

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1105**

Introduced by Larson, 40; Coash, 27.

Read first time January 20, 2016

Committee: General Affairs

1 A BILL FOR AN ACT relating to beverage regulation; to amend sections  
2 53-103.09, 53-103.20, 53-103.41, 53-123.01, 53-124.11, 53-129,  
3 53-168.06, 53-169, 53-171, 53-175, 53-178, 53-187, and 53-1,100,  
4 Reissue Revised Statutes of Nebraska, sections 53-123.14, 53-123.17,  
5 and 53-124.12, Revised Statutes Cumulative Supplement, 2014, and  
6 sections 53-103.44, 53-123.15, 53-124, 53-124.01, and 53-135,  
7 Revised Statutes Supplement, 2015; to create and provide powers and  
8 duties for the Nebraska Craft Brewery Board; to create the Nebraska  
9 Beer Industry Promotional Fund; to impose and provide for fees; to  
10 require reports; to redefine terms; to provide for and change  
11 licensure provisions for certain manufacturers and retailers; to  
12 change disposition of manufacturers' license fees as prescribed; to  
13 eliminate provisions regarding licensure in annexed areas; to change  
14 prohibitions related to selling and serving alcoholic liquor; to  
15 eliminate provisions relating to purchases by retailers as  
16 prescribed; to place restrictions on manufacturing and sales at  
17 wholesale; to change penalty provisions related to nonbeverage users  
18 and manufacturing spirits without a license; to eliminate the  
19 prohibition and penalty on the sale of carbonated soft drink or beer  
20 cans with removable, disposable tabs or grips as prescribed; to  
21 harmonize provisions; to provide severability; to repeal the  
22 original sections; to outright repeal section 28-1479, Reissue  
23 Revised Statutes of Nebraska; and to declare an emergency.

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

1           Section 1.   (1) The Nebraska Craft Brewery Board is created. All  
2 board members shall be (a) citizens of Nebraska, (b) at least twenty-one  
3 years of age, and (c) either engaged in or previously engaged in the  
4 manufacture or the wholesale or retail sale of beer in this state or  
5 engaged or previously engaged in the production in this state of  
6 agricultural products that are utilized in the brewing process. The board  
7 shall consist of seven members to be appointed by the Governor on a  
8 nonpartisan basis. At least two board members shall be selected by the  
9 Governor from a list of no fewer than ten candidates submitted by the  
10 Nebraska Craft Brewers Guild or its successor organization. In addition,  
11 at least two board members shall be selected by the Governor from a list  
12 of no fewer than ten candidates submitted by the Associated Beverage  
13 Distributors of Nebraska or its successor organization. The executive  
14 director of the Nebraska Tourism Commission or his or her designee shall  
15 be a nonvoting, ex officio member of the board.

16           (2) Whenever a vacancy occurs on the board for any reason, the  
17 Governor shall appoint an individual to fill such vacancy pursuant to the  
18 qualifications set forth in subsection (1) of this section.

19           Sec. 2.   (1) Within thirty days after the appointment of the initial  
20 members of the Nebraska Craft Brewery Board, such board shall conduct its  
21 first regular meeting. During that meeting, the board members shall elect  
22 from among themselves, by majority vote, a chairperson, vice-chairperson,  
23 secretary, and treasurer, all to serve for terms of one year from the  
24 date of election. Subsequent board meetings shall take place at least  
25 once every six months and at such times as called by the chairperson or  
26 by any three board members.

27           (2) Each member shall serve for a term of three years and may be  
28 reappointed.

29           (3) All voting members of the board shall be reimbursed for their  
30 actual and necessary expenses incurred while engaged in the performance  
31 of official responsibilities as members of such board pursuant to

1 sections 81-1174 to 81-1177.

2 (4) A member may be removed by the Governor for cause. The member  
3 shall first be given a written copy of the charges against him or her and  
4 also an opportunity to be heard publicly. If a member moves out of  
5 Nebraska, that shall be deemed sufficient cause for removal from office.

6 Sec. 3. The Nebraska Craft Brewery Board has the following powers  
7 and duties:

8 (1) Establish a public forum to provide any manufacturer of beer or  
9 producer of agricultural products used in the brewing process the  
10 opportunity, at least once annually, to discuss with the board its  
11 policies and procedures;

12 (2) Keep minutes of its meetings and other books and records which  
13 will clearly reflect all of the acts and transactions of the board and to  
14 make these records available for examination upon request by members of  
15 the public;

16 (3) Authorize and approve the expenditure of funds collected  
17 pursuant to section 4 of this act;

18 (4) Serve as an advisory panel to the Nebraska Liquor Control  
19 Commission in all matters pertaining to the beer industry; and

20 (5) Adopt and promulgate rules and regulations to carry out sections  
21 1 to 5 of this act.

22 Sec. 4. (1) The Nebraska Beer Industry Promotional Fund is created.  
23 The fund shall consist of money credited pursuant to this section, fees  
24 received from shipping licenses issued to beer manufacturers pursuant to  
25 subsection (2) of section 53-123.15, gifts, grants, bequests, and any  
26 money appropriated by the Legislature. For administrative purposes, the  
27 fund shall be located in the Nebraska Tourism Commission.

28 (2) Beginning July 1, 2016, in addition to the annual license fee  
29 imposed by section 53-124.01, each holder of a craft brewery license  
30 shall pay an annual fee in the amount of two hundred fifty dollars to the  
31 Nebraska Liquor Control Commission or shall opt out of paying the

1 additional fee on forms provided by the commission. Fees collected  
2 pursuant to this subsection shall be remitted to the State Treasurer for  
3 credit to the Nebraska Beer Industry Promotional Fund.

4 (3) The Nebraska Tourism Commission, at the direction of and in  
5 cooperation with the Nebraska Craft Brewery Board, shall use the Nebraska  
6 Beer Industry Promotional Fund to develop and maintain programs for the  
7 research and advancement of the beer brewing process, the marketing and  
8 promotion of the beer industry in Nebraska, and the marketing and  
9 promotion of agricultural products and their byproducts grown and  
10 produced in Nebraska for use in the beer industry. Such expenditures may  
11 include, but are not limited to, all necessary funding for the employment  
12 of experts in the field of beer brewing and business development, as  
13 deemed necessary by the board, and programs to carry out the purposes of  
14 this subsection. None of the money credited to the Nebraska Beer Industry  
15 Promotional Fund may be used for lobbying purposes.

