

AMENDMENTS TO LB1105

Introduced by General Affairs.

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

3 Section 1. (1) The Nebraska Craft Brewery Board is created. All
4 board members shall be (a) citizens of Nebraska, (b) at least twenty-one
5 years of age, and (c) either engaged in or previously engaged in the
6 manufacture or the wholesale or retail sale of beer in this state or
7 engaged or previously engaged in the production in this state of
8 agricultural products that are utilized in the brewing process. The board
9 shall consist of seven members to be appointed by the Governor on a
10 nonpartisan basis. At least two board members shall be selected by the
11 Governor from a list of no fewer than ten candidates submitted by the
12 Nebraska Craft Brewers Guild or its successor organization. In addition,
13 at least two board members shall be selected by the Governor from a list
14 of no fewer than ten candidates submitted by the Associated Beverage
15 Distributors of Nebraska or its successor organization. The executive
16 director of the Nebraska Tourism Commission or his or her designee shall
17 be a nonvoting, ex officio member of the board.

18 (2) Whenever a vacancy occurs on the board for any reason, the
19 Governor shall appoint an individual to fill such vacancy pursuant to the
20 qualifications set forth in subsection (1) of this section.

21 Sec. 2. (1) Within thirty days after the appointment of the initial
22 members of the Nebraska Craft Brewery Board, such board shall conduct its
23 first regular meeting. During that meeting, the board members shall elect
24 from among themselves, by majority vote, a chairperson, vice-chairperson,
25 secretary, and treasurer, all to serve for terms of one year from the
26 date of election. Subsequent board meetings shall take place at least
27 once every six months and at such times as called by the chairperson or

1 by any three board members.

2 (2) Each member shall serve for a term of three years and may be
3 reappointed.

4 (3) All voting members of the board shall be reimbursed for their
5 actual and necessary expenses incurred while engaged in the performance
6 of official responsibilities as members of such board pursuant to
7 sections 81-1174 to 81-1177.

8 (4) A member may be removed by the Governor for cause. The member
9 shall first be given a written copy of the charges against him or her and
10 also an opportunity to be heard publicly. If a member moves out of
11 Nebraska, that shall be deemed sufficient cause for removal from office.

12 Sec. 3. The Nebraska Craft Brewery Board has the following powers
13 and duties:

14 (1) Establish a public forum to provide any manufacturer of beer or
15 producer of agricultural products used in the brewing process the
16 opportunity, at least once annually, to discuss with the board its
17 policies and procedures;

18 (2) Keep minutes of its meetings and other books and records which
19 will clearly reflect all of the acts and transactions of the board and to
20 make these records available for examination upon request by members of
21 the public;

22 (3) Authorize and approve the expenditure of funds collected
23 pursuant to section 4 of this act;

24 (4) Serve as an advisory panel to the Nebraska Liquor Control
25 Commission in all matters pertaining to the beer industry; and

26 (5) Adopt and promulgate rules and regulations to carry out sections
27 1 to 5 of this act.

28 Sec. 4. (1) The Nebraska Beer Industry Promotional Fund is created.
29 The fund shall consist of money credited pursuant to this section, fees
30 received from shipping licenses issued to beer manufacturers pursuant to
31 subsection (2) of section 53-123.15, gifts, grants, bequests, and any

1 money appropriated by the Legislature. For administrative purposes, the
2 fund shall be located in the Department of Agriculture.

3 (2) Beginning July 1, 2016, in addition to the annual license fee
4 imposed by section 53-124.01, each holder of a craft brewery license
5 shall pay an annual fee in the amount of two hundred fifty dollars to the
6 Nebraska Liquor Control Commission or shall opt out of paying the
7 additional fee on forms provided by the commission. Fees collected
8 pursuant to this subsection shall be remitted to the State Treasurer for
9 credit to the Nebraska Beer Industry Promotional Fund.

10 (3) The Department of Agriculture, at the direction of and in
11 cooperation with the Nebraska Craft Brewery Board, shall use the Nebraska
12 Beer Industry Promotional Fund to develop and maintain programs for the
13 research and advancement of the beer brewing process, the marketing and
14 promotion of the beer industry in Nebraska, and the marketing and
15 promotion of agricultural products and their byproducts grown and
16 produced in Nebraska for use in the beer industry. Such expenditures may
17 include, but are not limited to, all necessary funding for the employment
18 of experts in the field of beer brewing and business development, as
19 deemed necessary by the board, and programs to carry out the purposes of
20 this subsection. None of the money credited to the Nebraska Beer Industry
21 Promotional Fund may be used for lobbying purposes.

22 (4) Money in the Nebraska Beer Industry Promotional Fund not
23 expended during any fiscal year may be reappropriated for the ensuing
24 biennium. Any money in the fund available for investment shall be
25 invested by the state investment officer pursuant to the Nebraska Capital
26 Expansion Act and the Nebraska State Funds Investment Act.

27 Sec. 5. (1) The Nebraska Craft Brewery Board shall publish an
28 annual report on or before January 1 of each year which shall set forth
29 in detail the following:

30 (a) The name and address of each board member and a copy of all
31 rules and regulations adopted and promulgated by the board; and

1 (b) A detailed explanation of all programs for which the board
2 approved funding during the most recently completed fiscal year pursuant
3 to section 4 of this act.

4 (2) Each annual report shall be presented electronically to the
5 Nebraska Liquor Control Commission within thirty days after its
6 publication and made available also to any person who requests a copy.
7 Except for the annual copy required by this section to be provided to the
8 commission, the board may charge a nominal fee to cover the costs of
9 printing and postage for making available copies of its annual reports.

10 Sec. 6. Section 53-103.09, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 53-103.09 (1) Club means a corporation (a) which is organized under
13 the laws of this state, not for pecuniary profit, solely for the
14 promotion of some common object other than the sale or consumption of
15 alcoholic liquor, (b) which is kept, used, and maintained by its members
16 through the payment of annual dues, and (c) which owns, hires, or leases
17 a building or space in a building suitable and adequate for the
18 reasonable and comfortable use and accommodation of its members and their
19 guests, ~~and (d) which has suitable and adequate kitchen and dining room~~
20 ~~space and equipment and a sufficient number of servants and employees for~~
21 ~~cooking, preparing, and serving food and meals for its members and their~~
22 ~~guests.~~

23 (2) The affairs and management of such club shall be conducted by a
24 board of directors, executive committee, or similar body chosen by the
25 members at their annual meeting, and no member, officer, agent, or
26 employee of the club shall be paid or shall directly or indirectly
27 receive, in the form of salary or other compensation, any profits from
28 the distribution or sale of alcoholic liquor to the club or the members
29 of the club or its guests introduced by members other than any salary
30 fixed and voted at any annual meeting by the members or by the governing
31 body of the club out of the general revenue of the club.

1 Sec. 7. Section 53-103.18, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 53-103.18 Manager means a person appointed by a corporation or
4 limited liability company to oversee the daily operation of the business
5 licensed in Nebraska. A manager shall meet all the requirements of the
6 Nebraska Liquor Control Act as though he or she were the applicant,
7 including residency ~~and citizenship~~.

8 Sec. 8. Section 53-103.20, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 53-103.20 Manufacturer means every brewer, fermenter, distiller,
11 rectifier, winemaker, blender, processor, bottler, restaurant, hotel, or
12 person who fills or refills an original package and others engaged in
13 brewing, fermenting, distilling, rectifying, or bottling alcoholic
14 liquor, including a wholly owned affiliate or duly authorized agent for a
15 manufacturer.

