that
4 the commission have broad discretionary powers to govern the traffic in
5 alcoholic liquor and to enforce strictly all provisions of the act in the
6 interest of sanitation, purity of products, truthful representations, and
7 honest dealings in a manner that generally will promote the public health
8 and welfare. All such rules and regulations shall be absolutely binding
9 upon all licensees and enforceable by the commission through the power of
10 suspension or cancellation of licenses, except that all rules and
11 regulations of the commission affecting a club possessing any form of
12 retail license shall have equal application to all such licenses or shall
13 be void;

14 (3) To call upon other administrative departments of the state,
15 county and municipal governments, county sheriffs, city police
16 departments, village marshals, peace officers, and prosecuting officers
17 for such information and assistance as the commission deems necessary in
18 the performance of its duties. The commission shall enter into an
19 agreement with the Nebraska State Patrol in which the Nebraska State
20 Patrol shall hire six new patrol officers and, from the entire Nebraska
21 State Patrol, shall designate a minimum of six patrol officers who will
22 spend a majority of their time in administration and enforcement of the
23 Nebraska Liquor Control Act;

24 (4) To recommend to local governing bodies rules and regulations not
25 inconsistent with law for the distribution and sale of alcoholic liquor
26 throughout the state;

27 (5) To inspect or cause to be inspected any premises where alcoholic
28 liquor is manufactured, distributed, or sold and, when sold on unlicensed
29 premises or on any premises in violation of law, to bring an action to
30 enjoin the use of the property for such purpose;

31 (6) To hear and determine appeals from orders of a local governing

1 body in accordance with the act;

2 (7) To conduct or cause to be conducted an audit to inspect any
3 licensee's records and books;

4 (8) In the conduct of any hearing or audit authorized to be held by
5 the commission (a) to examine or cause to be examined, under oath, any
6 licensee and to examine or cause to be examined the books and records of
7 such licensee, (b) to hear testimony and take proof material for its
8 information in the discharge of its duties under the act, and (c) to
9 administer or cause to be administered oaths;

10 (9) To investigate the administration of laws in relation to
11 alcoholic liquor in this and other states and to recommend to the
12 Governor and through him or her to the Legislature amendments to the act;
13 and

14 (10) To receive, account for, and remit to the State Treasurer state
15 license fees and taxes provided for in the act.

16 Sec. 5. Section 53-117.07, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 53-117.07 All proceedings for the suspension, cancellation, or
19 revocation of licenses of manufacturers, wholesalers, nonbeverage users,
20 craft breweries, microdistilleries, railroads, airlines, shippers, ~~and~~
21 boats, and pedal-pub vehicles shall be before the commission, and the
22 proceedings shall be in accordance with rules and regulations adopted and
23 promulgated by it not inconsistent with law. No such license shall be so
24 suspended, canceled, or revoked except after a hearing by the commission
25 with reasonable notice to the licensee and opportunity to appear and
26 defend.

27 Sec. 6. Section 53-123, Revised Statutes Cumulative Supplement,
28 2014, is amended to read:

29 53-123 Licenses issued by the commission shall be of the following
30 types: (1) Manufacturer's license; (2) alcoholic liquor wholesale
31 license, except beer; (3) beer wholesale license; (4) retail license; (5)

1 railroad license; (6) airline license; (7) boat license; (8) nonbeverage
2 user's license; (9) farm winery license; (10) craft brewery license; (11)
3 shipping license; (12) special designated license; (13) catering license;
4 (14) microdistillery license; ~~and~~ (15) entertainment district license;
5 and (16) pedal-pub vehicle license.

6 Sec. 7. (1) The commission may issue a license to a person to
7 operate a pedal-pub vehicle in this state. Each pedal-pub vehicle license
8 shall expire on April 30 of each year. Each license shall be good
9 throughout this state as a state license. Only one license shall be
10 required for all pedal-pub vehicles operated in this state by the same
11 owner. Each owner shall keep a duplicate of such license posted in each
12 pedal-pub vehicle where such alcoholic liquor is sold or consumed. No
13 further license shall be required or tax levied by any county, city, or
14 village for the privilege of operating a pedal-pub vehicle for the
15 purpose of selling and allowing the consumption of alcoholic liquor while
16 on or in a pedal-pub vehicle.

