

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 549**

Introduced by Synowiecki, 7

Read first time January 17, 2007

Committee: General Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Liquor Control Act;  
2 to amend sections 53-116.02, 53-117.07, 53-123,  
3 53-124, 53-129, 53-131, 53-133, 53-134, 53-134.03,  
4 53-169, 53-171, 53-188, and 53-1,115, Reissue Revised  
5 Statutes of Nebraska, and sections 53-101, 53-103,  
6 53-124.11, 53-124.12, 53-132, and 53-164.01, Revised  
7 Statutes Cumulative Supplement, 2006; to provide for a  
8 microdistillery license; to define terms; to harmonize  
9 provisions; and to repeal the original sections.  
10 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 53-101, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

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

6           Sec. 2. Section 53-103, Revised Statutes Cumulative  
7 Supplement, 2006, is amended to read:

8           53-103 For purposes of the Nebraska Liquor Control Act,  
9 unless the context otherwise requires:

10           (1) Alcohol means the product of distillation of any  
11 fermented liquid, whether rectified or diluted, whatever the origin  
12 thereof, and includes synthetic ethyl alcohol and alcohol processed  
13 or sold in a gaseous form. Alcohol does not include denatured  
14 alcohol or wood alcohol;

15           (2) Spirits means any beverage which contains alcohol  
16 obtained by distillation, mixed with water or other substance  
17 in solution, and includes brandy, rum, whiskey, gin, or other  
18 spirituous liquors and such liquors when rectified, blended, or  
19 otherwise mixed with alcohol or other substances;

20           (3) Wine means any alcoholic beverage obtained by the  
21 fermentation of the natural contents of fruits or vegetables,  
22 containing sugar, including such beverages when fortified by the  
23 addition of alcohol or spirits;

24           (4) Beer means a beverage obtained by alcoholic  
25 fermentation of an infusion or concoction of barley or other grain,

1 malt, and hops in water and includes, but is not limited to, beer,  
2 ale, stout, lager beer, porter, and near beer;

3 (5) Alcoholic liquor includes alcohol, spirits, wine,  
4 beer, and any liquid or solid, patented or not, containing alcohol,  
5 spirits, wine, or beer and capable of being consumed as a beverage  
6 by a human being. Alcoholic liquor also includes confections or  
7 candy with alcohol content of more than one-half of one percent  
8 alcohol. The act does not apply to (a) alcohol used in the  
9 manufacture of denatured alcohol produced in accordance with acts  
10 of Congress and regulations adopted and promulgated pursuant to  
11 such acts, (b) flavoring extracts, syrups, medicinal, mechanical,  
12 scientific, culinary, or toilet preparations, or food products  
13 unfit for beverage purposes, but the act applies to alcoholic  
14 liquor used in the manufacture, preparation, or compounding of such  
15 products or confections or candy that contains more than one-half  
16 of one percent alcohol, or (c) wine intended for use and used by  
17 any church or religious organization for sacramental purposes;

18 (6) Near beer means beer containing less than one-half of  
19 one percent of alcohol by volume;

20 (7) Original package means any bottle, flask, jug, can,  
21 cask, barrel, keg, hogshead, or other receptacle or container  
22 used, corked or capped, sealed, and labeled by the manufacturer of  
23 alcoholic liquor to contain and to convey any alcoholic liquor;

24 (8) Manufacturer means every brewer, fermenter,  
25 distiller, rectifier, winemaker, blender, processor, bottler,

1 or person who fills or refills an original package and others  
2 engaged in brewing, fermenting, distilling, rectifying, or bottling  
3 alcoholic liquor, including a wholly owned affiliate or duly  
4 authorized agent for a manufacturer;

5 (9) Nonbeverage user means every manufacturer of any  
6 of the products set forth and described in subsection (4) of  
7 section 53-160, when such product contains alcoholic liquor, and  
8 all laboratories, hospitals, and sanatoria using alcoholic liquor  
9 for nonbeverage purposes;

10 (10) Manufacture means to distill, rectify, ferment,  
11 brew, make, mix, concoct, process, blend, bottle, or fill an  
12 original package with any alcoholic liquor and includes blending  
13 but does not include the mixing or other preparation of drinks for  
14 serving by those persons authorized and permitted in the act to  
15 serve drinks for consumption on the premises where sold;

16 (11) Wholesaler means a person importing or causing to be  
17 imported into the state or purchasing or causing to be purchased  
18 within the state alcoholic liquor for sale or resale to retailers  
19 licensed under the act, whether the business of the wholesaler is  
20 conducted under the terms of a franchise or any other form of an  
21 agreement with a manufacturer or manufacturers, or who has caused  
22 alcoholic liquor to be imported into the state or purchased in  
23 the state from a manufacturer or manufacturers and was licensed  
24 to conduct such a business by the commission on May 1, 1970, or  
25 has been so licensed since that date. Wholesaler does not include

1 any retailer licensed to sell alcoholic liquor for consumption off  
2 the premises who sells alcoholic liquor other than beer or wine  
3 to another retailer pursuant to section 53-175, except that any  
4 such retailer shall obtain the required federal wholesaler's basic  
5 permit and federal wholesale liquor dealer's special tax stamp.