16 Sec. 9. Section 53-103.41, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 53-103.41 Wholesaler means a person importing or causing to be
19 imported into the state or purchasing or causing to be purchased within
20 the state alcoholic liquor for sale or resale to retailers licensed under
21 the Nebraska Liquor Control Act, whether the business of the wholesaler
22 is conducted under the terms of a franchise or any other form of an
23 agreement with a manufacturer or manufacturers, or who has caused
24 alcoholic liquor to be imported into the state or purchased in the state
25 from a manufacturer or manufacturers and was licensed to conduct such a
26 business by the commission on May 1, 1970, or has been so licensed since
27 that date.

28 ~~Wholesaler does not include any retailer licensed to sell alcoholic~~
29 ~~liquor for consumption off the premises who sells alcoholic liquor other~~
30 ~~than beer or wine to another retailer pursuant to section 53-175, except~~
31 ~~that any such retailer shall obtain the required federal wholesaler's~~

1 ~~basic permit and federal wholesale liquor dealer's special tax stamp.~~
2 Wholesaler includes a distributor, distributorship, and jobber.

3 Sec. 10. Section 53-103.44, Revised Statutes Supplement, 2015, is
4 amended to read:

5 53-103.44 Hard cider means still wine ~~(1)(a) (1)(a)(i)~~ derived
6 primarily from apples or apple concentrate and water such that apple
7 juice, or the equivalent amount of concentrate reconstituted to the
8 original brix of the juice prior to concentration, represents more than
9 fifty percent of the volume of the finished product ~~and (ii) containing~~
10 ~~no other fruit product nor any artificial product which imparts a fruit~~
11 ~~flavor other than apple~~ or ~~(b) (b)(i)~~ derived primarily from pears or
12 pear concentrate and water such that pear juice, or the equivalent amount
13 of concentrate reconstituted to the original brix of the juice prior to
14 concentration, represents more than fifty percent of the volume of the
15 finished product ~~and (ii) containing no other fruit product nor any~~
16 ~~artificial product which imparts a fruit flavor other than pear,~~ (2)
17 containing at least one-half of one percent and less than eight and one-
18 half percent alcohol by volume, (3) having the taste, aroma, and
19 characteristics generally attributed to hard cider, and (4) sold or
20 offered for sale as hard cider.

21 Sec. 11. Section 53-123.01, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 53-123.01 (1) A manufacturer's license shall allow the manufacture,
24 storage, and sale of alcoholic liquor to wholesale licensees in this
25 state and to such persons outside the state as may be permitted by law,
26 except that nothing in the Nebraska Liquor Control Act shall prohibit a
27 manufacturer of beer from distributing tax-paid samples of beer at the
28 premises of a licensed manufacturer for consumption on the premises. A
29 manufacturer's license issued pursuant to this section shall be the only
30 license required by the Nebraska Liquor Control Act for the manufacture
31 and retail sale of beer manufactured on the licensed premises for

1 consumption on the licensed premises.

2 (2)(a) A licensee who or which first obtains a craft brewery license
3 pursuant to section 53-123.14, holds such license for not less than three
4 years, and operates a brewpub or microbrewery on the licensed premises of
5 such craft brewery license shall obtain a manufacturer's license when the
6 manufacture of beer on the licensed premises exceeds twenty thousand
7 barrels per year. The manufacturer's license shall authorize the
8 continued retail sale of beer for consumption on or off the premises but
9 only to the extent the premises were previously licensed as a craft
10 brewery. The sale of any beer other than beer manufactured by the
11 licensee, wine, or alcoholic liquor for consumption on the licensed
12 premises shall require the appropriate retail license. The holder of such
13 manufacturer's license may continue to operate up to five retail
14 locations which are in operation at the time such manufacturer's license
15 is issued and shall divest itself from retail locations in excess of five
16 locations. The licensee shall not begin operation at any new retail
17 location even if the licensee's production is reduced below twenty
18 thousand barrels per year.

19 (b) The holder of such manufacturer's license may obtain an annual
20 catering license pursuant to section 53-124.12, a special designated
21 license pursuant to section 53-124.11, or an entertainment district
22 license pursuant to section 53-123.17.

23 Sec. 12. Section 53-123.14, Revised Statutes Cumulative Supplement,
24 2014, is amended to read:

25 53-123.14 Any person who operates a craft brewery shall obtain a
26 license pursuant to the Nebraska Liquor Control Act. A license to operate
27 a craft brewery shall permit a brewpub or microbrewery to produce on the
28 licensed ~~craft brewery~~ premises a maximum of twenty thousand barrels of
29 beer per year. A craft brewery may also sell to beer wholesalers for sale
30 and distribution to licensed retailers. A craft brewery license issued
31 pursuant to this section shall be the only license required by the

1 Nebraska Liquor Control Act for the manufacture and retail sale of beer
2 for consumption on or off the licensed premises, except that the sale of
3 any beer other than beer manufactured by the craft brewery licensee,
4 wine, or alcoholic liquor by the drink for consumption on the licensed
5 craft brewery premises shall require the appropriate retail license. Any
6 license held by the operator of a craft brewery shall be subject to the
7 act. A holder of a craft brewery license may obtain an annual catering
8 license pursuant to section 53-124.12, a special designated license
9 pursuant to section 53-124.11, or an entertainment district license
10 pursuant to section 53-123.17. For purposes of this section, licensed
11 premises may include up to five separate physical locations.

12 Sec. 13. Section 53-123.15, Revised Statutes Supplement, 2015, is
13 amended to read:

14 53-123.15 (1) No person shall order or receive alcoholic liquor in
15 this state which has been shipped directly to him or her from outside
16 this state by any person other than a holder of a shipping license issued
17 by the commission, except that a licensed wholesaler may receive not more
18 than three gallons of wine in any calendar year from any person who is
19 not a holder of a shipping license.

20 (2) The commission may issue a shipping license to a manufacturer.
21 Such license shall allow the licensee to ship alcoholic liquor only to a
22 licensed wholesaler. A person who receives a license pursuant to this
23 subsection shall pay the fee required in sections 53-124 and 53-124.01
24 for a manufacturer's shipping license. Such fee shall be collected by the
25 commission and be remitted to the State Treasurer. Fees remitted prior to
26 July 1, 2016, shall be credited for credit to the General Fund. Fees
27 remitted beginning on July 1, 2016, shall be credited to the Nebraska
28 Beer Industry Promotional Fund.

29 (3) The commission may issue a shipping license to any person who
30 deals with vintage wines, which shipping license shall allow the licensee
31 to distribute such wines to a licensed wholesaler in the state. For

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

10 (4) The commission may issue a shipping license to any manufacturer
11 who sells and ships alcoholic liquor from another state directly to a
12 consumer in this state if the manufacturer satisfies the requirements of
13 subsections (7) through (9) of this section. A manufacturer who receives
14 a license pursuant to this subsection shall pay the fee required in
15 sections 53-124 and 53-124.01 for a manufacture direct sales shipping
16 license. Such fee shall be collected by the commission and remitted to
17 the State Treasurer for credit to the Winery and Grape Producers
18 Promotional Fund.

