

AMENDMENTS TO LB 867

Introduced by General Affairs.

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

3 Sec. 2. Section 53-123.15, Revised Statutes Cumulative
4 Supplement, 2008, is amended to read:

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

12 (2) The commission may issue a shipping license to
13 a manufacturer. Such license shall allow the licensee to ship
14 alcoholic liquor only to a licensed wholesaler, except that a
15 licensed wholesaler may, without a shipping license and for the
16 purposes of subdivision (2) of section 53-161, receive beer in
17 this state which has been shipped from outside the state by a
18 manufacturer in accordance with the Nebraska Liquor Control Act
19 to the wholesaler, then transported by the wholesaler to another
20 state for retail distribution, and then returned by the retailer
21 to such wholesaler. A person who receives a license pursuant to
22 this subsection shall pay the fee required in subdivision (10) of
23 section 53-124. Such fee shall be collected by the commission and

1 be remitted to the State Treasurer for credit to the General Fund.

2 (3) The commission may issue a shipping license to
3 any person who deals with vintage wines, which shipping license
4 shall 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. A person who receives a license pursuant to this subsection
11 shall pay the fee required in subdivision (10) of section 53-124.
12 Such fee shall be collected by the commission and be remitted to
13 the State Treasurer for credit to the General Fund.

14 (4) The commission may issue a shipping license to any
15 person who sells and ships alcoholic liquor from another state
16 directly to a consumer in this state. A person who receives a
17 license pursuant to this subsection shall pay the fee required in
18 subdivision (11) of section 53-124. Until April 30, 2012, such fee
19 shall be collected by the commission and remitted to the State
20 Treasurer for credit to the Winery and Grape Producers Promotional
21 Fund.

22 (5) The application for a shipping license shall be
23 in such form as the commission prescribes. The application shall
24 contain all provisions the commission deems proper and necessary to
25 effectuate the purpose of any section of the act and the rules and
26 regulations of the commission that apply to manufacturers and shall
27 include, but not be limited to, provisions that the applicant, in

1 consideration of the issuance of such shipping license, agrees:

2 (a) To comply with and be bound by section 53-164.01 in
3 making and filing reports, paying taxes, penalties, and interest,
4 and keeping records;

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

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

17 Sec. 3. Original section 53-123.15, Revised Statutes
18 Cumulative Supplement, 2008, and section 53-124, Revised Statutes
19 Supplement, 2009, are repealed.