6 Wholesaler includes a distributor, distributorship, and jobber;

7 (12) Person means any natural person, trustee,  
8 corporation, partnership, or limited liability company;

9 (13) Retailer means a person who sells or offers for sale  
10 alcoholic liquor for use or consumption and not for resale in any  
11 form except as provided in section 53-175;

12 (14) Sell at retail and sale at retail means sale for use  
13 or consumption and not for resale in any form except as provided in  
14 section 53-175;

15 (15) Commission means the Nebraska Liquor Control  
16 Commission;

17 (16) Sale means any transfer, exchange, or barter in any  
18 manner or by any means for a consideration and includes any sale  
19 made by any person, whether principal, proprietor, agent, servant,  
20 or employee;

21 (17) To sell means to solicit or receive an order for, to  
22 keep or expose for sale, or to keep with intent to sell;

23 (18) Restaurant means any public place (a) which is kept,  
24 used, maintained, advertised, and held out to the public as a place  
25 where meals are served and where meals are actually and regularly

1 served, (b) which has no sleeping accommodations, and (c) which  
2 has adequate and sanitary kitchen and dining room equipment and  
3 capacity and a sufficient number and kind of employees to prepare,  
4 cook, and serve suitable food for its guests;

5 (19) Club means a corporation (a) which is organized  
6 under the laws of this state, not for pecuniary profit, solely  
7 for the promotion of some common object other than the sale or  
8 consumption of alcoholic liquor, (b) which is kept, used, and  
9 maintained by its members through the payment of annual dues, (c)  
10 which owns, hires, or leases a building or space in a building  
11 suitable and adequate for the reasonable and comfortable use and  
12 accommodation of its members and their guests, and (d) which  
13 has suitable and adequate kitchen and dining room space and  
14 equipment and a sufficient number of servants and employees for  
15 cooking, preparing, and serving food and meals for its members  
16 and their guests. The affairs and management of such club shall  
17 be conducted by a board of directors, executive committee, or  
18 similar body chosen by the members at their annual meeting, and  
19 no member, officer, agent, or employee of the club shall be paid  
20 or shall directly or indirectly receive, in the form of salary or  
21 other compensation, any profits from the distribution or sale of  
22 alcoholic liquor to the club or the members of the club or its  
23 guests introduced by members other than any salary fixed and voted  
24 at any annual meeting by the members or by the governing body of  
25 the club out of the general revenue of the club;

1           (20) Hotel means any building or other structure (a)  
2 which is kept, used, maintained, advertised, and held out to  
3 the public to be a place where food is actually served and  
4 consumed and sleeping accommodations are offered for adequate  
5 pay to travelers and guests, whether transient, permanent, or  
6 residential, (b) in which twenty-five or more rooms are used for  
7 the sleeping accommodations of such guests, and (c) which has one  
8 or more public dining rooms where meals are served to such guests,  
9 such sleeping accommodations and dining rooms being conducted in  
10 the same buildings in connection therewith and such building or  
11 buildings or structure or structures being provided with adequate  
12 and sanitary kitchen and dining room equipment and capacity;

13           (21) Nonprofit corporation means any corporation  
14 organized under the laws of this state, not for profit, which has  
15 been exempted from the payment of federal income taxes;

16           (22) Minor means any person, male or female, under  
17 twenty-one years of age, regardless of marital status;

18           (23) Brand means alcoholic liquor identified as the  
19 product of a specific manufacturer;

20           (24) Franchise or agreement, with reference to the  
21 relationship between a manufacturer and wholesaler, includes one or  
22 more of the following: (a) A commercial relationship of a definite  
23 duration or continuing indefinite duration which is not required  
24 to be in writing; (b) a relationship by which the wholesaler is  
25 granted the right to offer and sell the manufacturer's brands by

1 the manufacturer; (c) a relationship by which the franchise, as an  
2 independent business, constitutes a component of the manufacturer's  
3 distribution system; (d) a relationship by which the operation  
4 of the wholesaler's business is substantially associated with  
5 the manufacturer's brand, advertising, or other commercial symbol  
6 designating the manufacturer; and (e) a relationship by which the  
7 operation of the wholesaler's business is substantially reliant on  
8 the manufacturer for the continued supply of beer;

9 (25) Territory or sales territory means the wholesaler's  
10 area of sales responsibility for the brand or brands of the  
11 manufacturer;

12 (26) Suspend means to cause a temporary interruption of  
13 all rights and privileges of a license;

14 (27) Cancel means to discontinue all rights and  
15 privileges of a license;

16 (28) Revoke means to permanently void and recall all  
17 rights and privileges of a license;

18 (29) Generic label means a label which is not protected  
19 by a registered trademark, either in whole or in part, or to  
20 which no person has acquired a right pursuant to state or federal  
21 statutory or common law;

22 (30) Private label means a label which the purchasing  
23 wholesaler or retailer has protected, in whole or in part, by  
24 a trademark registration or which the purchasing wholesaler or  
25 retailer has otherwise protected pursuant to state or federal

1 statutory or common law;

2 (31) Farm winery means any enterprise which produces and  
3 sells wines produced from grapes, other fruit, or other suitable  
4 agricultural products of which at least seventy-five percent of the  
5 finished product is grown in this state;

6 (32) Campus, as it pertains to the southern boundary of  
7 the main campus of the University of Nebraska-Lincoln, means the  
8 south right-of-way line of R Street and abandoned R Street from  
9 10th to 17th streets;

10 (33) Brewpub means any restaurant or hotel which produces  
11 on its premises a maximum of ten thousand barrels of beer per year;

12 (34) Manager means a person appointed by a corporation to  
13 oversee the daily operation of the business licensed in Nebraska. A  
14 manager shall meet all the requirements of the act as though he or  
15 she were the applicant, except for residency and citizenship;

16 (35) Shipping license means a license granted pursuant to  
17 section 53-123.15;

18 (36) Sampling means consumption on the premises of a  
19 retail licensee of not more than five samples of one fluid ounce or  
20 less of alcoholic liquor by the same person in a twenty-four-hour  
21 period;

22 (37) Microbrewery means any small brewery producing a  
23 maximum of ten thousand barrels of beer per year;

24 (38) Craft brewery means a brewpub or a microbrewery;

25 (39) Local governing body means (a) the city council or

1 village board of trustees of a city or village within which the  
 2 licensed premises are located or (b) if the licensed premises are  
 3 not within the corporate limits of a city or village, the county  
 4 board of the county within which the licensed premises are located;  
 5 and

6 (40) Consume means knowingly and intentionally drinking  
 7 or otherwise ingesting alcoholic liquor; and -

8 (41) Microdistillery means a distillery located in  
 9 Nebraska that is licensed to distill liquor on the premises of  
 10 the distillery licensee and produces twenty-one thousand or fewer  
 11 gallons of liquor annually.