19 (5) The commission may issue a shipping license to any retailer who
20 is licensed within or outside Nebraska, who is authorized to sell
21 alcoholic liquor at retail in the state of domicile of the retailer, and
22 who is not a manufacturer if such retailer satisfies the requirements of
23 subsections (7) through (9) of this section to ship alcoholic liquor from
24 another state directly to a consumer in this state. A retailer who
25 receives a license pursuant to this subsection shall pay the fee required
26 in sections 53-124 and 53-124.01 for a retail direct sales shipping
27 license. Such fee shall be collected by the commission and remitted to
28 the State Treasurer for credit to the Winery and Grape Producers
29 Promotional Fund.

30 (6) The application for a shipping license under subsection (2) or
31 (3) of this section shall be in such form as the commission prescribes.

1 The application shall contain all provisions the commission deems proper
2 and necessary to effectuate the purpose of any section of the act and the
3 rules and regulations of the commission that apply to manufacturers and
4 shall include, but not be limited to, provisions that the applicant, in
5 consideration of the issuance of such shipping license, agrees:

6 (a) To comply with and be bound by sections 53-162 and 53-164.01 in
7 making and filing reports, paying taxes, penalties, and interest, and
8 keeping records;

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

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

20 (7) The application for a shipping license under subsection (4) or
21 (5) of this section shall be in such form as the commission prescribes.
22 The application shall require an applicant which is a manufacturer, a
23 craft brewery, a craft distillery, or a farm winery to identify the
24 brands of alcoholic liquor that the applicant is requesting the authority
25 to ship either into or within Nebraska. For all applicants, unless
26 otherwise provided in this section, the application shall contain all
27 provisions the commission deems proper and necessary to effectuate the
28 purpose of any section of the act and the rules and regulations of the
29 commission that apply to manufacturers or retailers and shall include,
30 but not be limited to, provisions that the applicant, in consideration of
31 the issuance of such shipping license, agrees:

1 (a) To comply with and be bound by sections 53-162 and 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 by section
5 53-164.01 to the commission or its duly authorized employees or agents
6 for inspection and examination of the applicant's premises and records
7 and to pay the actual expenses, excluding salary, reasonably attributable
8 to such inspections and examinations made by duly authorized employees of
9 the commission if within the United States;

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

15 (d) That the applicant agrees to notify the commission of any
16 violations in the state in which he or she is domiciled and any
17 violations of the direct shipping laws of any other states. Failure to
18 notify the commission within thirty days after such a violation may
19 result in a hearing before the commission pursuant to which the license
20 may be suspended, canceled, or revoked; and

21 (e) That the applicant, if a manufacturer, craft brewery, craft
22 distillery, or farm winery, agrees to notify any wholesaler licensed in
23 Nebraska that has been authorized to distribute such brands that the
24 application has been filed for a shipping license. The notice shall be in
25 writing and in a form prescribed by the commission. The commission may
26 adopt and promulgate rules and regulations as it reasonably deems
27 necessary to implement this subdivision, including rules and regulations
28 that permit the holder of a shipping license under this subdivision to
29 amend the shipping license by, among other things, adding or deleting any
30 brands of alcoholic liquor identified in the shipping license.

31 (8) Any manufacturer or retailer who is granted a shipping license

1 under subsection (4) or (5) of this section shall:

2 (a) Only ship the brands of alcoholic liquor identified on the
3 application;

4 (b) Only ship alcoholic liquor that is owned by the holder of the
5 shipping license;

6 (c) Only ship alcoholic liquor that is properly registered with the
7 Alcohol and Tobacco Tax and Trade Bureau of the United States Department
8 of the Treasury;

9 (d) Not ship any alcoholic liquor products that the manufacturers or
10 wholesalers licensed in Nebraska have voluntarily agreed not to bring
11 into Nebraska at the request of the commission;

12 (e) Not ship more than nine liters of alcoholic liquor per month to
13 any person in Nebraska to whom alcoholic beverages may be lawfully sold.
14 All such sales and shipments shall be for personal consumption only and
15 not for resale; and

16 (f) Cause the direct shipment of alcoholic liquor to be by approved
17 common carrier only. The commission shall adopt and promulgate rules and
18 regulations pursuant to which common carriers may apply for approval to
19 provide common carriage of alcoholic liquor shipped by a holder of a
20 shipping license issued pursuant to subsection (4) or (5) of this
21 section. The rules and regulations shall include provisions that require

22 (i) the recipient to demonstrate, upon delivery, that he or she is at
23 least twenty-one years of age, (ii) the recipient to sign an electronic
24 or paper form or other acknowledgement of receipt as approved by the
25 commission, and (iii) the commission-approved common carrier to submit to
26 the commission such information as the commission may prescribe. The
27 commission-approved common carrier shall refuse delivery when the
28 proposed recipient appears to be under the age of twenty-one years and
29 refuses to present valid identification. All holders of shipping licenses
30 shipping alcoholic liquor pursuant to this subdivision shall affix a
31 conspicuous notice in sixteen-point type or larger to the outside of each

1 package of alcoholic liquor shipped within or into the State of Nebraska,
2 in a conspicuous location, stating: CONTAINS ALCOHOLIC BEVERAGES;
3 SIGNATURE OF PERSON AT LEAST 21 YEARS OF AGE REQUIRED FOR DELIVERY. Any
4 delivery of alcoholic beverages to a minor by a common carrier shall
5 constitute a violation by the common carrier. The common carrier and the
6 holder of the shipping license shall be liable only for their independent
7 acts.

8 (9) For purposes of sections 53-160, 77-2703, and 77-27,142, each
9 shipment of alcoholic liquor by the holder of a shipping license under
10 subsection (3), (4), or (5) of this section shall constitute a sale in
11 Nebraska by establishing a nexus in the state. The holder of the shipping
12 license shall collect all the taxes due to the State of Nebraska and any
13 political subdivision and remit any excise taxes monthly to the
14 commission and any sales taxes to the Department of Revenue.

15 (10) By July 1, 2014, the commission shall report to the General
16 Affairs Committee of the Legislature the number of shipping licenses
17 issued for license years 2013-14 and 2014-15. The report shall be made
18 electronically.

19 Sec. 14. Section 53-123.17, Revised Statutes Cumulative Supplement,
20 2014, is amended to read:

21 53-123.17 (1) A local governing body may designate an entertainment
22 district in which a commons area may be used by retail, craft brewery,
23 and microdistillery licensees and holders of a manufacturer's license
24 which obtain an entertainment district license. The local governing body
25 may, at any time, revoke such designation if it finds that the commons
26 area threatens the health, safety, or welfare of the public or has become
27 a common nuisance. The local governing body shall file the designation or
28 the revocation of the designation with the commission.

29 (2) An entertainment district license allows the sale of alcoholic
30 liquor for consumption on the premises within the confines of a commons
31 area. The consumption of alcoholic liquor in the commons area shall only

1 occur during the hours authorized for sale of alcoholic liquor for
2 consumption on the premises under section 53-179 and while food service
3 is available in the commons area. Only the holder of an entertainment
4 district license or employees of such licensee may sell or dispense
5 alcoholic liquor in the commons area.