16 (4) Money in the Nebraska Beer Industry Promotional Fund not  
17 expended during any fiscal year may be reappropriated for the ensuing  
18 biennium. Any money in the fund available for investment shall be  
19 invested by the state investment officer pursuant to the Nebraska Capital  
20 Expansion Act and the Nebraska State Funds Investment Act.

21 Sec. 5. (1) The Nebraska Craft Brewery Board shall publish an  
22 annual report on or before January 1 of each year which shall set forth  
23 in detail the following:

24 (a) The name and address of each board member and a copy of all  
25 rules and regulations adopted and promulgated by the board; and

26 (b) A detailed explanation of all programs for which the board  
27 approved funding during the most recently completed fiscal year pursuant  
28 to section 4 of this act.

29 (2) Each annual report shall be presented electronically to the  
30 Nebraska Liquor Control Commission within thirty days after its  
31 publication and made available also to any person who requests a copy.

1 Except for the annual copy required by this section to be provided to the  
2 commission, the board may charge a nominal fee to cover the costs of  
3 printing and postage for making available copies of its annual reports.

4 Sec. 6. Section 53-103.09, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 53-103.09 (1) Club means a corporation (a) which is organized under  
7 the laws of this state, not for pecuniary profit, solely for the  
8 promotion of some common object other than the sale or consumption of  
9 alcoholic liquor, (b) which is kept, used, and maintained by its members  
10 through the payment of annual dues, and (c) which owns, hires, or leases  
11 a building or space in a building suitable and adequate for the  
12 reasonable and comfortable use and accommodation of its members and their  
13 guests, ~~and (d) which has suitable and adequate kitchen and dining room~~  
14 ~~space and equipment and a sufficient number of servants and employees for~~  
15 ~~cooking, preparing, and serving food and meals for its members and their~~  
16 ~~guests.~~

17 (2) The affairs and management of such club shall be conducted by a  
18 board of directors, executive committee, or similar body chosen by the  
19 members at their annual meeting, and no member, officer, agent, or  
20 employee of the club shall be paid or shall directly or indirectly  
21 receive, in the form of salary or other compensation, any profits from  
22 the distribution or sale of alcoholic liquor to the club or the members  
23 of the club or its guests introduced by members other than any salary  
24 fixed and voted at any annual meeting by the members or by the governing  
25 body of the club out of the general revenue of the club.

26 Sec. 7. Section 53-103.20, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 53-103.20 Manufacturer means every brewer, fermenter, distiller,  
29 rectifier, winemaker, blender, processor, bottler, restaurant, hotel, or  
30 person who fills or refills an original package and others engaged in  
31 brewing, fermenting, distilling, rectifying, or bottling alcoholic

1 liquor, including a wholly owned affiliate or duly authorized agent for a  
2 manufacturer.

3 Sec. 8. Section 53-103.41, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 53-103.41 Wholesaler means a person importing or causing to be  
6 imported into the state or purchasing or causing to be purchased within  
7 the state alcoholic liquor for sale or resale to retailers licensed under  
8 the Nebraska Liquor Control Act, whether the business of the wholesaler  
9 is conducted under the terms of a franchise or any other form of an  
10 agreement with a manufacturer or manufacturers, or who has caused  
11 alcoholic liquor to be imported into the state or purchased in the state  
12 from a manufacturer or manufacturers and was licensed to conduct such a  
13 business by the commission on May 1, 1970, or has been so licensed since  
14 that date.

15 ~~Wholesaler does not include any retailer licensed to sell alcoholic~~  
16 ~~liquor for consumption off the premises who sells alcoholic liquor other~~  
17 ~~than beer or wine to another retailer pursuant to section 53-175, except~~  
18 ~~that any such retailer shall obtain the required federal wholesaler's~~  
19 ~~basic permit and federal wholesale liquor dealer's special tax stamp.~~  
20 Wholesaler includes a distributor, distributorship, and jobber.

21 Sec. 9. Section 53-103.44, Revised Statutes Supplement, 2015, is  
22 amended to read:

23 53-103.44 Hard cider means still wine (1)(a) ~~(1)(a)(i)~~ derived  
24 primarily from apples or apple concentrate and water such that apple  
25 juice, or the equivalent amount of concentrate reconstituted to the  
26 original brix of the juice prior to concentration, represents more than  
27 fifty percent of the volume of the finished product and ~~(ii) containing~~  
28 ~~no other fruit product nor any artificial product which imparts a fruit~~  
29 ~~flavor other than apple~~ or (b) ~~(b)(i)~~ derived primarily from pears or  
30 pear concentrate and water such that pear juice, or the equivalent amount  
31 of concentrate reconstituted to the original brix of the juice prior to

1 concentration, represents more than fifty percent of the volume of the  
2 finished product ~~and (ii) containing no other fruit product nor any~~  
3 ~~artificial product which imparts a fruit flavor other than pear,~~ (2)  
4 containing at least one-half of one percent and less than eight and one-  
5 half percent alcohol by volume, (3) having the taste, aroma, and  
6 characteristics generally attributed to hard cider, and (4) sold or  
7 offered for sale as hard cider.

8 Sec. 10. Section 53-123.01, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 53-123.01 (1) A manufacturer's license shall allow the manufacture,  
11 storage, and sale of alcoholic liquor to wholesale licensees in this  
12 state and to such persons outside the state as may be permitted by law,  
13 except that nothing in the Nebraska Liquor Control Act shall prohibit a  
14 manufacturer of beer from distributing tax-paid samples of beer at the  
15 premises of a licensed manufacturer for consumption on the premises. A  
16 manufacturer's license issued pursuant to this section shall be the only  
17 license required by the Nebraska Liquor Control Act for the manufacture  
18 and retail sale of beer manufactured on the licensed premises for  
19 consumption on the licensed premises.

