

AMENDMENTS TO LB330

(Amendments to Standing Committee amendments, AM113)

Introduced by Nordquist, 7.

1 1. Insert the following new sections:

2 Sec. 2. Section 53-103, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 53-103 For purposes of the Nebraska Liquor Control Act, the
5 definitions found in sections 53-103.01 to 53-103.43 and sections 6 and 7
6 of this act apply.

7 Sec. 7. Pedal-pub vehicle means a multi-passenger, human-powered
8 vehicle.

9 Sec. 8. Section 53-117, Revised Statutes Cumulative Supplement,
10 2014, is amended to read:

11 53-117 The commission has the following powers, functions, and
12 duties:

13 (1) To receive applications for and to issue licenses to and
14 suspend, cancel, and revoke licenses of manufacturers, wholesalers,
15 nonbeverage users, retailers, railroads including owners and lessees of
16 sleeping, dining, and cafe cars, airlines, ~~and~~ boats, and pedal-pub
17 vehicles in accordance with the Nebraska Liquor Control Act;

18 (2) To fix by rules and regulations the standards of manufacture of
19 alcoholic liquor not inconsistent with federal laws in order to insure
20 the use of proper ingredients and methods in the manufacture and
21 distribution thereof and to adopt and promulgate rules and regulations
22 not inconsistent with federal laws for the proper labeling of containers,
23 barrels, casks, or other bulk containers or of bottles of alcoholic
24 liquor manufactured or sold in this state. The Legislature intends, by
25 the grant of power to adopt and promulgate rules and regulations, that
26 the commission have broad discretionary powers to govern the traffic in

1 alcoholic liquor and to enforce strictly all provisions of the act in the
2 interest of sanitation, purity of products, truthful representations, and
3 honest dealings in a manner that generally will promote the public health
4 and welfare. All such rules and regulations shall be absolutely binding
5 upon all licensees and enforceable by the commission through the power of
6 suspension or cancellation of licenses, except that all rules and
7 regulations of the commission affecting a club possessing any form of
8 retail license shall have equal application to all such licenses or shall
9 be void;

10 (3) To call upon other administrative departments of the state,
11 county and municipal governments, county sheriffs, city police
12 departments, village marshals, peace officers, and prosecuting officers
13 for such information and assistance as the commission deems necessary in
14 the performance of its duties. The commission shall enter into an
15 agreement with the Nebraska State Patrol in which the Nebraska State
16 Patrol shall hire six new patrol officers and, from the entire Nebraska
17 State Patrol, shall designate a minimum of six patrol officers who will
18 spend a majority of their time in administration and enforcement of the
19 Nebraska Liquor Control Act;

20 (4) To recommend to local governing bodies rules and regulations not
21 inconsistent with law for the distribution and sale of alcoholic liquor
22 throughout the state;

23 (5) To inspect or cause to be inspected any premises where alcoholic
24 liquor is manufactured, distributed, or sold and, when sold on unlicensed
25 premises or on any premises in violation of law, to bring an action to
26 enjoin the use of the property for such purpose;

27 (6) To hear and determine appeals from orders of a local governing
28 body in accordance with the act;

29 (7) To conduct or cause to be conducted an audit to inspect any
30 licensee's records and books;

31 (8) In the conduct of any hearing or audit authorized to be held by

1 the commission (a) to examine or cause to be examined, under oath, any
2 licensee and to examine or cause to be examined the books and records of
3 such licensee, (b) to hear testimony and take proof material for its
4 information in the discharge of its duties under the act, and (c) to
5 administer or cause to be administered oaths;

6 (9) To investigate the administration of laws in relation to
7 alcoholic liquor in this and other states and to recommend to the
8 Governor and through him or her to the Legislature amendments to the act;
9 and

10 (10) To receive, account for, and remit to the State Treasurer state
11 license fees and taxes provided for in the act.

12 Sec. 9. Section 53-117.07, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 53-117.07 All proceedings for the suspension, cancellation, or
15 revocation of licenses of manufacturers, wholesalers, nonbeverage users,
16 craft breweries, microdistilleries, railroads, airlines, shippers, ~~and~~
17 boats, and pedal-pub vehicles shall be before the commission, and the
18 proceedings shall be in accordance with rules and regulations adopted and
19 promulgated by it not inconsistent with law. No such license shall be so
20 suspended, canceled, or revoked except after a hearing by the commission
21 with reasonable notice to the licensee and opportunity to appear and
22 defend.