6 (3) An entertainment district licensee shall serve alcoholic liquor
7 to be consumed in the commons area in containers that prominently
8 displays the licensee's trade name or logo or some other mark that is
9 unique to the licensee under the licensee's retail license, craft brewery
10 license, ~~or~~ microdistillery license, or manufacturer's license. An
11 entertainment district licensee may allow alcohol sold by another
12 entertainment district licensee to enter the licensed premises of either
13 licensee. No entertainment district licensee shall allow alcoholic liquor
14 to leave the commons area or the premises licensed under its retail
15 license, craft brewery license, ~~or~~ microdistillery license, or
16 manufacturer's license.

17 (4) If the licensed premises of the holder of a license to sell
18 alcoholic liquor at retail issued under subsection (6) of section 53-124,
19 a craft brewery license, ~~or~~ a microdistillery license, or a
20 manufacturer's license is adjacent to a commons area in an entertainment
21 district designated by a local governing body pursuant to this section,
22 the holder of the license may obtain an annual entertainment district
23 license as prescribed in this section. The entertainment district license
24 shall be issued for the same period and may be renewed in the same manner
25 as the retail license, craft brewery license, ~~or~~ microdistillery license,
26 or manufacturer's license.

27 (5) In order to obtain an entertainment district license, a person
28 eligible under subsection (4) of this section shall:

29 (a) File an application with the commission upon such forms as the
30 commission prescribes; and

31 (b) Pay an additional license fee of three hundred dollars for the

1 privilege of serving alcohol in the entertainment district payable to the
2 clerk of the local governing body in the same manner as license fees
3 under subdivision (4) of section 53-134.

4 (6) When an application for an entertainment district license is
5 filed, the commission shall notify the clerk of the local governing body.
6 The commission shall include with such notice one copy of the application
7 by mail or electronic delivery. The local governing body and the
8 commission shall process the application in the same manner as provided
9 in section 53-132.

10 (7) The local governing body may impose an occupation tax on the
11 business of an entertainment district licensee doing business within the
12 liquor license jurisdiction of the local governing body as provided in
13 subdivision (11)(b) of this section in accordance with section 53-132.

14 (8) The local governing body with respect to entertainment district
15 licensees within its liquor license jurisdiction as provided in
16 subdivision (11)(b) of this section may cancel an entertainment district
17 license for cause for the remainder of the period for which such
18 entertainment district license is issued. Any person whose entertainment
19 district license is canceled may appeal to the commission in accordance
20 with section 53-134.

21 (9) A local governing body may regulate by ordinance, not
22 inconsistent with the Nebraska Liquor Control Act, any area it designates
23 as an entertainment district.

24 (10) Violation of any provision of this section or any rules or
25 regulations adopted and promulgated pursuant to this section by an
26 entertainment district licensee may be cause to revoke, cancel, or
27 suspend the retail license issued under subsection (6) of section 53-124,
28 craft brewery license, ~~or~~ microdistillery license, or manufacturer's
29 license held by such licensee.

30 (11) For purposes of this section:

31 (a) Commons area means an area:

1 (i) Within an entertainment district designated by a local governing
2 body;

3 (ii) Shared by authorized licensees with entertainment district
4 licenses;

5 (iii) Abutting the licensed premises of such licensees;

6 (iv) Having limited pedestrian accessibility by use of a physical
7 barrier, either on a permanent or temporary basis; and

8 (v) Closed to vehicular traffic when used as a commons area.

9 Commons area may include any area of a public or private right-of-
10 way if the area otherwise meets the requirements of this section; and

11 (b) Local governing body means the governing body of the city or
12 village in which the entertainment district licensee is located.

13 Sec. 15. Section 53-124, Revised Statutes Supplement, 2015, is
14 amended to read:

15 53-124 (1) At the time application is made to the commission for a
16 license of any type, the applicant shall pay the fee provided in section
17 53-124.01 and, if the applicant is an individual, provide the applicant's
18 social security number. The commission shall issue the types of licenses
19 described in this section.

20 (2) There shall be an airline license, a boat license, a pedal-pub
21 vehicle license, and a railroad license. The commission shall charge one
22 dollar for each duplicate of an airline license, a pedal-pub vehicle
23 license, or a railroad license.

24 (3)(a) There shall be a manufacturer's license for alcohol and
25 spirits, for beer, and for wine. The annual fee for a manufacturer's
26 license for beer shall be based on the barrel daily capacity as follows:

27 (i) 1 to 100 barrel daily capacity, or any part thereof, tier one;

28 (ii) 100 to 150 barrel daily capacity, tier two;

29 (iii) 150 to 200 barrel daily capacity, tier three;

30 (iv) 200 to 300 barrel daily capacity, tier four;

31 (v) 300 to 400 barrel daily capacity, tier five;

1 (vi) 400 to 500 barrel daily capacity, tier six;

2 (vii) 500 barrel daily capacity, or more, tier seven.

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

8 (4) There shall be five classes of nonbeverage users' licenses:
9 Class 1, Class 2, Class 3, Class 4, and Class 5.

10 (5) In lieu of a manufacturer's, a retailer's, or a wholesaler's
11 license, there shall be a license to operate issued for a craft brewery,
12 a farm winery, or a microdistillery.

13 (6)(a) There shall be six ~~five~~ classes of retail licenses:

14 (i) Class A: Beer only, for consumption on the premises;

15 (ii) Class B: Beer only, for consumption off the premises, sales in
16 the original packages only;

17 (iii) Class C: Alcoholic liquor, for consumption on the premises and
18 off the premises, sales in original packages only. If a Class C license
19 is held by a nonprofit corporation, it shall be restricted to consumption
20 on the premises only. A Class C license may have a sampling designation
21 restricting consumption on the premises to sampling, but such designation
22 shall not affect sales for consumption off the premises under such
23 license;

24 (iv) Class D: Alcoholic liquor, including beer, for consumption off
25 the premises, sales in the original packages only, except as provided in
26 subdivision (6)(a)(vi) of this section and subsection (2) of section
27 53-123.04; and

28 (v) Class I: Alcoholic liquor, for consumption on the premises;
29 and -

30 (vi) Class G: Alcoholic liquor, including beer, for consumption off
31 the premises, sales in the original packages only, for a retail licensee

1 whose annual gross revenue from the sale of alcohol does not exceed
2 twenty percent of the licensee's total annual gross revenue from all
3 retail sales.

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

9 (7) There shall be four types of shipping licenses as described in
10 section 53-123.15: Manufacturers, vintage wines, manufacture direct
11 sales, and retail direct sales.

12 (8) There shall be two types of wholesale licenses: Alcoholic liquor
13 and beer only. The annual fee shall be paid for the first and each
14 additional wholesale place of business operated in this state by the same
15 licensee and wholesaling the same product.

16 (9) The license year, unless otherwise provided in the Nebraska
17 Liquor Control Act, shall commence on May 1 of each year and shall end on
18 the following April 30, except that the license year for a Class C
19 license shall commence on November 1 of each year and shall end on the
20 following October 31. During the license year, no license shall be issued
21 for a sum less than the amount of the annual license fee as fixed in
22 section 53-124.01, regardless of the time when the application for such
23 license has been made, except that (a) when there is a purchase of an
24 existing licensed business and a new license of the same class is issued
25 or (b) upon the issuance of a new license for a location which has not
26 been previously licensed, the license fee and occupation taxes shall be
27 prorated on a quarterly basis as of the date of issuance.

28 Sec. 16. Section 53-124.01, Revised Statutes Supplement, 2015, is
29 amended to read:

30 53-124.01 (1) The fees for annual licenses finally issued by the
31 commission shall be as provided in this section and section 53-124.