20 (2)(a) A licensee who or which first obtains a craft brewery license  
21 pursuant to section 53-123.14, holds such license for not less than three  
22 years, and operates a brewpub or microbrewery on the licensed premises of  
23 such craft brewery license shall obtain a manufacturer's license when the  
24 manufacture of beer on the licensed premises exceeds twenty thousand  
25 barrels per year. The manufacturer's license shall authorize the  
26 continued retail sale of beer for consumption on or off the premises but  
27 only to the extent the premises were previously licensed as a craft  
28 brewery. The sale of any beer other than beer manufactured by the  
29 licensee, wine, or alcoholic liquor for consumption on the licensed  
30 premises shall require the appropriate retail license. The holder of such  
31 manufacturer's license may continue to operate up to five retail



1 locations which are in operation at the time such manufacturer's license  
2 is issued and shall divest itself from retail locations in excess of five  
3 locations. The licensee shall not begin operation at any new retail  
4 location even if the licensee's production is reduced below twenty  
5 thousand barrels per year.

6 (b) The holder of such manufacturer's license may obtain an annual  
7 catering license pursuant to section 53-124.12, a special designated  
8 license pursuant to section 53-124.11, or an entertainment district  
9 license pursuant to section 53-123.17.

10 Sec. 11. Section 53-123.14, Revised Statutes Cumulative Supplement,  
11 2014, is amended to read:

12 53-123.14 Any person who operates a craft brewery shall obtain a  
13 license pursuant to the Nebraska Liquor Control Act. A license to operate  
14 a craft brewery shall permit a brewpub or microbrewery to produce on the  
15 licensed ~~craft brewery~~ premises a maximum of twenty thousand barrels of  
16 beer per year. A craft brewery may also sell to beer wholesalers for sale  
17 and distribution to licensed retailers. A craft brewery license issued  
18 pursuant to this section shall be the only license required by the  
19 Nebraska Liquor Control Act for the manufacture and retail sale of beer  
20 for consumption on or off the licensed premises, except that the sale of  
21 any beer other than beer manufactured by the craft brewery licensee,  
22 wine, or alcoholic liquor by the drink for consumption on the licensed  
23 ~~craft brewery~~ premises shall require the appropriate retail license. Any  
24 license held by the operator of a craft brewery shall be subject to the  
25 act. A holder of a craft brewery license may obtain an annual catering  
26 license pursuant to section 53-124.12, a special designated license  
27 pursuant to section 53-124.11, or an entertainment district license  
28 pursuant to section 53-123.17. For purposes of this section, licensed  
29 premises may include up to five separate physical locations.

30 Sec. 12. Section 53-123.15, Revised Statutes Supplement, 2015, is  
31 amended to read:

1           53-123.15 (1) No person shall order or receive alcoholic liquor in  
2 this state which has been shipped directly to him or her from outside  
3 this state by any person other than a holder of a shipping license issued  
4 by the commission, except that a licensed wholesaler may receive not more  
5 than three gallons of wine in any calendar year from any person who is  
6 not a holder of a shipping license.

7           (2) The commission may issue a shipping license to a manufacturer.  
8 Such license shall allow the licensee to ship alcoholic liquor only to a  
9 licensed wholesaler. A person who receives a license pursuant to this  
10 subsection shall pay the fee required in sections 53-124 and 53-124.01  
11 for a manufacturer's shipping license. Such fee shall be collected by the  
12 commission and be remitted to the State Treasurer. Fees remitted prior to  
13 July 1, 2016, shall be credited for credit to the General Fund. Fees  
14 credited beginning on July 1, 2016, shall be credited to the Nebraska  
15 Beer Industry Promotional Fund.

16           (3) The commission may issue a shipping license to any person who  
17 deals with vintage wines, which shipping license shall allow the licensee  
18 to distribute such wines to a licensed wholesaler in the state. For  
19 purposes of distributing vintage wines, a licensed shipper must utilize a  
20 designated wholesaler if the manufacturer has a designated wholesaler.  
21 For purposes of this section, vintage wine shall mean a wine verified to  
22 be ten years of age or older and not available from a primary American  
23 source of supply. A person who receives a license pursuant to this  
24 subsection shall pay the fee required in sections 53-124 and 53-124.01  
25 for a vintage wine dealer's shipping license. Such fee shall be collected  
26 by the commission and be remitted to the State Treasurer for credit to  
27 the General Fund.

28           (4) The commission may issue a shipping license to any manufacturer  
29 who sells and ships alcoholic liquor from another state directly to a  
30 consumer in this state if the manufacturer satisfies the requirements of  
31 subsections (7) through (9) of this section. A manufacturer who receives

1 a license pursuant to this subsection shall pay the fee required in  
2 sections 53-124 and 53-124.01 for a manufacture direct sales shipping  
3 license. Such fee shall be collected by the commission and remitted to  
4 the State Treasurer for credit to the Winery and Grape Producers  
5 Promotional Fund.

6 (5) The commission may issue a shipping license to any retailer who  
7 is licensed within or outside Nebraska, who is authorized to sell  
8 alcoholic liquor at retail in the state of domicile of the retailer, and  
9 who is not a manufacturer if such retailer satisfies the requirements of  
10 subsections (7) through (9) of this section to ship alcoholic liquor from  
11 another state directly to a consumer in this state. A retailer who  
12 receives a license pursuant to this subsection shall pay the fee required  
13 in sections 53-124 and 53-124.01 for a retail direct sales shipping  
14 license. Such fee shall be collected by the commission and remitted to  
15 the State Treasurer for credit to the Winery and Grape Producers  
16 Promotional Fund.

17 (6) The application for a shipping license under subsection (2) or  
18 (3) of this section shall be in such form as the commission prescribes.  
19 The application shall contain all provisions the commission deems proper  
20 and necessary to effectuate the purpose of any section of the act and the  
21 rules and regulations of the commission that apply to manufacturers and  
22 shall include, but not be limited to, provisions that the applicant, in  
23 consideration of the issuance of such shipping license, agrees:

24 (a) To comply with and be bound by sections 53-162 and 53-164.01 in  
25 making and filing reports, paying taxes, penalties, and interest, and  
26 keeping records;

27 (b) To permit and be subject to all of the powers granted by section  
28 53-164.01 to the commission or its duly authorized employees or agents  
29 for inspection and examination of the applicant's premises and records  
30 and to pay the actual expenses, excluding salary, reasonably attributable  
31 to such inspections and examinations made by duly authorized employees of

1 the commission if within the United States; and

2 (c) That if the applicant violates any of the provisions of the  
3 application or the license, any section of the act, or any of the rules  
4 and regulations of the commission that apply to manufacturers, the  
5 commission may suspend, cancel, or revoke such shipping license for such  
6 period of time as it may determine.