12 Sec. 3. Section 53-116.02, Reissue Revised Statutes of  
 13 Nebraska, is amended to read:

14 53-116.02 Whenever any retail licensee, ~~or~~ craft brewery  
 15 licensee, or microdistillery licensee has been convicted by any  
 16 court of a violation of the Nebraska Liquor Control Act, the  
 17 licensee may, in addition to the penalties for such offense, incur  
 18 a forfeiture of ~~his or her~~ the license and all money that had been  
 19 paid for the license. The local governing body may conditionally  
 20 revoke the license subject to a final order of the commission, or  
 21 the commission may revoke the license in an original proceeding  
 22 brought before it for that purpose.

23 Sec. 4. Section 53-117.07, Reissue Revised Statutes of  
 24 Nebraska, is amended to read:

25 53-117.07 All proceedings for the suspension,

1 cancellation, or revocation of licenses of manufacturers,  
2 wholesalers, nonbeverage users, craft breweries, microdistilleries,  
3 railroads, airlines, shippers, and boats shall be before the  
4 commission, and the proceedings shall be in accordance with rules  
5 and regulations adopted and promulgated by it not inconsistent with  
6 law. No such license shall be so suspended, canceled, or revoked  
7 except after a hearing by the commission with reasonable notice to  
8 the licensee and opportunity to appear and defend.

9           Sec. 5. Section 53-123, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           53-123 Licenses issued by the commission shall be of the  
12 following types: (1) Manufacturer's license; (2) alcoholic liquor  
13 wholesale license, except beer; (3) beer wholesale license; (4)  
14 retail license; (5) railroad license; (6) airline license; (7)  
15 boat license; (8) nonbeverage user's license; (9) farm winery  
16 license; (10) craft brewery license; (11) shipping license; (12)  
17 special designated license; ~~and~~ (13) catering license; and (14)  
18 microdistillery license.

19           Sec. 6. Any person who operates a microdistillery shall  
20 obtain a license pursuant to the Nebraska Liquor Control Act. A  
21 license to operate a microdistillery shall permit the licensee  
22 to produce on the premises a maximum of twenty-one thousand  
23 gallons of liquor per year. A microdistillery may also sell  
24 to licensed wholesalers for sale and distribution to licensed  
25 retailers. A microdistillery license issued pursuant to this

1 section shall be the only license required by the Nebraska Liquor  
2 Control Act for the manufacture and retail sale of microdistilled  
3 product for consumption on or off the licensed premises, except  
4 that the sale of any beer, wine, or alcoholic liquor, other  
5 than microdistilled product manufactured by the microdistillery  
6 licensee, by the drink for consumption on the microdistillery  
7 premises shall require the appropriate retail license. Any license  
8 held by the operator of a microdistillery shall be subject to  
9 the act. A holder of a microdistillery license may obtain  
10 an annual catering license pursuant to section 53-124.12 or a  
11 special designated license pursuant to section 53-124.11. The  
12 commission may, upon the conditions it determines, grant to any  
13 microdistillery licensed under this section a special license  
14 authorizing the microdistillery to purchase and to import, from  
15 such persons as are entitled to sell the same, wines or spirits  
16 to be used solely as ingredients and for the sole purpose of  
17 blending with and flavoring microdistillery products as a part of  
18 the microdistillation process.

19           Sec. 7. Section 53-124, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

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

1           ~~(1)~~ (1) (a) For a license to manufacture alcohol and  
2 spirits.....\$1,000.00;

3           (b) Operation of a microdistillery.....\$250.00;

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

6           (a) Manufacture of beer, excluding beer produced by a  
7 craft brewery:

8           (i) 1 to 100 barrel daily capacity, or any part  
9 thereof.....\$100.00

10           (ii) 100 to 150 barrel daily capacity.....200.00

11           (iii) 150 to 200 barrel daily capacity.....350.00

12           (iv) 200 to 300 barrel daily capacity.....500.00

13           (v) 300 to 400 barrel daily capacity.....650.00

14           (vi) 400 to 500 barrel daily capacity.....700.00

15           (vii) 500 barrel daily capacity, 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  
20 capacity shall mean the average daily barrel production for the  
21 previous twelve months of manufacturing operation. If no such  
22 basis for comparison exists, the manufacturing licensee shall pay  
23 in advance for the first year's operation a fee of five hundred  
24 dollars;

25           (3) Alcoholic liquor wholesale license, for the first and

1 each additional wholesale place of business operated in this state  
2 by the same licensee and wholesaling alcoholic liquor, except beer  
3 and wines produced from farm wineries.....\$750.00;

4 (4) Beer wholesale license, for the first and each  
5 additional wholesale place of business operated in this state by  
6 the same licensee and wholesaling beer only.....\$500.00;

7 (5) For a retail license:

8 (a) Class A: Beer only except for craft breweries, for  
9 consumption on the premises, the sum of one hundred dollars;

10 (b) Class B: Beer only except for craft breweries, for  
11 consumption off the premises, sales in the original packages only,  
12 the sum of one hundred dollars;

13 (c) Class C: Alcoholic liquor, for consumption on the  
14 premises and off the premises, sales in original packages only,  
15 the sum of three hundred dollars, except for farm winery,  
16 microdistillery, or craft brewery sales outlets. If a Class C  
17 license is held by a nonprofit corporation, it shall be restricted  
18 to consumption on the premises only. A Class C license may have  
19 a sampling designation restricting consumption on the premises  
20 to sampling, but such designation shall not affect sales for  
21 consumption off the premises under such license;

22 (d) Class D: Alcoholic liquor, including beer, for  
23 consumption off the premises, sales in the original packages only,  
24 except as provided in subsection (2) of section 53-123.04, the sum  
25 of two hundred dollars, except for farm winery, microdistillery, or

1 craft brewery sales outlets; and

2 (e) Class I: Alcoholic liquor, for consumption on the  
3 premises, the sum of two hundred fifty dollars, except for farm  
4 winery, microdistillery, or craft brewery sales outlets.