1	(2) Airline license ... \$100	
2	(3) Boat license ... \$50	
3	(4) Manufacturer's license:	
4	Class	Fee - In Dollars
5	Alcohol and spirits	1,000
6	Beer - tier one	100
7	Beer - tier two	200
8	Beer - tier three	350
9	Beer - tier four	500
10	Beer - tier five	650
11	Beer - tier six	700
12	Beer - tier seven	800
13	Wine	250
14	(5) Nonbeverage user's license:	
15	Class	Fee - In Dollars
16	Class 1	5
17	Class 2	25
18	Class 3	50
19	Class 4	100
20	Class 5	250
21	(6) Operator's license:	
22	Class	Fee - In Dollars
23	Craft brewery	250
24	Farm winery	250
25	Microdistillery	250
26	(7) Pedal-pub vehicle license ... \$50	
27	(8) Railroad license ... \$100	
28	(9) Retail license:	
29	Class	Fee - In Dollars

1	Class A	100
2	Class B	100
3	Class C	300
4	Class D	200
5	Class I	250
6	<u>Class G</u>	<u>50</u>
7	(10) Shipping license:	
8	Class	Fee - In Dollars
9	Manufacturer	1,000
10	Vintage wines	1,000
11	Manufacture direct sales	500
12	Retail direct sales	500
13	(11) Wholesale license:	
14	Class	Fee - In Dollars
15	Alcoholic liquor	750
16	Beer	500

17 Sec. 17. Section 53-124.11, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 53-124.11 (1) The commission may issue a special designated license
20 for sale or consumption of alcoholic liquor at a designated location to a
21 retail licensee, a craft brewery licensee, a microdistillery licensee, a
22 farm winery licensee, the holder of a manufacturer's license issued
23 pursuant to subsection (2) of section 53-123.01, a municipal corporation,
24 a fine arts museum incorporated as a nonprofit corporation, a religious
25 nonprofit corporation which has been exempted from the payment of federal
26 income taxes, a political organization which has been exempted from the
27 payment of federal income taxes, or any other nonprofit corporation the
28 purpose of which is fraternal, charitable, or public service and which
29 has been exempted from the payment of federal income taxes, under
30 conditions specified in this section. The applicant shall demonstrate

1 meeting the requirements of this subsection.

2 (2) No retail licensee, craft brewery licensee, microdistillery
3 licensee, farm winery licensee, holder of a manufacturer's license issued
4 pursuant to subsection (2) of section 53-123.01, organization, or
5 corporation enumerated in subsection (1) of this section may be issued a
6 special designated license under this section for more than six calendar
7 days in any one calendar year. Only one special designated license shall
8 be required for any application for two or more consecutive days. This
9 subsection shall not apply to any holder of a catering license.

10 (3) Except for any special designated license issued to a holder of
11 a catering license, there shall be a fee of forty dollars for each day
12 identified in the special designated license. Such fee shall be submitted
13 with the application for the special designated license, collected by the
14 commission, and remitted to the State Treasurer for credit to the General
15 Fund. The applicant shall be exempt from the provisions of the Nebraska
16 Liquor Control Act requiring an application or renewal fee and the
17 provisions of the act requiring the expiration of forty-five days from
18 the time the application is received by the commission prior to the
19 issuance of a license, if granted by the commission. The retail
20 licensees, craft brewery licensees, microdistillery licensees, farm
21 winery licensees, holders of manufacturer's licenses issued pursuant to
22 subsection (2) of section 53-123.01, municipal corporations,
23 organizations, and nonprofit corporations enumerated in subsection (1) of
24 this section seeking a special designated license shall file an
25 application on such forms as the commission may prescribe. Such forms
26 shall contain, along with other information as required by the
27 commission, (a) the name of the applicant, (b) the premises for which a
28 special designated license is requested, identified by street and number
29 if practicable and, if not, by some other appropriate description which
30 definitely locates the premises, (c) the name of the owner or lessee of
31 the premises for which the special designated license is requested, (d)

1 sufficient evidence that the holder of the special designated license, if
2 issued, will carry on the activities and business authorized by the
3 license for himself, herself, or itself and not as the agent of any other
4 person, group, organization, or corporation, for profit or not for
5 profit, (e) a statement of the type of activity to be carried on during
6 the time period for which a special designated license is requested, and
7 (f) sufficient evidence that the activity will be supervised by persons
8 or managers who are agents of and directly responsible to the holder of
9 the special designated license.

10 (4) No special designated license provided for by this section shall
11 be issued by the commission without the approval of the local governing
12 body. The local governing body may establish criteria for approving or
13 denying a special designated license. The local governing body may
14 designate an agent to determine whether a special designated license is
15 to be approved or denied. Such agent shall follow criteria established by
16 the local governing body in making his or her determination. The
17 determination of the agent shall be considered the determination of the
18 local governing body unless otherwise provided by the local governing
19 body. For purposes of this section, the local governing body shall be the
20 city or village within which the premises for which the special
21 designated license is requested are located or, if such premises are not
22 within the corporate limits of a city or village, then the local
23 governing body shall be the county within which the premises for which
24 the special designated license is requested are located.

25 (5) If the applicant meets the requirements of this section, a
26 special designated license shall be granted and issued by the commission
27 for use by the holder of the special designated license. All statutory
28 provisions and rules and regulations of the commission that apply to a
29 retail licensee shall apply to the holder of a special designated license
30 with the exception of such statutory provisions and rules and regulations
31 of the commission so designated by the commission and stated upon the

1 issued special designated license, except that the commission may not
2 designate exemption of sections 53-180 to 53-180.07. The decision of the
3 commission shall be final. If the applicant does not qualify for a
4 special designated license, the application shall be denied by the
5 commission.

6 (6) A special designated license issued by the commission shall be
7 mailed or delivered to the city, village, or county clerk who shall
8 deliver such license to the licensee upon receipt of any fee or tax
9 imposed by such city, village, or county.

10 Sec. 18. Section 53-124.12, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:

12 53-124.12 (1) The holder of a license to sell alcoholic liquor at
13 retail issued under subsection (6) of section 53-124, a craft brewery
14 license, a microdistillery license, ~~or~~ a farm winery license, or a
15 manufacturer's license issued under subsection (2) of section 53-123.01
16 may obtain an annual catering license as prescribed in this section. The
17 catering license shall be issued for the same period and may be renewed
18 in the same manner as the retail license, craft brewery license,
19 microdistillery license, ~~or~~ farm winery license, or manufacturer's
20 license.

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

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

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

28 (3) When an application for a catering license is filed, the
29 commission shall notify the clerk of the city or incorporated village in
30 which such applicant is located or, if the applicant is not located
31 within a city or incorporated village, the county clerk of the county in

1 which such applicant is located, of the receipt of the application. The
2 commission shall include with such notice one copy of the application by
3 mail or electronic delivery. The local governing body and the commission
4 shall process the application in the same manner as provided in section
5 53-132.