7 (7) The application for a shipping license under subsection (4) or  
8 (5) of this section shall be in such form as the commission prescribes.  
9 The application shall require an applicant which is a manufacturer, a  
10 craft brewery, a craft distillery, or a farm winery to identify the  
11 brands of alcoholic liquor that the applicant is requesting the authority  
12 to ship either into or within Nebraska. For all applicants, unless  
13 otherwise provided in this section, the application shall contain all  
14 provisions the commission deems proper and necessary to effectuate the  
15 purpose of any section of the act and the rules and regulations of the  
16 commission that apply to manufacturers or retailers and shall include,  
17 but not be limited to, provisions that the applicant, in consideration of  
18 the issuance of such shipping license, agrees:

19 (a) To comply with and be bound by sections 53-162 and 53-164.01 in  
20 making and filing reports, paying taxes, penalties, and interest, and  
21 keeping records;

22 (b) To permit and be subject to all of the powers granted by section  
23 53-164.01 to the commission or its duly authorized employees or agents  
24 for inspection and examination of the applicant's premises and records  
25 and to pay the actual expenses, excluding salary, reasonably attributable  
26 to such inspections and examinations made by duly authorized employees of  
27 the commission if within the United States;

28 (c) That if the applicant violates any of the provisions of the  
29 application or the license, any section of the act, or any of the rules  
30 and regulations of the commission that apply to manufacturers or  
31 retailers, the commission may suspend, cancel, or revoke such shipping

1 license for such period of time as it may determine;

2 (d) That the applicant agrees to notify the commission of any  
3 violations in the state in which he or she is domiciled and any  
4 violations of the direct shipping laws of any other states. Failure to  
5 notify the commission within thirty days after such a violation may  
6 result in a hearing before the commission pursuant to which the license  
7 may be suspended, canceled, or revoked; and

8 (e) That the applicant, if a manufacturer, craft brewery, craft  
9 distillery, or farm winery, agrees to notify any wholesaler licensed in  
10 Nebraska that has been authorized to distribute such brands that the  
11 application has been filed for a shipping license. The notice shall be in  
12 writing and in a form prescribed by the commission. The commission may  
13 adopt and promulgate rules and regulations as it reasonably deems  
14 necessary to implement this subdivision, including rules and regulations  
15 that permit the holder of a shipping license under this subdivision to  
16 amend the shipping license by, among other things, adding or deleting any  
17 brands of alcoholic liquor identified in the shipping license.

18 (8) Any manufacturer or retailer who is granted a shipping license  
19 under subsection (4) or (5) of this section shall:

20 (a) Only ship the brands of alcoholic liquor identified on the  
21 application;

22 (b) Only ship alcoholic liquor that is owned by the holder of the  
23 shipping license;

24 (c) Only ship alcoholic liquor that is properly registered with the  
25 Alcohol and Tobacco Tax and Trade Bureau of the United States Department  
26 of the Treasury;

27 (d) Not ship any alcoholic liquor products that the manufacturers or  
28 wholesalers licensed in Nebraska have voluntarily agreed not to bring  
29 into Nebraska at the request of the commission;

30 (e) Not ship more than nine liters of alcoholic liquor per month to  
31 any person in Nebraska to whom alcoholic beverages may be lawfully sold.

1 All such sales and shipments shall be for personal consumption only and  
2 not for resale; and

3 (f) Cause the direct shipment of alcoholic liquor to be by approved  
4 common carrier only. The commission shall adopt and promulgate rules and  
5 regulations pursuant to which common carriers may apply for approval to  
6 provide common carriage of alcoholic liquor shipped by a holder of a  
7 shipping license issued pursuant to subsection (4) or (5) of this  
8 section. The rules and regulations shall include provisions that require  
9 (i) the recipient to demonstrate, upon delivery, that he or she is at  
10 least twenty-one years of age, (ii) the recipient to sign an electronic  
11 or paper form or other acknowledgement of receipt as approved by the  
12 commission, and (iii) the commission-approved common carrier to submit to  
13 the commission such information as the commission may prescribe. The  
14 commission-approved common carrier shall refuse delivery when the  
15 proposed recipient appears to be under the age of twenty-one years and  
16 refuses to present valid identification. All holders of shipping licenses  
17 shipping alcoholic liquor pursuant to this subdivision shall affix a  
18 conspicuous notice in sixteen-point type or larger to the outside of each  
19 package of alcoholic liquor shipped within or into the State of Nebraska,  
20 in a conspicuous location, stating: CONTAINS ALCOHOLIC BEVERAGES;  
21 SIGNATURE OF PERSON AT LEAST 21 YEARS OF AGE REQUIRED FOR DELIVERY. Any  
22 delivery of alcoholic beverages to a minor by a common carrier shall  
23 constitute a violation by the common carrier. The common carrier and the  
24 holder of the shipping license shall be liable only for their independent  
25 acts.

26 (9) For purposes of sections 53-160, 77-2703, and 77-27,142, each  
27 shipment of alcoholic liquor by the holder of a shipping license under  
28 subsection (3), (4), or (5) of this section shall constitute a sale in  
29 Nebraska by establishing a nexus in the state. The holder of the shipping  
30 license shall collect all the taxes due to the State of Nebraska and any  
31 political subdivision and remit any excise taxes monthly to the

1 commission and any sales taxes to the Department of Revenue.

2 (10) By July 1, 2014, the commission shall report to the General  
3 Affairs Committee of the Legislature the number of shipping licenses  
4 issued for license years 2013-14 and 2014-15. The report shall be made  
5 electronically.

6 Sec. 13. Section 53-123.17, Revised Statutes Cumulative Supplement,  
7 2014, is amended to read:

8 53-123.17 (1) A local governing body may designate an entertainment  
9 district in which a commons area may be used by retail, craft brewery,  
10 and microdistillery licensees and holders of a manufacturer's license  
11 which obtain an entertainment district license. The local governing body  
12 may, at any time, revoke such designation if it finds that the commons  
13 area threatens the health, safety, or welfare of the public or has become  
14 a common nuisance. The local governing body shall file the designation or  
15 the revocation of the designation with the commission.