5 All applicable license fees shall be paid by the  
6 applicant or licensee directly to the city or village treasurer in  
7 the case of premises located inside the corporate limits of a city  
8 or village and directly to the county treasurer in the case of  
9 premises located outside the corporate limits of a city or village;

10 (6) For a railroad license.....\$100.00 and \$1.00 for each  
11 duplicate;

12 (7) For a boat license.....\$50.00;

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

14 Class 1.....\$5.00

15 Class 2.....25.00

16 Class 3.....50.00

17 Class 4.....100.00

18 Class 5.....250.00;

19 (9) For an airline license.....\$100.00 and \$1.00 for each  
20 duplicate;

21 (10) For a shipping license, except a shipping license  
22 issued pursuant to subsection (4) of section 53-123.15.....\$200.00;  
23 and

24 (11) For a shipping license issued pursuant to subsection  
25 (4) of section 53-123.15.....\$500.00.

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

14           Sec. 8. Section 53-124.11, Revised Statutes Cumulative  
15 Supplement, 2006, is amended to read:

16           53-124.11 (1) The commission may issue a special  
17 designated license for sale or consumption of alcoholic liquor  
18 at a designated location to a retail licensee, a craft brewery  
19 licensee, a microdistillery licensee, a farm winery licensee,  
20 a municipal corporation, a fine arts museum incorporated as a  
21 nonprofit corporation, a religious nonprofit corporation which  
22 has been exempted from the payment of federal income taxes, a  
23 political organization which has been exempted from the payment  
24 of federal income taxes, or any other nonprofit corporation the  
25 purpose of which is fraternal, charitable, or public service and

1 which has been exempted from the payment of federal income taxes,  
2 under conditions specified in this section. The applicant shall  
3 demonstrate meeting the requirements of this subsection.

4 (2) No retail licensee, craft brewery licensee,  
5 microdistillery licensee, farm winery licensee, organization, or  
6 corporation enumerated in subsection (1) of this section may be  
7 issued a special designated license under this section for more  
8 than six calendar days in any one calendar year. Only one special  
9 designated license shall be required for any application for two  
10 or more consecutive days. This subsection shall not apply to any  
11 holder of a catering license.

12 (3) Except for any special designated license issued to  
13 a holder of a catering license, there shall be a fee of forty  
14 dollars for each day identified in the special designated license.  
15 Such fee shall be submitted with the application for the special  
16 designated license, collected by the commission, and remitted to  
17 the State Treasurer for credit to the General Fund. The applicant  
18 shall be exempt from the provisions of the Nebraska Liquor Control  
19 Act requiring a registration fee and the provisions of the act  
20 requiring the expiration of forty-five days from the time the  
21 application is received by the commission prior to the issuance  
22 of a license, if granted by the commission. The retail licensees,  
23 craft brewery licensees, microdistillery licensees, farm winery  
24 licensees, municipal corporations, organizations, and nonprofit  
25 corporations enumerated in subsection (1) of this section seeking

1 a special designated license shall file an application on such  
2 forms as the commission may prescribe. Such forms shall contain,  
3 along with other information as required by the commission, (a)  
4 the name of the applicant, (b) the premises for which a special  
5 designated license is requested, identified by street and number  
6 if practicable and, if not, by some other appropriate description  
7 which definitely locates the premises, (c) the name of the owner or  
8 lessee of the premises for which the special designated license is  
9 requested, (d) sufficient evidence that the holder of the special  
10 designated license, if issued, will carry on the activities and  
11 business authorized by the license for himself, herself, or itself  
12 and not as the agent of any other person, group, organization,  
13 or corporation, for profit or not for profit, (e) a statement  
14 of the type of activity to be carried on during the time period  
15 for which a special designated license is requested, and (f)  
16 sufficient evidence that the activity will be supervised by persons  
17 or managers who are agents of and directly responsible to the  
18 holder of the special designated license.

19 (4) No special designated license provided for by this  
20 section shall be issued by the commission without the approval of  
21 the local governing body. The local governing body may establish  
22 criteria for approving or denying a special designated license. The  
23 local governing body may designate an agent to determine whether a  
24 special designated license is to be approved or denied. Such agent  
25 shall follow criteria established by the local governing body in

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

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

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

1 fee or tax imposed by such city, village, or county.

2           Sec. 9. Section 53-124.12, Revised Statutes Cumulative  
3 Supplement, 2006, is amended to read:

4           53-124.12 (1) The holder of a license to sell alcoholic  
5 liquor at retail issued under subdivision (5) of section 53-124, a  
6 craft brewery license, a microdistillery license, or a farm winery  
7 license may obtain an annual catering license as prescribed in this  
8 section. The catering license shall be issued for the same period  
9 and may be renewed in the same manner as the retail license, craft  
10 brewery license, microdistillery license, or farm winery license.

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

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

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

18           (3) When an application for a catering license is filed,  
19 the commission shall notify, by registered or certified mail,  
20 return receipt requested with postage prepaid, (a) the clerk of the  
21 city or incorporated village in which such applicant is located or  
22 (b) if the applicant is not located within a city or incorporated  
23 village, the county clerk of the county in which such applicant is  
24 located, of the receipt of the application. The commission shall  
25 enclose with such notice one copy of the application. The local

1 governing body and the commission shall process the application in  
2 the same manner as provided in section 53-132.

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

10 (5) For purposes of this section, local governing body  
11 means (a) the governing body of the city or village in which the  
12 catering licensee is located or (b) if such licensee is not located  
13 within a city or village, the governing body of the county in which  
14 such licensee is located.

15 (6) The local governing body may impose an occupation tax  
16 on the business of a catering licensee doing business within the  
17 liquor license jurisdiction of the local governing body as provided  
18 in subsection (5) of this section. Such tax may not exceed double  
19 the license fee to be paid under this section.