17 (2) The holder of a pedal-pub vehicle license may sell alcoholic
18 liquor in individual drinks to customers who are twenty-one years of age
19 or older to consume while they are on or in the pedal-pub vehicle and may
20 allow such customers to consume alcoholic liquor not purchased from the
21 licensee while the customers are on or in the pedal-pub vehicle. The
22 licensee shall serve alcoholic liquor in opaque plastic containers that
23 prominently display the licensee's trade name or logo or some other mark
24 that is unique to the licensee under the licensee's pedal-pub vehicle
25 license and shall require the use of such containers for the consumption
26 of alcoholic liquor not purchased from the licensee.

27 (3) No customer shall take any open container of alcoholic liquor
28 from the pedal-pub vehicle or consume the alcoholic liquor after leaving
29 the pedal-pub vehicle. A customer may take unopened containers of
30 alcoholic liquor not purchased from the licensee from the pedal-pub
31 vehicle.

1 (4) The licensee shall not allow open containers of alcoholic liquor
2 to leave the pedal-pub vehicle. The licensee shall be responsible for
3 picking up and disposing of any litter or other waste or any personal
4 property that originates from the pedal-pub vehicle and lands on public
5 or private property.

6 Sec. 8. Section 53-124, Revised Statutes Cumulative Supplement,
7 2014, is amended to read:

8 53-124 (1) At the time application is made to the commission for a
9 license of any type, the applicant shall pay the fee provided in section
10 53-124.01 and, if the applicant is an individual, provide the applicant's
11 social security number. The commission shall issue the types of licenses
12 described in this section.

13 (2) There shall be an airline license, a boat license, a pedal-pub
14 vehicle license, and a railroad license. The commission shall charge one
15 dollar for each duplicate of an airline license, a pedal-pub vehicle
16 license, or a railroad license.

17 (3)(a) There shall be a manufacturer's license for alcohol and
18 spirits, for beer, and for wine. The annual fee for a manufacturer's
19 license for beer shall be based on the barrel daily capacity as follows:

20 (i) 1 to 100 barrel daily capacity, or any part thereof, tier one;

21 (ii) 100 to 150 barrel daily capacity, tier two;

22 (iii) 150 to 200 barrel daily capacity, tier three;

23 (iv) 200 to 300 barrel daily capacity, tier four;

24 (v) 300 to 400 barrel daily capacity, tier five;

25 (vi) 400 to 500 barrel daily capacity, tier six;

26 (vii) 500 barrel daily capacity, or more, tier seven.

27 (b) For purposes of this subsection, daily capacity means the
28 average daily barrel production for the previous twelve months of
29 manufacturing operation. If no such basis for comparison exists, the
30 manufacturing licensee shall pay in advance for the first year's
31 operation a fee of five hundred dollars.

1 (4) There shall be five classes of nonbeverage users' licenses:
2 Class 1, Class 2, Class 3, Class 4, and Class 5.

3 (5) In lieu of a manufacturer's, a retailer's, or a wholesaler's
4 license, there shall be a license to operate issued for a craft brewery,
5 a farm winery, or a microdistillery.

6 (6)(a) There shall be five classes of retail licenses:

7 (i) Class A: Beer only, for consumption on the premises;

8 (ii) Class B: Beer only, for consumption off the premises, sales in
9 the original packages only;

10 (iii) Class C: Alcoholic liquor, for consumption on the premises and
11 off the premises, sales in original packages only. If a Class C license
12 is held by a nonprofit corporation, it shall be restricted to consumption
13 on the premises only. A Class C license may have a sampling designation
14 restricting consumption on the premises to sampling, but such designation
15 shall not affect sales for consumption off the premises under such
16 license;

17 (iv) Class D: Alcoholic liquor, including beer, for consumption off
18 the premises, sales in the original packages only, except as provided in
19 subsection (2) of section 53-123.04; and

20 (v) Class I: Alcoholic liquor, for consumption on the premises.

21 (b) All applicable license fees shall be paid by the applicant or
22 licensee directly to the city or village treasurer in the case of
23 premises located inside the corporate limits of a city or village and
24 directly to the county treasurer in the case of premises located outside
25 the corporate limits of a city or village.