16 (2) An entertainment district license allows the sale of alcoholic  
17 liquor for consumption on the premises within the confines of a commons  
18 area. The consumption of alcoholic liquor in the commons area shall only  
19 occur during the hours authorized for sale of alcoholic liquor for  
20 consumption on the premises under section 53-179 and while food service  
21 is available in the commons area. Only the holder of an entertainment  
22 district license or employees of such licensee may sell or dispense  
23 alcoholic liquor in the commons area.

24 (3) An entertainment district licensee shall serve alcoholic liquor  
25 to be consumed in the commons area in containers that prominently  
26 displays the licensee's trade name or logo or some other mark that is  
27 unique to the licensee under the licensee's retail license, craft brewery  
28 license, ~~or~~ microdistillery license, or manufacturer's license. An  
29 entertainment district licensee may allow alcohol sold by another  
30 entertainment district licensee to enter the licensed premises of either  
31 licensee. No entertainment district licensee shall allow alcoholic liquor

1 to leave the commons area or the premises licensed under its retail  
2 license, craft brewery license, ~~or~~ microdistillery license, or  
3 manufacturer's license.

4 (4) If the licensed premises of the holder of a license to sell  
5 alcoholic liquor at retail issued under subsection (6) of section 53-124,  
6 a craft brewery license, ~~or~~ a microdistillery license, or a  
7 manufacturer's license is adjacent to a commons area in an entertainment  
8 district designated by a local governing body pursuant to this section,  
9 the holder of the license may obtain an annual entertainment district  
10 license as prescribed in this section. The entertainment district license  
11 shall be issued for the same period and may be renewed in the same manner  
12 as the retail license, craft brewery license, ~~or~~ microdistillery license,  
13 or manufacturer's license.

14 (5) In order to obtain an entertainment district license, a person  
15 eligible under subsection (4) of this section shall:

16 (a) File an application with the commission upon such forms as the  
17 commission prescribes; and

18 (b) Pay an additional license fee of three hundred dollars for the  
19 privilege of serving alcohol in the entertainment district payable to the  
20 clerk of the local governing body in the same manner as license fees  
21 under subdivision (4) of section 53-134.

22 (6) When an application for an entertainment district license is  
23 filed, the commission shall notify the clerk of the local governing body.  
24 The commission shall include with such notice one copy of the application  
25 by mail or electronic delivery. The local governing body and the  
26 commission shall process the application in the same manner as provided  
27 in section 53-132.

28 (7) The local governing body may impose an occupation tax on the  
29 business of an entertainment district licensee doing business within the  
30 liquor license jurisdiction of the local governing body as provided in  
31 subdivision (11)(b) of this section in accordance with section 53-132.



1 (8) The local governing body with respect to entertainment district  
2 licensees within its liquor license jurisdiction as provided in  
3 subdivision (11)(b) of this section may cancel an entertainment district  
4 license for cause for the remainder of the period for which such  
5 entertainment district license is issued. Any person whose entertainment  
6 district license is canceled may appeal to the commission in accordance  
7 with section 53-134.

8 (9) A local governing body may regulate by ordinance, not  
9 inconsistent with the Nebraska Liquor Control Act, any area it designates  
10 as an entertainment district.

11 (10) Violation of any provision of this section or any rules or  
12 regulations adopted and promulgated pursuant to this section by an  
13 entertainment district licensee may be cause to revoke, cancel, or  
14 suspend the retail license issued under subsection (6) of section 53-124,  
15 craft brewery license, ~~or~~ microdistillery license, or manufacturer's  
16 license held by such licensee.

17 (11) For purposes of this section:

18 (a) Commons area means an area:

19 (i) Within an entertainment district designated by a local governing  
20 body;

21 (ii) Shared by authorized licensees with entertainment district  
22 licenses;

23 (iii) Abutting the licensed premises of such licensees;

24 (iv) Having limited pedestrian accessibility by use of a physical  
25 barrier, either on a permanent or temporary basis; and

26 (v) Closed to vehicular traffic when used as a commons area.

27 Commons area may include any area of a public or private right-of-  
28 way if the area otherwise meets the requirements of this section; and

29 (b) Local governing body means the governing body of the city or  
30 village in which the entertainment district licensee is located.

31 Sec. 14. Section 53-124, Revised Statutes Supplement, 2015, is

1 amended to read:

2 53-124 (1) At the time application is made to the commission for a  
3 license of any type, the applicant shall pay the fee provided in section  
4 53-124.01 and, if the applicant is an individual, provide the applicant's  
5 social security number. The commission shall issue the types of licenses  
6 described in this section.

7 (2) There shall be an airline license, a boat license, a pedal-pub  
8 vehicle license, and a railroad license. The commission shall charge one  
9 dollar for each duplicate of an airline license, a pedal-pub vehicle  
10 license, or a railroad license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (v) Class I: Alcoholic liquor, for consumption on the premises;  
15 and -

16 (vi) Class T: Alcoholic liquor, including beer, for consumption off  
17 the premises, sales in the original packages only, for a retail licensee  
18 whose annual gross revenue from the sale of alcohol does not exceed  
19 twenty percent of the licensee's total annual gross revenue from all  
20 retail sales.

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. 15. Section 53-124.01, Revised Statutes Supplement, 2015, is  
15 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

31 (5) Nonbeverage user's license:

1	Class	Fee - In Dollars
2	Class 1	5
3	Class 2	25
4	Class 3	50
5	Class 4	100
6	Class 5	250
7	(6) Operator's license:	
8	Class	Fee - In Dollars
9	Craft brewery	250
10	Farm winery	250
11	Microdistillery	250
12	(7) Pedal-pub vehicle license ...	\$50
13	(8) Railroad license ...	\$100
14	(9) Retail license:	
15	Class	Fee - In Dollars
16	Class A	100
17	Class B	100
18	Class C	300
19	Class D	200
20	Class I	250
21	<u>Class T</u>	<u>50</u>
22	(10) 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) Wholesale license:	
29	Class	Fee - In Dollars
30	Alcoholic liquor	750

1 Beer 500

2 Sec. 16. Section 53-124.11, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 53-124.11 (1) The commission may issue a special designated license  
5 for sale or consumption of alcoholic liquor at a designated location to a  
6 retail licensee, a craft brewery licensee, a microdistillery licensee, a  
7 farm winery licensee, the holder of a manufacturer's license issued  
8 pursuant to subsection (2) of section 53-123.01, a municipal corporation,  
9 a fine arts museum incorporated as a nonprofit corporation, a religious  
10 nonprofit corporation which has been exempted from the payment of federal  
11 income taxes, a political organization which has been exempted from the  
12 payment of federal income taxes, or any other nonprofit corporation the  
13 purpose of which is fraternal, charitable, or public service and which  
14 has been exempted from the payment of federal income taxes, under  
15 conditions specified in this section. The applicant shall demonstrate  
16 meeting the requirements of this subsection.