20 Sec. 10. Section 53-129, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 53-129 Retail, and craft brewery, and microdistillery  
23 licenses issued under the Nebraska Liquor Control Act apply only to  
24 that part of the premises described in the application approved by  
25 the commission and in the license issued on the application, and

1 only one location shall be described in each license. After such  
2 license has been granted for particular premises, the commission,  
3 with the approval of the local governing body and upon proper  
4 showing, may endorse upon the license permission to add to, delete  
5 from, or abandon the premises described in such license and, if  
6 applicable, to move from the premises to other premises approved  
7 by it, but in order to obtain such approval the retail, ~~or~~ craft  
8 brewery, or microdistillery licensee shall file with the local  
9 governing body a request in writing and a statement under oath  
10 which shows that the premises as added to or deleted from or to  
11 which such move is to be made comply in all respects with the  
12 requirements of the act. No such addition, deletion, or move shall  
13 be made by any such licensee until ~~his or her~~the license has been  
14 endorsed to that effect in writing by the local governing body and  
15 by the commission and the licensee furnishes proof of payment of  
16 the state registration fee prescribed in section 53-131.

17 Sec. 11. Section 53-131, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 53-131 (1) Any person desiring to obtain a new license to  
20 sell alcoholic liquor at retail, ~~or~~ a craft brewery license, or a  
21 microdistillery license shall file with the commission:

22 (a) An application in triplicate original upon forms the  
23 commission prescribes;

24 (b) The license fee if under section 53-124 such fee  
25 is payable to the commission, which fee shall be returned to the

1 applicant if the application is denied; and

2 (c) The state registration fee in the sum of forty-five  
3 dollars.

4 (2) The commission shall notify, by registered or  
5 certified mail, return receipt requested with postage prepaid, (a)  
6 the clerk of the city or village in which such license is sought or  
7 (b) if the license sought is not sought within a city or village,  
8 the county clerk of the county in which such license is sought, of  
9 the receipt of the application and shall enclose one copy of the  
10 application with the notice. No such license shall be issued or  
11 denied by the commission until the expiration of the time allowed  
12 for the receipt of a recommendation of denial or an objection  
13 requiring a hearing under subdivision (1)(a) or (b) of section  
14 53-133. During the period of forty-five days after the date of  
15 receiving such application from the commission, the local governing  
16 body of such city, village, or county may make and submit to the  
17 commission recommendations relative to the granting or refusal to  
18 grant such license to the applicant.

19 Sec. 12. Section 53-132, Revised Statutes Cumulative  
20 Supplement, 2006, is amended to read:

21 53-132 (1) If no hearing is required pursuant to  
22 subdivision (1)(a) or (b) of section 53-133 and the commission  
23 has no objections pursuant to subdivision (1)(c) of such section,  
24 the commission may waive the forty-five-day objection period and,  
25 if not otherwise prohibited by law, cause a retail license, ~~or~~

1 craft brewery license, or microdistillery license to be signed by  
2 its chairperson, attested by its executive director over the seal  
3 of the commission, and issued in the manner provided in subsection  
4 (4) of this section as a matter of course.

5 (2) A retail license, ~~or~~ craft brewery license, or  
6 microdistillery license may be issued to any qualified applicant  
7 if the commission finds that (a) the applicant is fit, willing,  
8 and able to properly provide the service proposed within the city,  
9 village, or county where the premises described in the application  
10 are located, (b) the applicant can conform to all provisions and  
11 requirements of and rules and regulations adopted pursuant to the  
12 Nebraska Liquor Control Act, (c) the applicant has demonstrated  
13 that the type of management and control to be exercised over  
14 the premises described in the application will be sufficient to  
15 insure that the licensed business can conform to all provisions and  
16 requirements of and rules and regulations adopted pursuant to the  
17 act, and (d) the issuance of the license is or will be required by  
18 the present or future public convenience and necessity.

19 (3) In making its determination pursuant to subsection  
20 (2) of this section the commission shall consider:

21 (a) The recommendation of the local governing body;

22 (b) The existence of a citizens' protest made in  
23 accordance with section 53-133;

24 (c) The existing population of the city, village, or  
25 county and its projected growth;

1           (d) The nature of the neighborhood or community of the  
2 location of the proposed licensed premises;

3           (e) The existence or absence of other retail licenses,  
4 ~~or~~ craft brewery licenses, or microdistillery licenses with similar  
5 privileges within the neighborhood or community of the location  
6 of the proposed licensed premises and whether, as evidenced by  
7 substantive, corroborative documentation, the issuance of such  
8 license would result in or add to an undue concentration of  
9 licenses with similar privileges and, as a result, require the use  
10 of additional law enforcement resources;

11           (f) The existing motor vehicle and pedestrian traffic  
12 flow in the vicinity of the proposed licensed premises;

13           (g) The adequacy of existing law enforcement;

14           (h) Zoning restrictions;

15           (i) The sanitation or sanitary conditions on or about the  
16 proposed licensed premises; and

17           (j) Whether the type of business or activity proposed to  
18 be operated in conjunction with the proposed license is and will be  
19 consistent with the public interest.

20           (4) Retail licenses, ~~or~~ craft brewery licenses, or  
21 microdistillery licenses issued or renewed by the commission shall  
22 be mailed or delivered to the clerk of the city, village, or county  
23 who shall deliver the same to the licensee upon receipt from the  
24 licensee of proof of payment of (a) the license fee if by the  
25 terms of subdivision (5) of section 53-124 the fee is payable to

1 the treasurer of such city, village, or county, (b) any fee for  
2 publication of notice of hearing before the local governing body  
3 upon the application for the license, (c) the fee for publication  
4 of notice of renewal as provided in section 53-135.01, and (d)  
5 occupation taxes, if any, imposed by such city, village, or county.  
6 Notwithstanding any ordinance or charter power to the contrary, no  
7 city, village, or county shall impose an occupation tax on the  
8 business of any person, firm, or corporation licensed under the  
9 act and doing business within the corporate limits of such city or  
10 village or within the boundaries of such county in any sum which  
11 exceeds two times the amount of the license fee required to be paid  
12 under the act to obtain such license.