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

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

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

21 Sec. 19. Section 53-125, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 53-125 No license of any kind shall be issued to (1) a person who is
24 not a resident of Nebraska, except in case of railroad, airline, or boat
25 licenses, (2) a person who is not of good character and reputation in the
26 community in which he or she resides, (3) a person who is not a Nebraska
27 resident and legally able to work in Nebraska ~~citizen of the United~~
28 ~~States~~, (4) a person who has been convicted of or has pleaded guilty to a
29 felony under the laws of this state, any other state, or the United
30 States, (5) a person who has been convicted of or has pleaded guilty to
31 any Class I misdemeanor pursuant to Chapter 28, article 3, 4, 7, 8, 10,

1 11, or 12, or any similar offense under a prior criminal statute or in
2 another state, except that any additional requirements imposed by this
3 subdivision on May 18, 1983, shall not prevent any person holding a
4 license on such date from retaining or renewing such license if the
5 conviction or plea occurred prior to May 18, 1983, (6) a person whose
6 license issued under the Nebraska Liquor Control Act has been revoked for
7 cause, (7) a person who at the time of application for renewal of any
8 license issued under the act would not be eligible for such license upon
9 initial application, (8) a partnership, unless one of the partners is a
10 resident of Nebraska and unless all the members of such partnership are
11 otherwise qualified to obtain a license, (9) a limited liability company,
12 if any officer or director of the limited liability company or any member
13 having an ownership interest in the aggregate of more than twenty-five
14 percent of such company would be ineligible to receive a license under
15 this section for any reason other than the reasons stated in subdivisions
16 (1) and (3) of this section, or if a manager of a limited liability
17 company licensee would be ineligible to receive a license under this
18 section for any reason, (10) a corporation, if any officer or director of
19 the corporation or any stockholder owning in the aggregate more than
20 twenty-five percent of the stock of such corporation would be ineligible
21 to receive a license under this section for any reason other than the
22 reasons stated in subdivisions (1) and (3) of this section, or if a
23 manager of a corporate licensee would be ineligible to receive a license
24 under this section for any reason. This subdivision shall not apply to
25 railroad licenses, (11) a person whose place of business is conducted by
26 a manager or agent unless such manager or agent possesses the same
27 qualifications required of the licensee, (12) a person who does not own
28 the premises for which a license is sought or does not have a lease or
29 combination of leases on such premises for the full period for which the
30 license is to be issued, (13) except as provided in this subdivision, an
31 applicant whose spouse is ineligible under this section to receive and

1 hold a liquor license. Such applicant shall become eligible for a liquor
2 license only if the commission finds from the evidence that the public
3 interest will not be infringed upon if such license is granted. It shall
4 be prima facie evidence that when a spouse is ineligible to receive a
5 liquor license the applicant is also ineligible to receive a liquor
6 license. Such prima facie evidence shall be overcome if it is shown to
7 the satisfaction of the commission (a) that the licensed business will be
8 the sole property of the applicant and (b) that such licensed premises
9 will be properly operated, (14) a person seeking a license for premises
10 which do not meet standards for fire safety as established by the State
11 Fire Marshal, (15) a law enforcement officer, except that this
12 subdivision shall not prohibit a law enforcement officer from holding
13 membership in any nonprofit organization holding a liquor license or from
14 participating in any manner in the management or administration of a
15 nonprofit organization, or (16) a person less than twenty-one years of
16 age.

17 When a trustee is the licensee, the beneficiary or beneficiaries of
18 the trust shall comply with the requirements of this section, but nothing
19 in this section shall prohibit any such beneficiary from being a minor or
20 a person who is mentally incompetent.

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

23 53-129 Retail, craft brewery, and microdistillery licenses issued
24 under the Nebraska Liquor Control Act apply only to that part of the
25 premises described in the application approved by the commission and in
26 the license issued on the application. For retail and microdistillery
27 licenses, and only one location shall be described in each license. For
28 craft brewery licenses, up to five separate physical locations may be
29 described in each license. After such license has been granted for
30 particular premises, the commission, with the approval of the local
31 governing body and upon proper showing, may endorse upon the license

1 permission to add to, delete from, or abandon the premises described in
2 such license and, if applicable, to move from the premises to other
3 premises approved by it, but in order to obtain such approval the retail,
4 craft brewery, or microdistillery licensee shall file with the local
5 governing body a request in writing and a statement under oath which
6 shows that the premises as added to or deleted from or to which such move
7 is to be made comply in all respects with the requirements of the act. No
8 such addition, deletion, or move shall be made by any such licensee until
9 the license has been endorsed to that effect in writing by the local
10 governing body and by the commission and the licensee furnishes proof of
11 payment of the renewal fee prescribed in subsection (4) of section
12 53-131.

13 Sec. 21. Section 53-131.01, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 53-131.01 (1) The application for a new license shall be submitted
16 upon such forms as the commission may prescribe. Such forms shall contain
17 (a) the name and residence of the applicant and how long he or she has
18 resided within the State of Nebraska, (b) the particular premises for
19 which a license is desired designating the same by street and number if
20 practicable or, if not, by such other description as definitely locates
21 the premises, (c) the name of the owner of the premises upon which the
22 business licensed is to be carried on, (d) a statement that the applicant
23 is a resident of Nebraska and legally able to work in Nebraska ~~citizen of~~
24 ~~the United States~~, that the applicant and the spouse of the applicant are
25 not less than twenty-one years of age, and that such applicant has never
26 been convicted of or pleaded guilty to a felony or been adjudged guilty
27 of violating the laws governing the sale of alcoholic liquor or the law
28 for the prevention of gambling in the State of Nebraska, except that a
29 manager for a corporation applying for a license shall qualify with all
30 provisions of this subdivision as though the manager were the applicant,
31 except that the provisions of this subdivision shall not apply to the

1 spouse of a manager-applicant, (e) a statement that the applicant intends
2 to carry on the business authorized by the license for himself or herself
3 and not as the agent of any other persons and that if licensed he or she
4 will carry on such business for himself or herself and not as the agent
5 for any other person, (f) a statement that the applicant intends to
6 superintend in person the management of the business licensed and that if
7 so licensed he or she will superintend in person the management of the
8 business, and (g) such other information as the commission may from time
9 to time direct. The applicant shall also submit two legible sets of
10 fingerprints to be furnished to the Federal Bureau of Investigation
11 through the Nebraska State Patrol for a national criminal history record
12 check and the fee for such record check payable to the patrol.

13 (2) The application shall be verified by the affidavit of the
14 petitioner made before a notary public or other person duly authorized by
15 law to administer oaths. If any false statement is made in any part of
16 such application, the applicant or applicants shall be deemed guilty of
17 perjury, and upon conviction thereof the license shall be revoked and the
18 applicant subjected to the penalties provided by law for that crime.

19 Sec. 22. Section 53-132, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 53-132 (1) If no hearing is required pursuant to subdivision (1)(a)
22 or (b) of section 53-133 and the commission has no objections pursuant to
23 subdivision (1)(c) of such section, the commission may waive the forty-
24 five-day objection period and, if not otherwise prohibited by law, cause
25 a retail license, craft brewery license, or microdistillery license to be
26 signed by its chairperson, attested by its executive director over the
27 seal of the commission, and issued in the manner provided in subsection
28 (4) of this section as a matter of course.

29 (2) A retail license, craft brewery license, or microdistillery
30 license may be issued to any qualified applicant if the commission finds
31 that (a) the applicant is fit, willing, and able to properly provide the

1 service proposed within the city, village, or county where the premises
2 described in the application are located, (b) the applicant can conform
3 to all provisions and requirements of and rules and regulations adopted
4 pursuant to the Nebraska Liquor Control Act, (c) the applicant has
5 demonstrated that the type of management and control to be exercised over
6 the premises described in the application will be sufficient to insure
7 that the licensed business can conform to all provisions and requirements
8 of and rules and regulations adopted pursuant to the act, and (d) the
9 issuance of the license is or will be required by the present or future
10 public convenience and necessity.