17 (2) No retail licensee, craft brewery licensee, microdistillery  
18 licensee, farm winery licensee, holder of a manufacturer's license issued  
19 pursuant to subsection (2) of section 53-123.01, organization, or  
20 corporation enumerated in subsection (1) of this section may be issued a  
21 special designated license under this section for more than six calendar  
22 days in any one calendar year. Only one special designated license shall  
23 be required for any application for two or more consecutive days. This  
24 subsection shall not apply to any holder of a catering license.

25 (3) Except for any special designated license issued to a holder of  
26 a catering license, there shall be a fee of forty dollars for each day  
27 identified in the special designated license. Such fee shall be submitted  
28 with the application for the special designated license, collected by the  
29 commission, and remitted to the State Treasurer for credit to the General  
30 Fund. The applicant shall be exempt from the provisions of the Nebraska  
31 Liquor Control Act requiring an application or renewal fee and the

1 provisions of the act requiring the expiration of forty-five days from  
2 the time the application is received by the commission prior to the  
3 issuance of a license, if granted by the commission. The retail  
4 licensees, craft brewery licensees, microdistillery licensees, farm  
5 winery licensees, holders of manufacturer's licenses issued pursuant to  
6 subsection (2) of section 53-123.01, municipal corporations,  
7 organizations, and nonprofit corporations enumerated in subsection (1) of  
8 this section seeking a special designated license shall file an  
9 application on such forms as the commission may prescribe. Such forms  
10 shall contain, along with other information as required by the  
11 commission, (a) the name of the applicant, (b) the premises for which a  
12 special designated license is requested, identified by street and number  
13 if practicable and, if not, by some other appropriate description which  
14 definitely locates the premises, (c) the name of the owner or lessee of  
15 the premises for which the special designated license is requested, (d)  
16 sufficient evidence that the holder of the special designated license, if  
17 issued, will carry on the activities and business authorized by the  
18 license for himself, herself, or itself and not as the agent of any other  
19 person, group, organization, or corporation, for profit or not for  
20 profit, (e) a statement of the type of activity to be carried on during  
21 the time period for which a special designated license is requested, and  
22 (f) sufficient evidence that the activity will be supervised by persons  
23 or managers who are agents of and directly responsible to the holder of  
24 the special designated license.

25 (4) No special designated license provided for by this section shall  
26 be issued by the commission without the approval of the local governing  
27 body. The local governing body may establish criteria for approving or  
28 denying a special designated license. The local governing body may  
29 designate an agent to determine whether a special designated license is  
30 to be approved or denied. Such agent shall follow criteria established by  
31 the local governing body in making his or her determination. The

1 determination of the agent shall be considered the determination of the  
2 local governing body unless otherwise provided by the local governing  
3 body. For purposes of this section, the local governing body shall be the  
4 city or village within which the premises for which the special  
5 designated license is requested are located or, if such premises are not  
6 within the corporate limits of a city or village, then the local  
7 governing body shall be the county within which the premises for which  
8 the special designated license is requested are located.

9 (5) If the applicant meets the requirements of this section, a  
10 special designated license shall be granted and issued by the commission  
11 for use by the holder of the special designated license. All statutory  
12 provisions and rules and regulations of the commission that apply to a  
13 retail licensee shall apply to the holder of a special designated license  
14 with the exception of such statutory provisions and rules and regulations  
15 of the commission so designated by the commission and stated upon the  
16 issued special designated license, except that the commission may not  
17 designate exemption of sections 53-180 to 53-180.07. The decision of the  
18 commission shall be final. If the applicant does not qualify for a  
19 special designated license, the application shall be denied by the  
20 commission.

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

25 Sec. 17. Section 53-124.12, Revised Statutes Cumulative Supplement,  
26 2014, is amended to read:

27 53-124.12 (1) The holder of a license to sell alcoholic liquor at  
28 retail issued under subsection (6) of section 53-124, a craft brewery  
29 license, a microdistillery license, ~~or~~ a farm winery license, or a  
30 manufacturer's license issued under subsection (2) of section 53-123.01  
31 may obtain an annual catering license as prescribed in this section. The



1 catering license shall be issued for the same period and may be renewed  
2 in the same manner as the retail license, craft brewery license,  
3 microdistillery license, ~~or~~ farm winery license, or manufacturer's  
4 license.

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

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

9 (b) A license fee of one hundred dollars payable to the commission,  
10 which fee shall be returned to the applicant if the application is  
11 denied.

12 (3) When an application for a catering license is filed, the  
13 commission shall notify the clerk of the city or incorporated village in  
14 which such applicant is located or, if the applicant is not located  
15 within a city or incorporated village, the county clerk of the county in  
16 which such applicant is located, of the receipt of the application. The  
17 commission shall include with such notice one copy of the application by  
18 mail or electronic delivery. The local governing body and the commission  
19 shall process the application in the same manner as provided in section  
20 53-132.

21 (4) The local governing body with respect to catering licensees  
22 within its liquor license jurisdiction as provided in subsection (5) of  
23 this section may cancel a catering license for cause for the remainder of  
24 the period for which such catering license is issued. Any person whose  
25 catering license is canceled may appeal to the district court of the  
26 county in which the local governing body is located.

27 (5) For purposes of this section, local governing body means (a) the  
28 governing body of the city or village in which the catering licensee is  
29 located or (b) if such licensee is not located within a city or village,  
30 the governing body of the county in which such licensee is located.