23 Sec. 10. Section 53-123, Revised Statutes Cumulative Supplement,
24 2014, is amended to read:

25 53-123 Licenses issued by the commission shall be of the following
26 types: (1) Manufacturer's license; (2) alcoholic liquor wholesale
27 license, except beer; (3) beer wholesale license; (4) retail license; (5)
28 railroad license; (6) airline license; (7) boat license; (8) nonbeverage
29 user's license; (9) farm winery license; (10) craft brewery license; (11)
30 shipping license; (12) special designated license; (13) catering license;
31 (14) microdistillery license; ~~and~~ (15) entertainment district license;

1 and (16) pedal-pub vehicle license.

2 Sec. 12. (1) The commission may issue a license to a person to
3 operate a pedal-pub vehicle in this state. Each pedal-pub vehicle license
4 shall expire on April 30 of each year. Each license shall be good
5 throughout this state as a state license. Only one license shall be
6 required for all pedal-pub vehicles operated in this state by the same
7 owner. Each owner shall keep a duplicate of such license posted in each
8 pedal-pub vehicle where such alcoholic liquor is sold or consumed. No
9 further license shall be required or tax levied by any county, city, or
10 village for the privilege of operating a pedal-pub vehicle for the
11 purpose of selling and allowing the consumption of alcoholic liquor while
12 on or in a pedal-pub vehicle.

13 (2) The holder of a pedal-pub vehicle license may sell alcoholic
14 liquor in individual drinks to customers who are twenty-one years of age
15 or older to consume while they are on or in the pedal-pub vehicle and may
16 allow such customers to consume alcoholic liquor not purchased from the
17 licensee while the customers are on or in the pedal-pub vehicle. The
18 licensee shall serve alcoholic liquor in opaque plastic containers that
19 prominently display the licensee's trade name or logo or some other mark
20 that is unique to the licensee under the licensee's pedal-pub vehicle
21 license and shall require the use of such containers for the consumption
22 of alcoholic liquor not purchased from the licensee.

23 (3) No customer shall take any open container of alcoholic liquor
24 from the pedal-pub vehicle or consume the alcoholic liquor after leaving
25 the pedal-pub vehicle. A customer may take unopened containers of
26 alcoholic liquor not purchased from the licensee from the pedal-pub
27 vehicle.

28 (4) The licensee shall not allow open containers of alcoholic liquor
29 to leave the pedal-pub vehicle. The licensee shall be responsible for
30 picking up and disposing of any litter or other waste or any personal
31 property that originates from the pedal-pub vehicle and lands on public

1 or private property.

2 Sec. 13. Section 53-124, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 53-124 (1) At the time application is made to the commission for a
5 license of any type, the applicant shall pay the fee provided in section
6 53-124.01 and, if the applicant is an individual, provide the applicant's
7 social security number. The commission shall issue the types of licenses
8 described in this section.

9 (2) There shall be an airline license, a boat license, a pedal-pub
10 vehicle license, and a railroad license. The commission shall charge one
11 dollar for each duplicate of an airline license, a pedal-pub vehicle
12 license, or a railroad license.

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

- 16 (i) 1 to 100 barrel daily capacity, or any part thereof, tier one;
17 (ii) 100 to 150 barrel daily capacity, tier two;
18 (iii) 150 to 200 barrel daily capacity, tier three;
19 (iv) 200 to 300 barrel daily capacity, tier four;
20 (v) 300 to 400 barrel daily capacity, tier five;
21 (vi) 400 to 500 barrel daily capacity, tier six;
22 (vii) 500 barrel daily capacity, or more, tier seven.

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

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

30 (5) In lieu of a manufacturer's, a retailer's, or a wholesaler's
31 license, there shall be a license to operate issued for a craft brewery,

1 a farm winery, or a microdistillery.

2 (6)(a) There shall be five classes of retail licenses:

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

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

6 (iii) Class C: Alcoholic liquor, for consumption on the premises and
7 off the premises, sales in original packages only. If a Class C license
8 is held by a nonprofit corporation, it shall be restricted to consumption
9 on the premises only. A Class C license may have a sampling designation
10 restricting consumption on the premises to sampling, but such designation
11 shall not affect sales for consumption off the premises under such
12 license;

13 (iv) Class D: Alcoholic liquor, including beer, for consumption off
14 the premises, sales in the original packages only, except as provided in
15 subsection (2) of section 53-123.04; and

16 (v) Class I: Alcoholic liquor, for consumption on the premises.

