

AMENDMENTS TO LB 671

(Amendments to Final Reading copy)

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

3 "Section 1. Section 53-123.15, Reissue Revised Statutes
4 of Nebraska, is amended to read:

5 53-123.15. (1) ~~Ne~~ Except for a person who is a holder of
6 a wine receivers license, no person shall order or receive
7 alcoholic liquor in this state which has been shipped directly to
8 him or her from outside this state by any person other than a
9 holder of a shipping license issued by the commission, except that
10 a licensed wholesaler may receive not more than three gallons of
11 wine in any calendar year from any person who is not a holder of a
12 shipping license. Any person who is a holder of a wine receivers
13 license shall supply his or her license number to any person who
14 ships wine to such licensee.

15 (2) The commission may issue a shipping license to a
16 manufacturer. Such license shall allow the licensee to ship
17 alcoholic liquor only to a licensed wholesaler, except that a
18 licensed wholesaler may, without a shipping license and for the
19 purposes of subdivision (2) of section 53-161, receive beer in this
20 state which has been shipped from outside the state by a
21 manufacturer in accordance with the Nebraska Liquor Control Act to
22 the wholesaler, then transported by the wholesaler to another state
23 for retail distribution, and then returned by the retailer to such

1 wholesaler.

2 (3) The commission may issue a shipping license to any
3 person who deals with vintage wines, which shipping license shall
4 allow the licensee to distribute such wines to a licensed
5 wholesaler in the state. For purposes of distributing vintage
6 wines, a licensed shipper must utilize a designated wholesaler if
7 the manufacturer has a designated wholesaler. For purposes of this
8 section, vintage wine shall mean a wine verified to be ten years of
9 age or older and not available from a primary American source of
10 supply.

11 (4) The commission may issue a wine receivers license to
12 any person who wishes to receive wine shipped from another state
13 directly to a consumer in this state. A person who receives a
14 license pursuant to this subsection shall pay the fee required in
15 subdivision (12) of section 53-124 and shall pay the tax pursuant
16 to section 53-162 if no such tax has been charged by the state from
17 which the wine was shipped.

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

26 (a) To comply with and be bound by ~~section 53-164.01 the~~
27 act in making and filing reports, paying taxes, penalties, and

1 interest, and keeping records;

2 (b) To permit and be subject to all of the powers granted
3 by ~~section 53-164.01~~ the act to the commission or its duly
4 authorized employees or agents for inspection and examination of
5 the applicant's premises and records and to pay the actual
6 expenses, excluding salary, reasonably attributable to such
7 inspections and examinations made by duly authorized employees of
8 the commission if within the United States; and

9 (c) That if the applicant violates any of the provisions
10 of the application or the license, any section of the act, or any
11 of the rules and regulations of the commission that apply to
12 manufacturers, the commission may revoke or suspend such shipping
13 license or wine receivers for such period of time as it may
14 determine.

15 Sec. 2. Section 53-124, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 53-124. At the time application is made to the
18 commission for a license of any type, the applicant shall pay the
19 fee provided in this section and, if the applicant is an
20 individual, provide the applicant's social security number. The
21 fees for annual licenses finally issued by the commission shall be
22 as follows:

23 (1) For a license to manufacture alcohol and
24 spirits \$1,000.00;

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

27 (a) Manufacture of beer, excluding beer produced by a

1 craft brewery:

- 2 (i) 1 to 100 barrel daily capacity,
3 or any part thereof \$100.00
4 (ii) 100 to 150 barrel daily
5 capacity 200.00
6 (iii) 150 to 200 barrel daily
7 capacity 350.00
8 (iv) 200 to 300 barrel daily
9 capacity 500.00
10 (v) 300 to 400 barrel daily
11 capacity 650.00
12 (vi) 400 to 500 barrel daily
13 capacity 700.00
14 (vii) 500 barrel daily capacity,
15 or more 800.00;
16 (b) Operation of a craft brewery \$250.00;
17 (c) Manufacture of wines \$250.00;
18 (d) Operation of a farm winery \$250.00.

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

- 24 (3) Alcoholic liquor wholesale license, for the first and
25 each additional wholesale place of business operated in this state
26 by the same licensee and wholesaling alcoholic liquor, except beer
27 and wines produced from farm wineries \$500.00;

1 (4) Beer wholesale license, for the first and each
2 additional wholesale place of business operated in this state by
3 the same licensee and wholesaling beer only \$250.00;

4 (5) For a retail license:

5 (a) Class A: Beer only except for craft breweries, inside
6 the corporate limits of cities and villages, for consumption on the
7 premises, the sum of ten dollars in villages having a population of
8 five hundred inhabitants or less; twenty-five dollars in villages
9 or cities having a population of more than five hundred inhabitants
10 and not more than twenty-five hundred inhabitants; fifty dollars in
11 cities having a population of more than twenty-five hundred
12 inhabitants and less than ten thousand inhabitants; and one hundred
13 dollars in cities having a population of ten thousand inhabitants
14 or more;

15 (b) Class B: Beer only except for craft breweries, for
16 consumption off the premises, sales in the original packages only,
17 the sum of twenty-five dollars;

18 (c) Class C: Alcoholic liquor inside the corporate limits
19 of cities and villages, for consumption on the premises and off the
20 premises, sales in original packages only, the sum of two hundred
21 fifty dollars, except for farm winery or craft brewery sales
22 outlets. If a Class C license is held by a nonprofit corporation,
23 it shall be restricted to consumption on the premises only. A
24 Class C license may have a sampling designation restricting
25 consumption on the premises to sampling, but such designation shall
26 not affect sales for consumption off the premises under such
27 license;