31 (6) The local governing body may impose an occupation tax on the

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

5 Sec. 18. Section 53-129, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 53-129 Retail, craft brewery, and microdistillery licenses issued  
8 under the Nebraska Liquor Control Act apply only to that part of the  
9 premises described in the application approved by the commission and in  
10 the license issued on the application. For retail and microdistillery  
11 licenses, and only one location shall be described in each license. For  
12 craft brewery licenses, up to five separate physical locations may be  
13 described in each license. After such license has been granted for  
14 particular premises, the commission, with the approval of the local  
15 governing body and upon proper showing, may endorse upon the license  
16 permission to add to, delete from, or abandon the premises described in  
17 such license and, if applicable, to move from the premises to other  
18 premises approved by it, but in order to obtain such approval the retail,  
19 craft brewery, or microdistillery licensee shall file with the local  
20 governing body a request in writing and a statement under oath which  
21 shows that the premises as added to or deleted from or to which such move  
22 is to be made comply in all respects with the requirements of the act. No  
23 such addition, deletion, or move shall be made by any such licensee until  
24 the license has been endorsed to that effect in writing by the local  
25 governing body and by the commission and the licensee furnishes proof of  
26 payment of the renewal fee prescribed in subsection (4) of section  
27 53-131.

28 Sec. 19. Section 53-135, Revised Statutes Supplement, 2015, is  
29 amended to read:

30 53-135 A retail license issued by the commission and outstanding may  
31 be automatically renewed by the commission without formal application

1 upon payment of the renewal fee and license fee if payable to the  
2 commission prior to or within thirty days after the expiration of the  
3 license. The payment shall be an affirmative representation and  
4 certification by the licensee that all answers contained in an  
5 application, if submitted, would be the same in all material respects as  
6 the answers contained in the last previous application. The commission  
7 may at any time require a licensee to submit an application, and the  
8 commission shall at any time require a licensee to submit an application  
9 if requested in writing to do so by the local governing body.

10 If a licensee files an application form in triplicate original upon  
11 seeking renewal of his or her license, the application shall be processed  
12 as set forth in section 53-131.

13 ~~Any licensed retail premises located in an area which is annexed to~~  
14 ~~any governmental subdivision shall file a formal application for a~~  
15 ~~license, and while such application is pending, the licensee may continue~~  
16 ~~all license privileges until the original license expires or is canceled~~  
17 ~~or revoked. If such license expires within sixty days following the~~  
18 ~~annexation date of such area, the license may be renewed by order of the~~  
19 ~~commission for not more than one year.~~

20 Sec. 20. Section 53-168.06, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 53-168.06 No person shall manufacture, bottle, blend, sell, barter,  
23 transport, deliver, furnish, or possess any alcoholic liquor for beverage  
24 purposes except as specifically provided in the Nebraska Liquor Control  
25 Act. Nothing in the act shall prevent (1) the possession of alcoholic  
26 liquor legally obtained as provided in the act for the personal use of  
27 the possessor and his or her family and guests; (2) the making of wine,  
28 cider, or other alcoholic liquor by a person from fruits, vegetables, or  
29 grains, or the product thereof, by simple fermentation and without  
30 distillation, if made solely for the use of the maker and his or her  
31 family and guests; (3) any duly licensed practicing physician or dentist

1 from possessing or using alcoholic liquor in the strict practice of his  
2 or her profession, any hospital or other institution caring for the sick  
3 and diseased persons from possessing and using alcoholic liquor for the  
4 treatment of bona fide patients of such hospital or other institution, or  
5 any drug store employing a licensed pharmacist from possessing or using  
6 alcoholic liquor in the compounding of prescriptions of licensed  
7 physicians; (4) the possession and dispensation of alcoholic liquor by an  
8 authorized representative of any religion on the premises of a place of  
9 worship, for the purpose of conducting any bona fide religious rite,  
10 ritual, or ceremony; (5) persons who are sixteen years old or older from  
11 carrying alcoholic liquor from licensed establishments when they are  
12 accompanied by a person not a minor; (6) persons who are sixteen years  
13 old or older from handling alcoholic liquor containers and alcoholic  
14 liquor in the course of their employment; (7) persons who are sixteen  
15 years old or older from removing and disposing of alcoholic liquor  
16 containers for the convenience of the employer and customers in the  
17 course of their employment; ~~or~~ (8) persons who are sixteen years old or  
18 older from completing a transaction for the sale of alcoholic liquor in  
19 the course of their employment if they are not handling or serving  
20 alcoholic liquor; (9) persons who are at least sixteen years old and  
21 younger than nineteen years old from serving and selling alcoholic liquor  
22 in the course of their employment if they are certified as beverage  
23 servers pursuant to section 53-117.03; or (10) persons who are nineteen  
24 years old or older from serving or selling alcoholic liquor in the course  
25 of their employment.

26 Sec. 21. Section 53-169, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 53-169 (1) Except as provided in subsection (2) of this section, no  
29 manufacturer or wholesaler shall directly or indirectly: (a) Pay for  
30 any license to sell alcoholic liquor at retail or advance, furnish, lend,  
31 or give money for payment of such license; (b) purchase or become the

1 owner of any note, mortgage, or other evidence of indebtedness of such  
2 licensee or any form of security therefor; (c) be interested in the  
3 ownership, conduct, or operation of the business of any licensee  
4 authorized to sell alcoholic liquor at retail; or (d) be interested  
5 directly or indirectly or as owner, part owner, lessee, or lessor thereof  
6 in any premises upon which alcoholic liquor is sold at retail.

7 (2) This section ~~does shall~~ not apply to the holder of a farm winery  
8 license. The holder of a craft brewery license shall have the privileges  
9 and duties listed in section 53-123.14 and the holder of a manufacturer's  
10 license shall have the privileges and duties listed in section 53-123.01  
11 with respect to the manufacture, distribution, and retail sale of beer,  
12 and the Nebraska Liquor Control Act shall not be construed to permit the  
13 holder of a craft brewery license or of a manufacturer's license issued  
14 pursuant to section 53-123.01 to engage in the wholesale distribution of  
15 beer. The holder of a microdistillery license shall have the privileges  
16 and duties listed in section 53-123.16 with respect to the manufacture of  
17 alcoholic liquor, and the Nebraska Liquor Control Act shall not be  
18 construed to permit the holder of a microdistillery license to engage in  
19 the wholesale distribution of alcoholic liquor.

