

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1013

Introduced by Rogert, 16; Krist, 10; Mello, 5; Nordquist, 7.

Read first time January 20, 2010

Committee: General Affairs

A BILL

1 FOR AN ACT relating to alcoholic liquor; to amend sections 9-647
2 and 53-179, Reissue Revised Statutes of Nebraska, and
3 section 53-124, Revised Statutes Supplement, 2009; to
4 provide for extension of the time for sale of alcoholic
5 liquor for certain licensees as prescribed; to harmonize
6 provisions; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 9-647, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 9-647 No lottery shall be conducted between the hours of
4 1 a.m. and 6 a.m., except that a licensee holding a Class C or
5 Class I license with an extended closing time designation issued
6 under section 53-124 may conduct a lottery until 2 a.m. on the days
7 the licensee is authorized to sell alcoholic liquor until 2 a.m.

8 Sec. 2. Section 53-124, Revised Statutes Supplement,
9 2009, is amended to read:

10 53-124 At the time application is made to the commission
11 for a license of any type, the applicant shall pay the fee provided
12 in this section and, if the applicant is an individual, provide the
13 applicant's social security number. The fees for annual licenses
14 finally issued by the commission shall be as follows:

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

17 (b) For a license to operate a
18 microdistillery.....\$250.00;

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

21 (a) Manufacture of beer, excluding beer produced by a
22 craft brewery:

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

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

- 1 (iii) 150 to 200 barrel daily capacity.....350.00
- 2 (iv) 200 to 300 barrel daily capacity.....500.00
- 3 (v) 300 to 400 barrel daily capacity.....650.00
- 4 (vi) 400 to 500 barrel daily capacity.....700.00
- 5 (vii) 500 barrel daily capacity, or more.....800.00;
- 6 (b) Operation of a craft brewery.....\$250.00;
- 7 (c) Manufacture of wines.....\$250.00;
- 8 (d) Operation of a farm winery.....\$250.00.

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

15 (3) Alcoholic liquor wholesale license, for the first and
 16 each additional wholesale place of business operated in this state
 17 by the same licensee and wholesaling alcoholic liquor, except beer
 18 and wines produced from farm wineries.....\$750.00;

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

22 (5) For a retail license:

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

25 (b) Class B: Beer only except for craft breweries, for

1 consumption off the premises, sales in the original packages only,
2 the sum of one hundred dollars;

3 (c) Class C: Alcoholic liquor, for consumption on the
4 premises and off the premises, sales in original packages only,
5 the sum of three hundred dollars, except for farm winery,
6 microdistillery, or craft brewery sales outlets. If the applicant
7 is making application to operate a cigar bar, the initial,
8 nonrefundable application fee shall be one thousand dollars, the
9 annual fee thereafter shall be as specified in this subdivision,
10 and the application shall meet the requirements of section 53-131.
11 If a Class C license is held by a nonprofit corporation, it shall
12 be restricted to consumption on the premises only. A Class C
13 license may have a sampling designation restricting consumption on
14 the premises to sampling, but such designation shall not affect
15 sales for consumption off the premises under such license. +

16 If the applicant is making application for a Class C
17 license with an extended closing time designation, the fee shall
18 be three hundred dollars. A Class C license with an extended
19 closing time designation shall contain a designation of a 2 a.m.
20 Saturday and Sunday closing time and a 1 a.m. closing time on all
21 other days and may only be issued to an applicant whose licensed
22 premises is located within a county which encompasses a city of the
23 metropolitan class;

24 (d) Class D: Alcoholic liquor, including beer, for
25 consumption off the premises, sales in the original packages only,

1 except as provided in subsection (2) of section 53-123.04, the sum
2 of two hundred dollars, except for farm winery, microdistillery, or
3 craft brewery sales outlets; and

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

7 If the applicant is making application for a Class I
8 license with an extended closing time designation, the fee shall
9 be two hundred fifty dollars. A Class I license with an extended
10 closing time designation shall contain a designation of a 2 a.m.
11 Saturday and Sunday closing time and a 1 a.m. closing time on all
12 other days and may only be issued to an applicant whose licensed
13 premises is located within a county which encompasses a city of the
14 metropolitan class.

15 All applicable license fees shall be paid by the
16 applicant or licensee directly to the city or village treasurer in
17 the case of premises located inside the corporate limits of a city
18 or village and directly to the county treasurer in the case of
19 premises located outside the corporate limits of a city or village;

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

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

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

24 Class 1.....\$5.00

25 Class 2.....25.00

1 Class 3.....50.00

2 Class 4.....100.00

3 Class 5.....250.00;

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

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

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

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

24 Sec. 3. Section 53-179, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 53-179 (1) No alcoholic liquor, including beer, shall be
2 sold at retail or dispensed on any day between the hours of 1
3 a.m. and 6 a.m., except that a licensee holding a Class C or Class
4 I license issued with an extended closing time designation under
5 subdivision (5)(c) or (e) of section 53-124 may sell alcoholic
6 liquor, including beer, at retail or dispense alcoholic liquor
7 until the closing time stated in the license unless the local
8 governing body has established an earlier closing time under this
9 subsection. The local governing body of any city or village with
10 respect to area inside the corporate limits of such city or
11 village, or the county board with respect to area outside the
12 corporate limits of any city or village, may by ordinance or
13 resolution require closing prior to 1 a.m. on any day.

14 (2) Except as provided for and allowed by ordinance of a
15 local governing body applicable to area inside the corporate limits
16 of a city or village or by resolution of a county board applicable
17 to area inside such county and outside the corporate limits of any
18 city or village, no alcoholic liquor, including beer, shall be sold
19 at retail or dispensed between the hours of 6 a.m. Sunday and 1
20 a.m. Monday. No ordinance or resolution allowed by this subsection
21 shall permit alcoholic liquor, other than beer and wine, to be
22 sold at retail or dispensed between the hours of 6 a.m. Sunday
23 and 12 noon Sunday. This subsection shall not apply after 12 noon
24 on Sunday to a licensee which is a nonprofit corporation and the
25 holder of a Class C license or a Class I license.

1 (3) It shall be unlawful on property licensed to sell
2 alcoholic liquor at retail to allow alcoholic liquor in open
3 containers to remain or be in possession or control of any person
4 for purposes of consumption between the hours of 1:15 a.m. and 6
5 a.m. on any day, except that a licensee holding a Class C or Class
6 I license issued with an extended closing designation may allow
7 such possession or control until the closing time stated in the
8 license unless the local governing body has designated an earlier
9 closing time. When any city or village provides by ordinance or
10 any county provides by resolution for an earlier closing hour,
11 the provisions of this subsection shall become effective fifteen
12 minutes after such closing hour instead of 1:15 a.m.

13 (4) Nothing in this section shall prohibit licensed
14 premises from being open for other business on days and hours
15 during which the sale or dispensing of alcoholic liquor is
16 prohibited by this section.

17 Sec. 4. Original sections 9-647 and 53-179, Reissue
18 Revised Statutes of Nebraska, and section 53-124, Revised Statutes
19 Supplement, 2009, are repealed.