1 (d) Class D: Alcoholic liquor, including beer, inside the
2 corporate limits of cities and villages, for consumption off the
3 premises, sales in the original packages only, except as provided
4 in subsection (2) of section 53-123.04, the sum of one hundred
5 fifty dollars, except for farm winery or craft brewery sales
6 outlets;

7 (e) Class E: Alcoholic liquor outside the corporate
8 limits of cities and villages in any county in which there is no
9 incorporated city or village or in which the county seat is not
10 located in an incorporated city or village, for consumption off the
11 premises, sales in the original packages only, not less than one
12 hundred fifty dollars for each license, except for farm winery or
13 craft brewery sales outlets;

14 (f) Class F: Beer only except for craft breweries,
15 outside the corporate limits of cities and villages, for
16 consumption on the premises, not less than twenty-five dollars for
17 each license, the precise amount in each case to be such sum as
18 equals the amount of license fee fixed in this section plus the
19 occupation tax fixed by ordinance, if any, in the nearest
20 incorporated city or village in the same county;

21 (g) Class H: Alcoholic liquor, including beer, issued to
22 a nonprofit corporation, for consumption on the premises:

23 (i) Inside the corporate limits of cities and villages,
24 regardless of alcoholic content, the sum of twenty dollars in
25 villages having a population of five hundred inhabitants or less;
26 fifty dollars in villages or cities having a population of more
27 than five hundred inhabitants and not more than twenty-five hundred

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1 inhabitants; one hundred dollars in cities having a population of
2 more than twenty-five hundred inhabitants and less than ten
3 thousand inhabitants; and two hundred dollars in cities having a
4 population of ten thousand inhabitants or more; and

5 (ii) Outside the corporate limits of cities and villages,
6 not less than two hundred fifty dollars for each license, the
7 precise amount in each case to be such sum as equals the amount of
8 license fee fixed in this section plus the occupation tax fixed by
9 ordinance, if any, in the nearest incorporated city or village in
10 the same county. If the incorporated city or village does not have
11 an occupation tax for nonprofit corporation licenses, then the
12 licensee shall pay an amount equal to a Class C license occupation
13 tax for such city or village.

14 A Class H license shall not be issued to any corporation
15 authorized by law to receive a Class C license unless the nonprofit
16 corporation is open for sale of alcoholic liquor, including beer,
17 for consumption on the premises not more than two days in any week;

18 (h) Class I: Alcoholic liquor, inside the corporate
19 limits of cities and villages, for consumption on the premises, the
20 sum of two hundred dollars, except for farm winery or craft brewery
21 sales outlets;

22 (i) Class J: Beer and wine only except for craft
23 breweries, inside the corporate limits of cities and villages, for
24 consumption on the premises of restaurants only, the sum of fifty
25 dollars in villages having a population of five hundred inhabitants
26 or less; seventy-five dollars in villages or cities having a
27 population of more than five hundred inhabitants and not more than

1 twenty-five hundred inhabitants; one hundred twenty-five dollars in
2 cities having a population of more than twenty-five hundred
3 inhabitants and less than ten thousand inhabitants; and two hundred
4 twenty-five dollars in cities having a population of ten thousand
5 inhabitants or more; and

6 (j) Class K: Wine only, for consumption off the premises,
7 sales in original packages only, except as provided in subsection
8 (2) of section 53-123.04, the sum of one hundred twenty-five
9 dollars.

10 All applicable license fees shall be paid by the
11 applicant or licensee directly to the city or village treasurer in
12 the case of premises located inside the corporate limits of a city
13 or village and directly to the county treasurer in the case of
14 premises located outside the corporate limits of a city or village,
15 except that the fee for a Class D license shall be paid directly to
16 the commission;

17 (6) For a railroad license \$100.00
18 and \$1.00 for each duplicate;

19 (7) For a boat license \$50.00;

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

21 Class 1 \$ 5.00

22 Class 2 25.00

23 Class 3 50.00

24 Class 4 100.00

25 Class 5 250.00;

26 (9) For a bottle club license, two hundred fifty dollars
27 in any county having a population of less than five thousand five

1 hundred inhabitants and five hundred dollars in any county having a
2 population of five thousand five hundred inhabitants or more. No
3 such license shall be issued within the corporate limits of any
4 city or village when a license as provided in subdivision (5)(c) of
5 this section has been issued in such city or village. The
6 applicable fee shall be paid by the applicant or licensee directly
7 to the city or village treasurer in the case of a bottle club
8 license within the corporate limits of a city or village and
9 directly to the county treasurer in the case of a bottle club
10 license outside the limits of any city or village;

11 (10) For an airline license \$100.00
12 and \$1.00 for each duplicate; ~~and~~

13 ~~(11) For a shipping license \$200.00.~~

14 (11) For a shipping license, except a wine receivers
15 license issued pursuant to section 53-123.15 \$200.00;
16 and

17 (12) For a wine receivers license issued pursuant to
18 section 53-123.15 \$25.00.

19 The license year, unless otherwise provided in the
20 Nebraska Liquor Control Act, shall commence on May 1 of each year
21 and shall end on the following April 30, except that the license
22 year for a Class C license shall commence on November 1 of each
23 year and shall end on the following October 31. During the license
24 year, no license shall be issued for a sum less than the amount of
25 the annual license fee as fixed in this section, regardless of the
26 time when the application for such license has been made.

27 Sec. 3. Original sections 53-123.15 and 53-124, Reissue

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1 Revised Statutes of Nebraska, are repealed.".

2 2. On page 1, strike lines 3 through 7 and insert "of
3 Nebraska; to provide for a wine receivers license and a fee as
4 prescribed; to provide duties; to harmonize provisions; and to
5 repeal the original sections.".