13 (5) Each license shall designate the name of the  
14 licensee, the place of business licensed, and the type of license  
15 issued.

16 Sec. 13. Section 53-133, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 53-133 (1) The commission shall set for hearing before it  
19 any application for a retail license, ~~or~~ craft brewery license, or  
20 microdistillery license relative to which it has received:

21 (a) Within forty-five days after the date of receipt  
22 of such application by the city, village, or county clerk, a  
23 recommendation of denial from the city, village, or county;

24 (b) Within ten days after the receipt of a recommendation  
25 from the city, village, or county, or, if no recommendation is

1 received, within forty-five days after the date of receipt of  
2 such application by the city, village, or county clerk, objections  
3 in writing by not less than three persons residing within such  
4 city, village, or county, protesting the issuance of the license.  
5 Withdrawal of the protest does not prohibit the commission from  
6 conducting a hearing based upon the protest as originally filed and  
7 making an independent finding as to whether the license should or  
8 should not be issued; or

9 (c) Within forty-five days after the date of receipt of  
10 such application by the city, village, or county clerk, objections  
11 by the commission or any duly appointed employee of the commission,  
12 protesting the issuance of the license.

13 (2) Hearings upon such applications shall be in the  
14 following manner: Notice indicating the time and place of such  
15 hearing shall be mailed to the applicant, the local governing  
16 body, and each individual protesting a license pursuant to  
17 subdivision (1)(b) of this section, by certified mail, return  
18 receipt requested, at least fifteen days prior to such hearing.  
19 The notice shall state that the commission will receive evidence  
20 for the purpose of determining whether to approve or deny the  
21 application. Mailing to the attorney of record of a party shall be  
22 deemed to fulfill the purposes of this section. The commission may  
23 receive evidence, including testimony and documentary evidence, and  
24 may hear and question witnesses concerning the application.

25 Sec. 14. Section 53-134, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           53-134 The local governing body of any city or village  
3 with respect to licenses within its corporate limits and the local  
4 governing body of any county with respect to licenses not within  
5 the corporate limits of any city or village but within the county  
6 shall have the following powers, functions, and duties with respect  
7 to retail, ~~and~~ craft brewery, and microdistillery licenses:

8           (1) To cancel or revoke for cause retail, ~~or~~ craft  
9 brewery, or microdistillery licenses to sell or dispense alcoholic  
10 liquor issued to persons for premises within its jurisdiction,  
11 subject to the right of appeal to the commission;

12           (2) To enter or to authorize any law enforcement officer  
13 to enter at any time upon any premises licensed under the Nebraska  
14 Liquor Control Act to determine whether any provision of the act,  
15 any rule or regulation adopted and promulgated pursuant to the act,  
16 or any ordinance, resolution, rule, or regulation adopted by the  
17 local governing body has been or is being violated and at such  
18 time examine the premises of such licensee in connection with such  
19 determination;

20           (3) To receive a signed complaint from any citizen within  
21 its jurisdiction that any provision of the act, any rule or  
22 regulation adopted and promulgated pursuant to the act, or any  
23 ordinance, resolution, rule, or regulation relating to alcoholic  
24 liquor has been or is being violated and to act upon such  
25 complaints in the manner provided in the act;

1           (4) To receive retail license fees, ~~and~~ craft brewery  
 2 license fees, and microdistillery license fees as provided in  
 3 section 53-124 and pay the same, after the license has been  
 4 delivered to the applicant, to the city, village, or county  
 5 treasurer;

6           (5) To examine or cause to be examined any applicant or  
 7 any retail licensee, ~~or~~ craft brewery licensee, or microdistillery  
 8 licensee upon whom notice of cancellation or revocation has been  
 9 served as provided in the act, to examine or cause to be examined  
 10 the books and records of any applicant or licensee, and to hear  
 11 testimony and to take proof for its information in the performance  
 12 of its duties. For purposes of obtaining any of the information  
 13 desired, the local governing body may authorize its agent or  
 14 attorney to act on its behalf;

15           (6) To cancel or revoke on its own motion any license if,  
 16 upon the same notice and hearing as provided in section 53-134.04,  
 17 it determines that the licensee has violated any of the provisions  
 18 of the act or any valid and subsisting ordinance, resolution, rule,  
 19 or regulation duly enacted, adopted, and promulgated relating to  
 20 alcoholic liquor. Such order of cancellation or revocation may  
 21 be appealed to the commission within thirty days after the date  
 22 of the order by filing a notice of appeal with the commission.  
 23 The commission shall handle the appeal in the manner provided for  
 24 hearing on an application in section 53-133; and

25           (7) Upon receipt from the commission of the notice and

1 copy of application as provided in section 53-131, to fix a time  
2 and place for a hearing at which the local governing body shall  
3 receive evidence, either orally or by affidavit from the applicant  
4 and any other person, bearing upon the propriety of the issuance  
5 of a license. Notice of the time and place of such hearing shall  
6 be published in a legal newspaper in or of general circulation in  
7 such city, village, or county one time not less than seven and not  
8 more than fourteen days before the time of the hearing. Such notice  
9 shall include, but not be limited to, a statement that all persons  
10 desiring to give evidence before the local governing body in  
11 support of or in protest against the issuance of such license may  
12 do so at the time of the hearing. Such hearing shall be held not  
13 more than forty-five days after the date of receipt of the notice  
14 from the commission, and after such hearing the local governing  
15 body shall cause to be recorded in the minute record of their  
16 proceedings a resolution recommending either issuance or refusal of  
17 such license. The clerk of such city, village, or county shall mail  
18 to the commission by first-class mail, postage prepaid, a copy of  
19 the resolution which shall state the cost of the published notice,  
20 except that failure to comply with this provision shall not void  
21 any license issued by the commission. If the commission refuses to  
22 issue such a license, the cost of publication of notice shall be  
23 paid by the commission from the security for costs.