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

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

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

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

18 (d) The nature of the neighborhood or community of the location of
19 the proposed licensed premises;

20 (e) The existence or absence of other retail licenses, craft brewery
21 licenses, or microdistillery licenses with similar privileges within the
22 neighborhood or community of the location of the proposed licensed
23 premises and whether, as evidenced by substantive, corroborative
24 documentation, the issuance of such license would result in or add to an
25 undue concentration of licenses with similar privileges and, as a result,
26 require the use of additional law enforcement resources;

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

29 (g) The adequacy of existing law enforcement;

30 (h) Zoning restrictions;

31 (i) The sanitation or sanitary conditions on or about the proposed

1 licensed premises; and

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

5 (4) Retail licenses, craft brewery licenses, or microdistillery
6 licenses issued or renewed by the commission shall be mailed or delivered
7 to the clerk of the city, village, or county who shall deliver the same
8 to the licensee upon receipt from the licensee of proof of payment of (a)
9 the license fee if by the terms of subsection (6) of section 53-124 the
10 fee is payable to the treasurer of such city, village, or county, (b) any
11 fee for publication of notice of hearing before the local governing body
12 upon the application for the license, (c) the fee for publication of
13 notice of renewal as provided in section 53-135.01, and (d) occupation
14 taxes, if any, imposed by such city, village, or county except as
15 otherwise provided in subsection (6) of this section. Notwithstanding any
16 ordinance or charter power to the contrary, no city, village, or county
17 shall impose an occupation tax on the business of any person, firm, or
18 corporation licensed under the act and doing business within the
19 corporate limits of such city or village or within the boundaries of such
20 county in any sum which exceeds two times the amount of the license fee
21 required to be paid under the act to obtain such license.

22 (5) Each license shall designate the name of the licensee, the place
23 of business licensed, and the type of license issued.

24 (6) Class G retail licensees shall not be subject to occupation
25 taxes under subsection (4) of this section.

26 Sec. 23. Section 53-135, Revised Statutes Supplement, 2015, is
27 amended to read:

28 53-135 A retail license issued by the commission and outstanding may
29 be automatically renewed by the commission without formal application
30 upon payment of the renewal fee and license fee if payable to the
31 commission prior to or within thirty days after the expiration of the

1 license. The payment shall be an affirmative representation and
2 certification by the licensee that all answers contained in an
3 application, if submitted, would be the same in all material respects as
4 the answers contained in the last previous application. The commission
5 may at any time require a licensee to submit an application, and the
6 commission shall at any time require a licensee to submit an application
7 if requested in writing to do so by the local governing body.

8 If a licensee files an application form in triplicate original upon
9 seeking renewal of his or her license, the application shall be processed
10 as set forth in section 53-131.

11 ~~Any licensed retail premises located in an area which is annexed to~~
12 ~~any governmental subdivision shall file a formal application for a~~
13 ~~license, and while such application is pending, the licensee may continue~~
14 ~~all license privileges until the original license expires or is canceled~~
15 ~~or revoked. If such license expires within sixty days following the~~
16 ~~annexation date of such area, the license may be renewed by order of the~~
17 ~~commission for not more than one year.~~

18 Sec. 24. Section 53-168.06, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 53-168.06 No person shall manufacture, bottle, blend, sell, barter,
21 transport, deliver, furnish, or possess any alcoholic liquor for beverage
22 purposes except as specifically provided in the Nebraska Liquor Control
23 Act. Nothing in the act shall prevent (1) the possession of alcoholic
24 liquor legally obtained as provided in the act for the personal use of
25 the possessor and his or her family and guests; (2) the making of wine,
26 cider, or other alcoholic liquor by a person from fruits, vegetables, or
27 grains, or the product thereof, by simple fermentation and without
28 distillation, if made solely for the use of the maker and his or her
29 family and guests; (3) any duly licensed practicing physician or dentist
30 from possessing or using alcoholic liquor in the strict practice of his
31 or her profession, any hospital or other institution caring for the sick

1 and diseased persons from possessing and using alcoholic liquor for the
2 treatment of bona fide patients of such hospital or other institution, or
3 any drug store employing a licensed pharmacist from possessing or using
4 alcoholic liquor in the compounding of prescriptions of licensed
5 physicians; (4) the possession and dispensation of alcoholic liquor by an
6 authorized representative of any religion on the premises of a place of
7 worship, for the purpose of conducting any bona fide religious rite,
8 ritual, or ceremony; (5) persons who are sixteen years old or older from
9 carrying alcoholic liquor from licensed establishments when they are
10 accompanied by a person not a minor; (6) persons who are sixteen years
11 old or older from handling alcoholic liquor containers and alcoholic
12 liquor in the course of their employment; (7) persons who are sixteen
13 years old or older from removing and disposing of alcoholic liquor
14 containers for the convenience of the employer and customers in the
15 course of their employment; ~~or~~ (8) persons who are sixteen years old or
16 older from completing a transaction for the sale of alcoholic liquor in
17 the course of their employment if they are not handling or serving
18 alcoholic liquor; or (9) persons who are nineteen years old or older from
19 serving or selling alcoholic liquor in the course of their employment.

20 Sec. 25. Section 53-169, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 53-169 (1) Except as provided in subsection (2) of this section, no
23 ~~No~~ manufacturer or wholesaler shall directly or indirectly: (a) Pay for
24 any license to sell alcoholic liquor at retail or advance, furnish, lend,
25 or give money for payment of such license; (b) purchase or become the
26 owner of any note, mortgage, or other evidence of indebtedness of such
27 licensee or any form of security therefor; (c) be interested in the
28 ownership, conduct, or operation of the business of any licensee
29 authorized to sell alcoholic liquor at retail; or (d) be interested
30 directly or indirectly or as owner, part owner, lessee, or lessor thereof
31 in any premises upon which alcoholic liquor is sold at retail.

1 (2) This section ~~does shall~~ not apply to the holder of a farm winery
2 license. The holder of a craft brewery license shall have the privileges
3 and duties listed in section 53-123.14 and the holder of a manufacturer's
4 license shall have the privileges and duties listed in section 53-123.01
5 with respect to the manufacture, distribution, and retail sale of beer,
6 and the Nebraska Liquor Control Act shall not be construed to permit the
7 holder of a craft brewery license or of a manufacturer's license issued
8 pursuant to section 53-123.01 to engage in the wholesale distribution of
9 beer. The holder of a microdistillery license shall have the privileges
10 and duties listed in section 53-123.16 with respect to the manufacture of
11 alcoholic liquor, and the Nebraska Liquor Control Act shall not be
12 construed to permit the holder of a microdistillery license to engage in
13 the wholesale distribution of alcoholic liquor.