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

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

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

29 (9) The license year, unless otherwise provided in the Nebraska
30 Liquor Control Act, shall commence on May 1 of each year and shall end on
31 the following April 30, except that the license year for a Class C

1 license shall commence on November 1 of each year and shall end on the
2 following October 31. During the license year, no license shall be issued
3 for a sum less than the amount of the annual license fee as fixed in
4 section 53-124.01, regardless of the time when the application for such
5 license has been made, except that (a) when there is a purchase of an
6 existing licensed business and a new license of the same class is issued
7 or (b) upon the issuance of a new license for a location which has not
8 been previously licensed, the license fee and occupation taxes shall be
9 prorated on a quarterly basis as of the date of issuance.

10 Sec. 14. Section 53-124.01, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:

12 53-124.01 (1) The fees for annual licenses finally issued by the
13 commission shall be as provided in this section and section 53-124.

14 (2) Airline license ... \$100

15 (3) Boat license ... \$50

16 (4) Manufacturer's license:

17 Class	Fee - In Dollars
18 Alcohol and spirits	1,000
19 Beer - tier one	100
20 Beer - tier two	200
21 Beer - tier three	350
22 Beer - tier four	500
23 Beer - tier five	650
24 Beer - tier six	700
25 Beer - tier seven	800
26 Wine	250

27 (5) Nonbeverage user's license:

28 Class	Fee - In Dollars
29 Class 1	5
30 Class 2	25

1	Class 3	50
2	Class 4	100
3	Class 5	250
4	(6) Operator's license:	
5	Class	Fee - In Dollars
6	Craft brewery	250
7	Farm winery	250
8	Microdistillery	250
9	<u>(7) Pedal-pub vehicle license ... \$50</u>	
10	<u>(8 7) Railroad license ... \$100</u>	
11	<u>(9 8) Retail license:</u>	
12	Class	Fee - In Dollars
13	Class A	100
14	Class B	100
15	Class C	300
16	Class D	200
17	Class I	250
18	<u>(10 9) Shipping license:</u>	
19	Class	Fee - In Dollars
20	Manufacturer	1,000
21	Vintage wines	1,000
22	Manufacture direct sales	500
23	Retail direct sales	500
24	<u>(11 10) Wholesale license:</u>	
25	Class	Fee - In Dollars
26	Alcoholic liquor	750
27	Beer	500
28	Sec. 16. Section 53-130, Reissue Revised Statutes of Nebraska, is	
29	amended to read:	

1 53-130 (1) New licenses to manufacturers, wholesalers, railroads,
2 airlines, boats, pedal-pub vehicles, and nonbeverage users of alcoholic
3 liquor may be issued by the commission upon (a) written application in
4 duplicate filed in the manner and on such forms as the commission
5 prescribes and in which the applicant for a beer wholesale license sets
6 forth the sales territory in Nebraska in which it is authorized by a
7 manufacturer or manufacturers to sell their brand or brands and the name
8 of such brand or brands, (b) receipt of bond, (c) payment in advance of
9 the nonrefundable application fee of forty-five dollars and the license
10 fee, and (d) such notice and hearing as the commission fixes by its own
11 order.

12 (2) A notice of such application shall be served upon the
13 manufacturer or manufacturers listed in any application for a beer
14 wholesale license and upon any existing wholesaler licensed to sell the
15 brand or brands in the described sales territory.

16 (3) A license so issued may be renewed without formal application
17 upon payment of license fees and a renewal fee of forty-five dollars
18 prior to or within thirty days after the expiration of the license. The
19 payment of such fees shall be an affirmative representation and
20 certification by the licensee that all answers contained in an
21 application, if submitted, would be the same in all material respects as
22 the answers contained in the last previous application. The commission
23 may at any time require a licensee to submit an application.

24 2. On page 1, line 1, strike "8" and insert "2, 8, 9"; and in line 5
25 strike "8, and 13" and insert "7, 12, 13, and 20".

26 3. On page 4, line 29, after the second comma insert "53-117.07,";
27 and in line 31 strike "53-123.15" and insert "53-117, 53-123, 53-123.15,
28 53-124, 53-124.01,".

29 4. Renumber the remaining sections accordingly.