

ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020
COMMITTEE STATEMENT
LB1056

Hearing Date: Monday February 03, 2020
Committee On: General Affairs
Introducer: Lowe
One Liner: Provide for temporary expansion of licensed premises under the Nebraska Liquor Control Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Arch, Blood, Brandt, Briese, Hunt, Moser, Wayne, Lowe
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:
Vanessa Silke
Hobert Rupe
Kathy Siefken
Lynn Rex

Representing:
NE Craft Brewers Guild
NE Liquor Control Commission
NE Grocery Assoc. & NE Retail Federation
League of NE Municipalities

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB1056 allows a farm winery, craft brewery, microdistillery, bottle club, or an entity with a retail liquor license to temporarily expand their licensed premises to a street, parking lot, or alley that is immediately adjacent to its licensed location upon approval by the appropriate governing body. The temporary expansion is limited to 15 calendar days per year.

Section by Section summary of LB1056:

Section One of the Bill: Amends section 53-123.11 to allow a farm winery to sell wines produced at the farm winery at retail for consumption on the premises as designated pursuant to section 53-123.12.

Section Two of the Bill: Amends section 53-123.12 to allow a farm winery licensee to apply to the county, city or village in which the premises authorized are located for a temporary expansion of the licensed premises to an immediately adjacent area owned or leased by the licensee or to an immediately adjacent street, parking lot, or alley, not to exceed fifteen days per calendar year. Requires that the temporary area comply with the Liquor Control Act for consumption on the premises and shall be subject to the following conditions:

- The temporary area shall be enclosed during the temporary expansion by a temporary fence or other approved means;
 - The temporary area shall have easily identifiable entrances and exits; and
 - The licensee shall ensure that the area meets all sanitation requirements for a licensed premises.
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The county city, or village shall electronically notify the commission within five days after authorization of any temporary expansion.

The licensee shall file an application with the local governing body which shall contain:

- The name of the applicant;
- The premises for which a temporary expansion is requested;
- The name of the owner or lessee of the premises for which the temporary expansion is requested;
- Sufficient evidence that the licensee will carry on the activities and business authorized by the license for himself, herself or itself and not as the agent of any other person, group, organization, or corporation, for profit or not for profit,
- A statement of the type of activity to be carried on during the time for which a temporary expansion is requested; and
- Sufficient evidence that the temporary expansion will be supervised by persons or managers who are agents of and directly responsible to the licensee.

No temporary expansion shall be granted without the approval of the local governing body. The local governing bod may establish criteria for approving or denying a temporary expansion. The local governing body may also designate an agent to determine whether a temporary expansion is to be approved or denied. Such agent must follow criteria established by the local governing body. The local governing body shall be the city or village within which the premises for which the special designated license is requested are located or, if such premises are not within the corporate limits of a city or village, then the local governing body shall be the county within which the premises is located.

The decision of the local governing body shall be final. If the applicant does not qualify for a temporary expansion, the temporary expansion shall be denied by the local governing body.

The city, village or county clerk shall deliver confirmation of the temporary expansion to the licensee upon receipt of any fee or tax imposed by such city, village or county.

Section Three of the Bill: Amends section 53-129 to allow a retail bottle club, craft brewery, or microdistillery licensee to apply to the county, city or village in which the premises authorized are located for a temporary expansion of the licensed premises to an immediately adjacent area owned or leased by the licensee or to an immediately adjacent street, parking lot, or alley, not to exceed fifteen days per calendar year. Requires that the temporary area comply with the Liquor Control Act for consumption on the premises and shall be subject to the following conditions:

- The temporary area shall be enclosed during the temporary expansion by a temporary fence or other approved means;
- The temporary area shall have easily identifiable entrances and exits; and
- The licensee shall ensure that the area meets all sanitation requirements for a licensed premises.

The county city, or village shall electronically notify the commission within five days after authorization of any temporary expansion.

The licensee shall file an application with the local governing body which shall contain:

- The name of the applicant;
- The premises for which a temporary expansion is requested;
- The name of the owner or lessee of the premises for which the temporary expansion is requested;
- Sufficient evidence that the licensee will carry on the activities and business authorized by the license for himself, herself or itself and not as the agent of any other person, group, organization, or corporation, for profit or not for profit,
- A statement of the type of activity to be carried on during the time for which a temporary expansion is requested; and
- Sufficient evidence that the temporary expansion will be supervised by persons or managers who are agents of and directly responsible to the licensee.

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of a city or village, then the local governing body shall be the county within which the premises is located.