26 (7) There shall be four types of shipping licenses as described in
27 section 53-123.15: Manufacturers, vintage wines, manufacture direct
28 sales, and retail direct sales.

29 (8) There shall be two types of wholesale licenses: Alcoholic liquor
30 and beer only. The annual fee shall be paid for the first and each
31 additional wholesale place of business operated in this state by the same

1 licensee and wholesaling the same product.

2 (9) The license year, unless otherwise provided in the Nebraska
3 Liquor Control Act, shall commence on May 1 of each year and shall end on
4 the following April 30, except that the license year for a Class C
5 license shall commence on November 1 of each year and shall end on the
6 following October 31. During the license year, no license shall be issued
7 for a sum less than the amount of the annual license fee as fixed in
8 section 53-124.01, regardless of the time when the application for such
9 license has been made, except that (a) when there is a purchase of an
10 existing licensed business and a new license of the same class is issued
11 or (b) upon the issuance of a new license for a location which has not
12 been previously licensed, the license fee and occupation taxes shall be
13 prorated on a quarterly basis as of the date of issuance.

14 Sec. 9. Section 53-124.01, Revised Statutes Cumulative Supplement,
15 2014, is amended to read:

16 53-124.01 (1) The fees for annual licenses finally issued by the
17 commission shall be as provided in this section and section 53-124.

18 (2) Airline license ... \$100

19 (3) Boat license ... \$50

20 (4) Manufacturer's license:

21 Class	Fee - In Dollars
22 Alcohol and spirits	1,000
23 Beer - tier one	100
24 Beer - tier two	200
25 Beer - tier three	350
26 Beer - tier four	500
27 Beer - tier five	650
28 Beer - tier six	700
29 Beer - tier seven	800
30 Wine	250

1 (5) Nonbeverage user's license:

2 Class	Fee - In Dollars
3 Class 1	5
4 Class 2	25
5 Class 3	50
6 Class 4	100
7 Class 5	250

8 (6) Operator's license:

9 Class	Fee - In Dollars
10 Craft brewery	250
11 Farm winery	250
12 Microdistillery	250

13 (7) Pedal-pub vehicle license ... \$50

14 (8 7) Railroad license ... \$100

15 (9 8) Retail license:

16 Class	Fee - In Dollars
17 Class A	100
18 Class B	100
19 Class C	300
20 Class D	200
21 Class I	250

22 (10 9) Shipping license:

23 Class	Fee - In Dollars
24 Manufacturer	1,000
25 Vintage wines	1,000
26 Manufacture direct sales	500
27 Retail direct sales	500

28 (11 10) Wholesale license:

29 Class	Fee - In Dollars
----------	------------------

1 Alcoholic liquor 750

2 Beer 500

3 Sec. 10. Section 53-130, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 53-130 (1) New licenses to manufacturers, wholesalers, railroads,
6 airlines, boats, pedal-pub vehicles, and nonbeverage users of alcoholic
7 liquor may be issued by the commission upon (a) written application in
8 duplicate filed in the manner and on such forms as the commission
9 prescribes and in which the applicant for a beer wholesale license sets
10 forth the sales territory in Nebraska in which it is authorized by a
11 manufacturer or manufacturers to sell their brand or brands and the name
12 of such brand or brands, (b) receipt of bond, (c) payment in advance of
13 the nonrefundable application fee of forty-five dollars and the license
14 fee, and (d) such notice and hearing as the commission fixes by its own
15 order.

16 (2) A notice of such application shall be served upon the
17 manufacturer or manufacturers listed in any application for a beer
18 wholesale license and upon any existing wholesaler licensed to sell the
19 brand or brands in the described sales territory.

20 (3) A license so issued may be renewed without formal application
21 upon payment of license fees and a renewal fee of forty-five dollars. The
22 payment of such fees shall be an affirmative representation and
23 certification by the licensee that all answers contained in an
24 application, if submitted, would be the same in all material respects as
25 the answers contained in the last previous application. The commission
26 may at any time require a licensee to submit an application.

27 Sec. 11. Original sections 53-117.07 and 53-130, Reissue Revised
28 Statutes of Nebraska, and sections 53-101, 53-103, 53-117, 53-123,
29 53-124, and 53-124.01, Revised Statutes Cumulative Supplement, 2014, are
30 repealed.