

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 867**

Introduced by Karpisek, 32.

Read first time January 11, 2010

Committee: General Affairs

A BILL

- 1 FOR AN ACT relating to alcoholic liquors; to amend section 53-124,
- 2 Revised Statutes Supplement, 2009; to change fees for
- 3 shipping licenses; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 53-124, Revised Statutes Supplement,  
2 2009, is amended to read:

3           53-124 At the time application is made to the commission  
4 for a license of any type, the applicant shall pay the fee provided  
5 in this section and, if the applicant is an individual, provide the  
6 applicant's social security number. The fees for annual licenses  
7 finally issued by the commission shall be as follows:

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

10           (b) For a license to operate a  
11 microdistillery.....\$250.00;

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

14           (a) Manufacture of beer, excluding beer produced by a  
15 craft brewery:

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

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

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

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

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

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

23           (vii) 500 barrel daily capacity, or more.....800.00;

24           (b) Operation of a craft brewery.....\$250.00;

25           (c) Manufacture of wines.....\$250.00;

1 (d) Operation of a farm winery.....\$250.00.

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

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

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

15 (5) For a retail license:

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

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

21 (c) Class C: Alcoholic liquor, for consumption on the  
22 premises and off the premises, sales in original packages only,  
23 the sum of three hundred dollars, except for farm winery,  
24 microdistillery, or craft brewery sales outlets. If the applicant  
25 is making application to operate a cigar bar, the initial,

1 nonrefundable application fee shall be one thousand dollars, the  
2 annual fee thereafter shall be as specified in this subdivision,  
3 and the application shall meet the requirements of section 53-131.  
4 If a Class C license is held by a nonprofit corporation, it shall  
5 be restricted to consumption on the premises only. A Class C  
6 license may have a sampling designation restricting consumption on  
7 the premises to sampling, but such designation shall not affect  
8 sales for consumption off the premises under such license;

9 (d) Class D: Alcoholic liquor, including beer, for  
10 consumption off the premises, sales in the original packages only,  
11 except as provided in subsection (2) of section 53-123.04, the sum  
12 of two hundred dollars, except for farm winery, microdistillery, or  
13 craft brewery sales outlets; and

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

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

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

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

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

1           Class 1.....\$5.00

2           Class 2.....25.00

3           Class 3.....50.00

4           Class 4.....100.00

5           Class 5.....250.00;

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

8           (10) For a shipping license, except a shipping license  
9 issued pursuant to subsection (4) of section 53-123.15.....~~\$200.00,~~  
10 \$1,000.00; and

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

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

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1                   Sec. 2. Original section 53-124, Revised Statutes  
2 Supplement, 2009, is repealed.