24           Sec. 15. Section 53-134.03, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1           53-134.03 The governing bodies of cities and villages  
2 are authorized to regulate by ordinance, not inconsistent with  
3 the Nebraska Liquor Control Act, the business of all retail, ~~ex~~  
4 craft brewery, or microdistillery licensees carried on within the  
5 corporate limits of the city or village.

6           Sec. 16. Section 53-164.01, Revised Statutes Cumulative  
7 Supplement, 2006, is amended to read:

8           53-164.01 Payment of the tax provided for in section  
9 53-160 on alcoholic liquor shall be paid by the manufacturer or  
10 wholesaler as follows:

11           (1)(a) All manufacturers or wholesalers, except farm  
12 winery producers, whether inside or outside this state shall, on  
13 or before the twenty-fifth day of each calendar month following  
14 the month in which shipments were made, submit a report to the  
15 commission upon forms furnished by the commission showing the total  
16 amount of alcoholic liquor in gallons or fractional parts thereof  
17 shipped by such manufacturer or wholesaler, whether inside or  
18 outside this state, during the preceding calendar month;

19           (b) All beer wholesalers shall, on or before the  
20 twenty-fifth day of each calendar month following the month in  
21 which shipments were made, submit a report to the commission  
22 upon forms furnished by the commission showing the total amount  
23 of beer in gallons or fractional parts thereof shipped by all  
24 manufacturers, whether inside or outside this state, during the  
25 preceding calendar month to such wholesaler;

1           (c) Farm winery producers shall, on or before the  
2 twenty-fifth day of each calendar month following the month in  
3 which wine was packaged or bottled for sale, submit a report to the  
4 commission upon forms furnished by the commission showing the total  
5 amount of wine in gallons or fractional parts thereof packaged or  
6 bottled by such producer during the preceding calendar month;

7           (d) A craft brewery shall, on or before the twenty-fifth  
8 day of each calendar month following the month in which the beer  
9 was produced for sale, submit a report to the commission on forms  
10 furnished by the commission showing the total amount of beer in  
11 gallons or fractional parts thereof produced for sale by the craft  
12 brewery during the preceding calendar month; and

13           (e) A microdistillery shall, on or before the  
14 twenty-fifth day of each calendar month following the month in  
15 which the distilled liquor was produced for sale, submit a report  
16 to the commission on forms furnished by the commission showing  
17 the total amount of distilled liquor in gallons or fractional  
18 parts thereof produced for sale by the microdistillery during the  
19 preceding calendar month; and

20           ~~(e)~~ (f) Reports submitted pursuant to subdivision (a),  
21 (b), or (c) of this subdivision shall also contain a statement of  
22 the total amount of alcoholic liquor, except beer, in gallons or  
23 fractional parts thereof shipped to licensed retailers inside this  
24 state and such other information as the commission may require;

25           (2) The wholesaler or farm winery producer shall at the

1 time of the filing of the report pay to the commission the tax  
2 due on alcoholic liquor, except beer, shipped to licensed retailers  
3 inside this state at the rate fixed in accordance with section  
4 53-160. The tax due on beer shall be paid by the wholesaler on beer  
5 shipped from all manufacturers;

6 (3) The tax imposed pursuant to section 53-160 shall be  
7 due on the date the report is due less a discount of one percent  
8 of the tax on alcoholic liquor for submitting the report and paying  
9 the tax in a timely manner. The discount shall be deducted from the  
10 payment of the tax before remittance to the commission and shall be  
11 shown in the report to the commission as required in this section.  
12 If the tax is not paid within the time provided in this section,  
13 the discount shall not be allowed and shall not be deducted from  
14 the tax;

15 (4) If the report is not submitted by the twenty-fifth  
16 day of the calendar month or if the tax is not paid to the  
17 commission by the twenty-fifth day of the calendar month, the  
18 following penalties shall be assessed on the amount of the tax:  
19 One to five days late, three percent; six to ten days late, six  
20 percent; and over ten days late, ten percent. In addition, interest  
21 on the tax shall be collected at the rate of one percent per month,  
22 or fraction of a month, from the date the tax became due until  
23 paid;

24 (5) No tax shall be levied or collected on alcoholic  
25 liquor manufactured inside this state and shipped or transported

1 outside this state for sale and consumption outside this state;

2 (6) In order to insure the payment of all state taxes  
3 on alcoholic liquor, together with interest and penalties, persons  
4 required to submit reports and payment of the tax shall, at the  
5 time of application for a license under section 53-124, enter  
6 into a surety bond with corporate surety, both the bond form and  
7 surety to be approved by the commission. Subject to the limitations  
8 specified in this subdivision, the amount of the bond required of  
9 any taxpayer shall be fixed by the commission and may be increased  
10 or decreased by the commission at any time. In fixing the amount of  
11 the bond, the commission shall require a bond equal to the amount  
12 of the taxpayer's estimated maximum monthly excise tax ascertained  
13 in a manner as determined by the commission. Nothing in this  
14 section shall prevent or prohibit the commission from accepting  
15 and approving bonds which run for a term longer than the license  
16 period. The amount of a bond required of any one taxpayer shall  
17 not be less than one thousand dollars. The bonds required by this  
18 section shall be filed with the commission; and

19 (7) When a manufacturer or wholesaler sells and delivers  
20 alcoholic liquor upon which the tax has been paid to any  
21 instrumentality of the armed forces of the United States engaged  
22 in resale activities as provided in section 53-160.01, the  
23 manufacturer or wholesaler shall be entitled to a credit in  
24 the amount of the tax paid in the event no tax is due on such  
25 alcoholic liquor as provided in such section. The amount of the

1 credit, if any, shall be deducted from the tax due on the following  
2 monthly report and subsequent reports until liquidated.