20 Sec. 22. Section 53-171, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 53-171 No person licensed as a ~~manufacturer~~ or wholesaler of  
23 alcoholic liquor shall be permitted to receive any retail license at the  
24 same time. No person licensed as a manufacturer shall be permitted to  
25 receive any retail license at the same time except as set forth in  
26 subsection (2) of section 53-123.01 with respect to the manufacture,  
27 distribution, and retail sale of beer, and the Nebraska Liquor Control  
28 Act shall not be construed to permit the holder of a manufacturer's  
29 license issued pursuant to such subsection to engage in the wholesale  
30 distribution of alcoholic liquor. No person licensed as a retailer of  
31 alcoholic liquor shall be permitted to receive any manufacturer's or

1 wholesale license at the same time. This section shall not apply to the  
2 holder of a farm winery license. The holder of a craft brewery license  
3 shall have the privileges and duties listed in section 53-123.14 with  
4 respect to the manufacture, distribution, and retail sale of beer, and  
5 the Nebraska Liquor Control Act shall not be construed to permit the  
6 holder of a craft brewery license to engage in the wholesale distribution  
7 of beer. The holder of a microdistillery license shall have the  
8 privileges and duties listed in section 53-123.16 with respect to the  
9 manufacture of alcoholic liquor, and the Nebraska Liquor Control Act  
10 shall not be construed to permit the holder of a microdistillery license  
11 to engage in the wholesale distribution of alcoholic liquor.

12 Sec. 23. Section 53-175, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 53-175 It shall be unlawful for any person to purchase, receive,  
15 acquire, accept, or possess any alcoholic liquor acquired from any person  
16 other than one duly licensed to handle alcoholic liquor under the  
17 Nebraska Liquor Control Act unless within the specific exemptions or  
18 exceptions provided in the act. No licensed retailer of alcoholic liquor  
19 shall purchase such liquor other than from a licensed wholesaler who has  
20 his or her place of business within this state, ~~except that a licensed~~  
21 ~~retailer may purchase alcoholic liquor other than beer or wine from one~~  
22 ~~or more retailers licensed to sell alcoholic liquor for consumption off~~  
23 ~~the premises if the seller has the required federal wholesaler's basic~~  
24 ~~permit and federal wholesale liquor dealer's special tax stamp and has~~  
25 ~~filed proof of possession of the permit and tax stamp with the commission~~  
26 ~~prior to engaging in any such sales for resale. Retailers making such~~  
27 ~~sales and retailers making such purchases from retailers shall keep~~  
28 ~~accurate records of such sales and purchases and shall report all such~~  
29 ~~sales and purchases on a quarterly basis on forms and in such manner as~~  
30 ~~prescribed by the commission. No licensed retailer shall purchase in the~~  
31 ~~aggregate more than three hundred dollars of alcoholic liquor as allowed~~

1 ~~under this section in any calendar year.~~ Nothing in this section shall  
2 prohibit the sale or exchange among collectors of commemorative bottles  
3 or uniquely designed decanters which contain alcoholic liquor.

4 Sec. 24. Section 53-178, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 53-178 Except in the case of hotels and clubs, no alcoholic liquor  
7 shall be manufactured or sold at retail or wholesale upon any premises  
8 which have any access which leads from such premises to any other portion  
9 of the same building or structure used for dwelling or lodging purposes,  
10 and ~~which is~~ permitted to be used or kept accessible for use by the  
11 public. This section does ~~provision shall~~ not prevent any connection  
12 between such premises and such other portion of the building or structure  
13 which is used only by the licensee or his or her ~~,~~ his family and  
14 personal guests.

15 Sec. 25. Section 53-187, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 53-187 No nonbeverage user shall sell, give away, ~~or~~ otherwise  
18 dispose of any alcoholic liquor, purchased under his or her license as  
19 such nonbeverage user, in any form fit for beverage purposes. Any  
20 nonbeverage user who violates ~~shall violate the provisions of~~ this  
21 section shall pay to the commission, for the use of the General Fund, the  
22 sum of three ~~two~~ dollars and seventy-five ~~ten~~ cents for each gallon of  
23 alcoholic liquor so diverted, and in addition thereto shall be subject to  
24 the penalties provided in section 53-1,100.

25 Sec. 26. Section 53-1,100, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 53-1,100 (1) Any person (a) who manufactures, imports alcoholic  
28 liquor for distribution as a wholesaler, ~~or~~ distributes or sells  
29 alcoholic liquor at any place within the state without having first  
30 obtained a valid license to do so under the Nebraska Liquor Control Act,  
31 (b) who manufactures alcoholic liquor other than spirits within the state

1 without having first obtained a valid license to do so under the act, (c  
2 2) who makes any false statement or otherwise violates any of the  
3 provisions of the act in obtaining any license under the act, (d 3) who,  
4 having obtained a license under the act, violates any of the provisions  
5 of the act with respect to the manufacture, possession, distribution, or  
6 sale of alcoholic liquor or with respect to the maintenance of the  
7 licensed premises, or (e 4) who violates any other provision of the act  
8 for which a penalty is not otherwise provided, shall for a first offense  
9 be guilty of a Class IV misdemeanor and for a second or subsequent  
10 offense shall be guilty of a Class II misdemeanor.

11 (2) Any person who manufactures spirits at any place within the  
12 state without having first obtained a valid license to do so under the  
13 act shall be guilty of a Class I misdemeanor for a first offense and a  
14 Class IV felony for a second or subsequent offense.

15 (3) Each day any person engages in business as a manufacturer,  
16 wholesaler, or retailer in violation of the act shall constitute a  
17 separate offense.

18 (4) In any prosecution in which a person is charged with an offense  
19 arising out of the failure to obtain a valid license as provided in  
20 subdivision (1)(a) or (b) or subsection (2) of this section, evidence of  
21 the failure of the accused to produce such license upon demand shall  
22 constitute prima facie proof that a license has not been issued by the  
23 commission to such person.

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

27 Sec. 28. Original sections 53-103.09, 53-103.20, 53-103.41,  
28 53-123.01, 53-124.11, 53-129, 53-168.06, 53-169, 53-171, 53-175, 53-178,  
29 53-187, and 53-1,100, Reissue Revised Statutes of Nebraska, sections  
30 53-123.14, 53-123.17, and 53-124.12, Revised Statutes Cumulative  
31 Supplement, 2014, and sections 53-103.44, 53-123.15, 53-124, 53-124.01,



1 and 53-135, Revised Statutes Supplement, 2015, are repealed.

2       Sec. 29.    The following section is outright repealed: Section  
3 28-1479, Reissue Revised Statutes of Nebraska.

4       Sec. 30.    Since an emergency exists, this act takes effect when  
5 passed and approved according to law.