The decision of the local governing body shall be final. If the applicant does not qualify for a temporary expansion, the temporary expansion shall be denied by the local governing body.

The city, village or county clerk shall deliver confirmation of the temporary expansion to the licensee upon receipt of any fee or tax imposed by such city, village or county.

Section Four of the Bill: Amends section 53-134 give the local governing body the authority review and authorize such temporary expansions by retail, bottle club, craft brewery, farm winery, or microdistillery licensee of its licensed premises. The local governing body shall electronically notify the commission within five days after the authorization of any temporary expansion.

Section Five of the Bill: Repeals the original sections.

Explanation of amendments:

Committee AM2595 substitutes for the bill and contains the provisions of LB1056, and in addition adds LB980 as introduced and amended provisions of LB943.

The provisions of LB1056 are contained in the following sections of the committee amendment: sections 4, 5, 6, and 7.

LB980:

The provisions of LB980 are contained in the following sections of the committee amendment: sections 1, 2, and 3.

LB980 updates the Nebraska Lottery and Raffle Act, which governs lotteries and raffles conducted by non-profit organizations or volunteer fire, first-aid, rescue, ambulance, or emergency squads. The bill extends the validity of a special permit to conduct a lottery or raffle under section 9-426 from three months to one year. The bill allows for tickets or stubs sold by licensed organizations to be sold by credit or debit card or online. The bill allows an organization to file its required paperwork and payment of gross proceeds tax annually instead of quarterly.

Section by section summary:

Section One of the Bill: Amends section 9-426 to change the time period a special lottery permit shall be valid from three calendar months to one year.

Section Two of the Bill: Amends section 9-429 to allow the required tax on the gross proceeds of each lottery to be paid annually by September 30 of each year instead of quarterly.

Section Three of the Bill: Amends section 9-431 to allow tickets to be sold online by a licensed organization and allow the use of a credit or debit card online or at event.

LB943:

The provisions of 943 are contained in the following sections of the committee amendment: sections 8 and 9.

LB943 authorizes the Arts Council to recommend a plan to divide the state into creative districts. Creative district certification would be based on a geographically contiguous area, artistic or cultural activities or facilities, the promotion and preservation of artistic or cultural sites or events, and educational use of artistic or cultural activities and sites. The bill permits the Arts Council to prepare a plan and establish a competitive grant program to any certified creative district that meets the criteria.

The Committee amendment removes the original sections 3 and 4 of LB943 and clarifies language in section 9 of the amendment that funding for a competitive grant program to award a grant under this bill would be permitted only to the extent that funds are available.

Section by section summary:

Section Eight of the Bill: Amends section 83-312 to provide a duty to the arts council to recommend to the Legislature a plan to divide the state into creative districts and certify them based on geographically contiguous area, artistic or cultural activities or facilities, promotion and preservation of artistic or cultural sites or events, educational uses of artistic or cultural activities or sites, and unique or niche area, activities, events, facilities, or sites.

Section Nine of the Bill: Amends section 82-313 to allow the arts council to prepare a plan that would permit, to the extent that funds are available, the establishment of a competitive grant program to award a grant to any creative district that is certified pursuant to the plan adopted by the Legislature under subdivision (5) of section 82-312 and that meets the criteria for the competitive grant, including eligibility criteria, application and appeal processes, conditions on receipt of a grant, and consequences of failure to meet the condition.

Public Hearing Testimony on bills contained in AM2595.

LB943

Introducer: Senator Hunt

Proponent:

Suzanne Wise, Nebraska Arts Council

Doug Zbylut, Nebraskans for the Arts

Brad Mellans, Grand Island Convention and Visitor Bureau

Caitlin Little, BFF Omaha and Benson Theater

Opponent: None

Neutral: None

LB980

Introducer: Senator Brandt

Proponent:

Steve Wilson, Ducks Unlimited

Jerry McDonald, Pheasants Forever

Scott Smathers, Nebraska Sportsmen's Foundation

Opponent:None

Neutral:None

Committee Votes to add each bill to Committee Amendment:

LB943 as amended into Committee Amendment:

Aye: Senators Arch, Blood, Brandt, Briese, Hunt, Lowe, Moser, Wayne

Nay:

Absent:

Present Not Voting:

LB980 into Committee Amendment:

Aye: Senators Arch, Blood, Brandt, Briese, Hunt, Moser, Wayne

Nay:

Absent:

Present Not Voting: Senator Lowe

Tom Briese, Chairperson