14 Sec. 26. Section 53-171, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 53-171 No person licensed as a ~~manufacturer~~ or wholesaler of
17 alcoholic liquor shall be permitted to receive any retail license at the
18 same time. No person licensed as a manufacturer shall be permitted to
19 receive any retail license at the same time except as set forth in
20 subsection (2) of section 53-123.01 with respect to the manufacture,
21 distribution, and retail sale of beer, and the Nebraska Liquor Control
22 Act shall not be construed to permit the holder of a manufacturer's
23 license issued pursuant to such subsection to engage in the wholesale
24 distribution of alcoholic liquor. No person licensed as a retailer of
25 alcoholic liquor shall be permitted to receive any manufacturer's or
26 wholesale license at the same time. This section shall not apply to the
27 holder of a farm winery license. The holder of a craft brewery license
28 shall have the privileges and duties listed in section 53-123.14 with
29 respect to the manufacture, distribution, and retail sale of beer, and
30 the Nebraska Liquor Control Act shall not be construed to permit the
31 holder of a craft brewery license to engage in the wholesale distribution

1 of beer. The holder of a microdistillery license shall have the
2 privileges and duties listed in section 53-123.16 with respect to the
3 manufacture of alcoholic liquor, and the Nebraska Liquor Control Act
4 shall not be construed to permit the holder of a microdistillery license
5 to engage in the wholesale distribution of alcoholic liquor.

6 Sec. 27. Section 53-175, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 53-175 It shall be unlawful for any person to purchase, receive,
9 acquire, accept, or possess any alcoholic liquor acquired from any person
10 other than one duly licensed to handle alcoholic liquor under the
11 Nebraska Liquor Control Act unless within the specific exemptions or
12 exceptions provided in the act. No licensed retailer of alcoholic liquor
13 shall purchase such liquor other than from a licensed wholesaler who has
14 his or her place of business within this state, ~~except that a licensed~~
15 ~~retailer may purchase alcoholic liquor other than beer or wine from one~~
16 ~~or more retailers licensed to sell alcoholic liquor for consumption off~~
17 ~~the premises if the seller has the required federal wholesaler's basic~~
18 ~~permit and federal wholesale liquor dealer's special tax stamp and has~~
19 ~~filed proof of possession of the permit and tax stamp with the commission~~
20 ~~prior to engaging in any such sales for resale. Retailers making such~~
21 ~~sales and retailers making such purchases from retailers shall keep~~
22 ~~accurate records of such sales and purchases and shall report all such~~
23 ~~sales and purchases on a quarterly basis on forms and in such manner as~~
24 ~~prescribed by the commission. No licensed retailer shall purchase in the~~
25 ~~aggregate more than three hundred dollars of alcoholic liquor as allowed~~
26 ~~under this section in any calendar year. Nothing in this section shall~~
27 ~~prohibit the sale or exchange among collectors of commemorative bottles~~
28 ~~or uniquely designed decanters which contain alcoholic liquor.~~

29 Sec. 28. Section 53-178, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 53-178 Except in the case of hotels and clubs, no alcoholic liquor

1 shall be manufactured or sold at retail or wholesale upon any premises
2 which have any access which leads from such premises to any other portion
3 of the same building or structure used for dwelling or lodging purposes,
4 and ~~which is~~ permitted to be used or kept accessible for use by the
5 public. This section does ~~provision shall~~ not prevent any connection
6 between such premises and such other portion of the building or structure
7 which is used only by the licensee or his or her ~~, his~~ family and
8 personal guests.

9 Sec. 29. Section 53-187, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 53-187 No nonbeverage user shall sell, give away, or otherwise
12 dispose of any alcoholic liquor, purchased under his or her license as
13 such nonbeverage user, in any form fit for beverage purposes. Any
14 nonbeverage user who violates ~~shall violate the provisions of~~ this
15 section shall pay to the commission, for the use of the General Fund, the
16 sum of three ~~two~~ dollars and seventy-five ~~ten~~ cents for each gallon of
17 alcoholic liquor so diverted, and in addition thereto shall be subject to
18 the penalties provided in section 53-1,100.

19 Sec. 30. Section 53-194.03, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 53-194.03 (1) Except as provided in subsection (2) of this section,
22 it ~~It~~ shall be unlawful for any person to transport, import, bring, ship,
23 or cause to be transported, imported, brought, or shipped into the State
24 of Nebraska for the personal use of the possessor, his or her family, or
25 guests a quantity of alcoholic liquor in excess of nine liters in any one
26 calendar month.

27 (2) Subsection (1) of this section does not apply to a person
28 importing alcoholic liquor from a holder of a retail direct sales
29 shipping license or its equivalent, which alcoholic liquor is for
30 personal use or for use by such person's family or guests, if the total
31 amount imported by such person in any one calendar year does not exceed

1 one hundred eight liters.

2 (3 2) Alcoholic liquor transported, imported, brought, or shipped
3 into the State of Nebraska in violation of this section shall be seized
4 by the commission and disposed of in the manner provided for contraband.
5 Any person violating this section shall be guilty of a Class IV
6 misdemeanor.

7 Sec. 31. Section 53-1,100, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 53-1,100 (1) Any person (a 1) who ~~manufactures~~, imports alcoholic
10 liquor for distribution as a wholesaler, or distributes or sells
11 alcoholic liquor at any place within the state without having first
12 obtained a valid license to do so under the Nebraska Liquor Control Act,
13 (b) who manufactures alcoholic liquor other than spirits within the state
14 without having first obtained a valid license to do so under the act, (c
15 2) who makes any false statement or otherwise violates any of the
16 provisions of the act in obtaining any license under the act, (d 3) who,
17 having obtained a license under the act, violates any of the provisions
18 of the act with respect to the manufacture, possession, distribution, or
19 sale of alcoholic liquor or with respect to the maintenance of the
20 licensed premises, or (e 4) who violates any other provision of the act
21 for which a penalty is not otherwise provided, shall for a first offense
22 be guilty of a Class IV misdemeanor and for a second or subsequent
23 offense shall be guilty of a Class II misdemeanor.

24 (2) Any person who manufactures spirits at any place within the
25 state without having first obtained a valid license to do so under the
26 act shall be guilty of a Class I misdemeanor for a first offense and a
27 Class IV felony for a second or subsequent offense.

28 (3) Each day any person engages in business as a manufacturer,
29 wholesaler, or retailer in violation of the act shall constitute a
30 separate offense.

31 (4) In any prosecution in which a person is charged with an offense

1 arising out of the failure to obtain a valid license as provided in
2 subdivision (1)(a) or (b) or subsection (2) of this section, evidence of
3 the failure of the accused to produce such license upon demand shall
4 constitute prima facie proof that a license has not been issued by the
5 commission to such person.

6 Sec. 32. If any section in this act or any part of any section is
7 declared invalid or unconstitutional, the declaration shall not affect
8 the validity or constitutionality of the remaining portions.

9 Sec. 33. Original sections 53-103.09, 53-103.18, 53-103.20,
10 53-103.41, 53-123.01, 53-124.11, 53-125, 53-129, 53-131.01, 53-132,
11 53-168.06, 53-169, 53-171, 53-175, 53-178, 53-187, 53-194.03, and
12 53-1,100, Reissue Revised Statutes of Nebraska, sections 53-123.14,
13 53-123.17, and 53-124.12, Revised Statutes Cumulative Supplement, 2014,
14 and sections 53-103.44, 53-123.15, 53-124, 53-124.01, and 53-135, Revised
15 Statutes Supplement, 2015, are repealed.

16 Sec. 34. The following section is outright repealed: Section
17 28-1479, Reissue Revised Statutes of Nebraska.

18 Sec. 35. Since an emergency exists, this act takes effect when
19 passed and approved according to law.