

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 286**

Final Reading

Introduced by Krist, 10; Wallman, 30; Karpisek, 32; Coash, 27.

Read first time January 12, 2011

Committee: General Affairs

A BILL

- 1 FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
- 2 section 53-123.15, Reissue Revised Statutes of Nebraska;
- 3 to change provisions relating to a shipping license fee;
- 4 and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

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

3                   53-123.15 (1) No person shall order or receive alcoholic  
4 liquor in this state which has been shipped directly to him or her  
5 from outside this state by any person other than a holder of a  
6 shipping license issued by the commission, except that a licensed  
7 wholesaler may receive not more than three gallons of wine in any  
8 calendar year from any person who is not a holder of a shipping  
9 license.

10                   (2) The commission may issue a shipping license to a  
11 manufacturer. Such license shall allow the licensee to ship alcoholic  
12 liquor only to a licensed wholesaler, except that a licensed  
13 wholesaler may, without a shipping license and for the purposes of  
14 subdivision (2) of section 53-161, receive beer in this state which  
15 has been shipped from outside the state by a manufacturer in  
16 accordance with the Nebraska Liquor Control Act to the wholesaler,  
17 then transported by the wholesaler to another state for retail  
18 distribution, and then returned by the retailer to such wholesaler. A  
19 person who receives a license pursuant to this subsection shall pay  
20 the fee required in sections 53-124 and 53-124.01 for a  
21 manufacturer's shipping license. Such fee shall be collected by the  
22 commission and be remitted to the State Treasurer for credit to the  
23 General Fund.

24                   (3) The commission may issue a shipping license to any  
25 person who deals with vintage wines, which shipping license shall

1 allow the licensee to distribute such wines to a licensed wholesaler  
2 in the state. For purposes of distributing vintage wines, a licensed  
3 shipper must utilize a designated wholesaler if the manufacturer has  
4 a designated wholesaler. For purposes of this section, vintage wine  
5 shall mean a wine verified to be ten years of age or older and not  
6 available from a primary American source of supply. A person who  
7 receives a license pursuant to this subsection shall pay the fee  
8 required in sections 53-124 and 53-124.01 for a vintage wine dealer's  
9 shipping license. Such fee shall be collected by the commission and  
10 be remitted to the State Treasurer for credit to the General Fund.

11 (4) The commission may issue a shipping license to any  
12 person who sells and ships alcoholic liquor from another state  
13 directly to a consumer in this state. A person who receives a license  
14 pursuant to this subsection shall pay the fee required in sections  
15 53-124 and 53-124.01 for a direct sales shipping license. ~~Until April~~  
16 ~~30, 2012, such~~ Such fee shall be collected by the commission and  
17 remitted to the State Treasurer for credit to the Winery and Grape  
18 Producers Promotional Fund.

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

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

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

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

16                   Sec. 2. Original section 53-123.15, Reissue Revised  
17 Statutes of Nebraska, is repealed.