3 Sec. 17. Section 53-169, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 53-169 (1) No manufacturer or wholesaler shall directly  
6 or indirectly: (a) Pay for any license to sell alcoholic liquor  
7 at retail or advance, furnish, lend, or give money for payment  
8 of such license; (b) purchase or become the owner of any note,  
9 mortgage, or other evidence of indebtedness of such licensee or  
10 any form of security therefor; (c) be interested in the ownership,  
11 conduct, or operation of the business of any licensee authorized to  
12 sell alcoholic liquor at retail; or (d) be interested directly or  
13 indirectly or as owner, part owner, lessee, or lessor thereof in  
14 any premises upon which alcoholic liquor is sold at retail.

15 (2) This section shall not apply to the holder of a farm  
16 winery license. The holder of a craft brewery license shall have  
17 the privileges and duties listed in section 53-123.14 with respect  
18 to the manufacture, distribution, and retail sale of beer, and  
19 the Nebraska Liquor Control Act shall not be construed to permit  
20 the holder of a craft brewery license to engage in the wholesale  
21 distribution of beer. The holder of a microdistillery license shall  
22 have the privileges and duties listed in section 6 of this act with  
23 respect to the manufacture of alcoholic liquor, and the Nebraska  
24 Liquor Control Act shall not be construed to permit the holder of a  
25 microdistillery license to engage in the wholesale distribution of

1 alcoholic liquor.

2           Sec. 18. Section 53-171, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           53-171 No person licensed as a manufacturer or wholesaler  
5 of alcoholic liquor shall be permitted to receive any retail  
6 license at the same time. No person licensed as a retailer of  
7 alcoholic liquor shall be permitted to receive any manufacturer's  
8 or wholesale license at the same time. This section shall not apply  
9 to the holder of a farm winery license. The holder of a craft  
10 brewery license shall have the privileges and duties listed in  
11 section 53-123.14 with respect to the manufacture, distribution,  
12 and retail sale of beer, and the Nebraska Liquor Control Act shall  
13 not be construed to permit the holder of a craft brewery license  
14 to engage in the wholesale distribution of beer. The holder of  
15 a microdistillery license shall have the privileges and duties  
16 listed in section 6 of this act with respect to the manufacture  
17 of alcoholic liquor, and the Nebraska Liquor Control Act shall not  
18 be construed to permit the holder of a microdistillery license to  
19 engage in the wholesale distribution of alcoholic liquor.

20           Sec. 19. Section 53-188, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           53-188 No person shall operate a craft brewery or  
23 microdistillery or sell alcoholic liquor at retail, and the  
24 commission shall not grant, issue, or cause to be granted or  
25 issued any license to operate a craft brewery or microdistillery

1 or to sell alcoholic liquor at retail, within the limits of any  
2 governmental subdivision of this state while a prohibition against  
3 such sales arising under sections 53-121 and 53-122 or otherwise as  
4 provided in the Nebraska Liquor Control Act is in effect, and any  
5 such license granted or issued in violation thereof shall be void.  
6 This section shall not prohibit the issuance of a manufacturer's or  
7 wholesale license in accordance with law by the commission in such  
8 prohibited territory.

9           Sec. 20. Section 53-1,115, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           53-1,115 (1) A copy of the rule, regulation, order, or  
12 decision of the commission denying an application or suspending,  
13 canceling, or revoking a license or of any notice required by any  
14 proceeding before it, certified under the seal of the commission,  
15 shall be served upon each party of record to the proceeding before  
16 the commission. Service upon any attorney of record for any such  
17 party shall be deemed to be service upon such party. Each party  
18 appearing before the commission shall enter his or her appearance  
19 and indicate to the commission his or her address for such service.  
20 The mailing of a copy of any rule, regulation, order, or decision  
21 of the commission or of any notice by the commission, in the  
22 proceeding, to such party at such address shall be deemed to be  
23 service upon such party.

24           (2) Within thirty days after the service of any rule,  
25 regulation, order, or decision of the commission suspending,

1 canceling, or revoking any license upon any party to the  
2 proceeding, as provided for by subsection (1) of this section,  
3 such party may apply for a rehearing with respect to any matters  
4 determined by the commission. The commission shall receive and  
5 consider such application for a rehearing within thirty days after  
6 its filing with the executive director of the commission. If such  
7 application for rehearing is granted, the commission shall proceed  
8 as promptly as possible to consider the matters presented by such  
9 application. No appeal shall be allowed from any decision of the  
10 commission except as provided in section 53-1,116.

11 (3) Upon final disposition of any proceeding, costs shall  
12 be paid by the party or parties against whom a final decision  
13 is rendered. Costs may be taxed or retaxed to local governing  
14 bodies as well as individuals. Only one rehearing referred to in  
15 subsection (2) of this section shall be granted by the commission  
16 on application of any one party.

17 (4) For purposes of this section, party of record means:

18 (a) In the case of an administrative proceeding before  
19 the commission on the application for a retail, ~~or~~ craft brewery,  
20 or microdistillery license:

21 (i) The applicant;

22 (ii) Each individual protesting the issuance of such  
23 license pursuant to subdivision (1)(b) of section 53-133;

24 (iii) The local governing body if it is entering an  
25 appearance to protest the issuance of the license or if it is

1 requesting a hearing pursuant to subdivision (1)(c) of section  
2 53-133; and

3 (iv) The commission;

4 (b) In the case of an administrative proceeding before  
5 a local governing body to cancel or revoke a retail, ~~or~~ craft  
6 brewery, or microdistillery license:

7 (i) The licensee; and

8 (ii) The local governing body; and

9 (c) In the case of an administrative proceeding before  
10 the commission to suspend, cancel, or revoke a retail, ~~or~~ craft  
11 brewery, or microdistillery license:

12 (i) The licensee; and

13 (ii) The commission.

14 Sec. 21. Original sections 53-116.02, 53-117.07, 53-123,  
15 53-124, 53-129, 53-131, 53-133, 53-134, 53-134.03, 53-169, 53-171,  
16 53-188, and 53-1,115, Reissue Revised Statutes of Nebraska,  
17 and sections 53-101, 53-103, 53-124.11, 53-124.12, 53-132, and  
18 53-164.01, Revised Statutes Cumulative Supplement, 2006, are  
19 repealed.