

AMENDMENTS TO LB1120
(Amendments to E & R amendments, ER172)

Introduced by Thibodeau, 6.

1 1. Strike sections 1 to 13 and 26 and insert the following new
2 sections:

3 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 53-101 Sections 53-101 to 53-1,122 and sections 3 and 4 of this act
6 shall be known and may be cited as the Nebraska Liquor Control Act.

7 Sec. 2. Section 53-103, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 53-103 For purposes of the Nebraska Liquor Control Act, the
10 definitions found in sections 53-103.01 to 53-103.46 and section 3 of
11 this act apply.

12 Sec. 3. Bottle club means an operation, whether formally organized
13 as a club having a regular membership list, dues, officers, and meetings
14 or not, keeping and maintaining premises where persons who have made
15 their own purchases of alcoholic liquor congregate for the express
16 purpose of consuming alcoholic liquor upon the payment of a fee or other
17 consideration.

18 Sec. 4. (1) A bottle club may be operated by a club, an individual,
19 a partnership, a limited liability company, or a corporation. An accurate
20 and current membership list shall be maintained upon the licensed
21 premises which contains the names and residences of the members but shall
22 not be subject to disclosure except as required by warrant, subpoena, or
23 court order.

24 (2) A bottle club shall not operate on any day between the hours of
25 5 a.m. and 6 a.m.

26 (3) The holder of a bottle club license shall not simultaneously

1 hold another license under the Nebraska Liquor Control Act.

2 (4) The holder of a bottle club license shall be subject to all
3 provisions of the Nebraska Liquor Control Act and the rules and
4 regulations adopted and promulgated under the act that govern the
5 operation of retail licensees except as otherwise provided in subsection
6 (2) of this section.

7 Sec. 5. Section 53-116.01, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 53-116.01 The commission and local governing bodies shall cause
10 frequent inspection to be made on the premises of all retail licensees
11 and bottle club licensees, and if it is found that any such licensee is
12 violating any provision of the Nebraska Liquor Control Act or the rules
13 and regulations of the commission adopted and promulgated under the act
14 or is failing to observe in good faith the purposes of the act, the
15 license may be suspended, canceled, or revoked after the licensee is
16 given an opportunity to be heard in his or her defense.

17 Sec. 6. Section 53-116.02, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 53-116.02 Whenever any retail licensee, bottle club licensee, craft
20 brewery licensee, or microdistillery licensee has been convicted by any
21 court of a violation of the Nebraska Liquor Control Act, the licensee
22 may, in addition to the penalties for such offense, incur a forfeiture of
23 the license and all money that had been paid for the license. The local
24 governing body may conditionally revoke the license subject to a final
25 order of the commission, or the commission may revoke the license in an
26 original proceeding brought before it for that purpose.

27 Sec. 7. Section 53-117, Revised Statutes Cumulative Supplement,
28 2016, is amended to read:

29 53-117 The commission has the following powers, functions, and
30 duties:

31 (1) To receive applications for and to issue licenses to and

1 suspend, cancel, and revoke licenses of manufacturers, wholesalers,
2 nonbeverage users, retailers, railroads including owners and lessees of
3 sleeping, dining, and cafe cars, airlines, boats, bottle clubs, and
4 pedal-pub vehicles in accordance with the Nebraska Liquor Control Act;

5 (2) To fix by rules and regulations the standards of manufacture of
6 alcoholic liquor not inconsistent with federal laws in order to insure
7 the use of proper ingredients and methods in the manufacture and
8 distribution thereof and to adopt and promulgate rules and regulations
9 not inconsistent with federal laws for the proper labeling of containers,
10 barrels, casks, or other bulk containers or of bottles of alcoholic
11 liquor manufactured or sold in this state. The Legislature intends, by
12 the grant of power to adopt and promulgate rules and regulations, that
13 the commission have broad discretionary powers to govern the traffic in
14 alcoholic liquor and to enforce strictly all provisions of the act in the
15 interest of sanitation, purity of products, truthful representations, and
16 honest dealings in a manner that generally will promote the public health
17 and welfare. All such rules and regulations shall be absolutely binding
18 upon all licensees and enforceable by the commission through the power of
19 suspension or cancellation of licenses, except that all rules and
20 regulations of the commission affecting a club possessing any form of
21 retail license or bottle club license shall have equal application to all
22 such licenses or shall be void;

23 (3) To call upon other administrative departments of the state,
24 county and municipal governments, county sheriffs, city police
25 departments, village marshals, peace officers, and prosecuting officers
26 for such information and assistance as the commission deems necessary in
27 the performance of its duties. The commission shall enter into an
28 agreement with the Nebraska State Patrol in which the Nebraska State
29 Patrol shall hire six new patrol officers and, from the entire Nebraska
30 State Patrol, shall designate a minimum of six patrol officers who will
31 spend a majority of their time in administration and enforcement of the

1 Nebraska Liquor Control Act;

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

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

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

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

13 (8) In the conduct of any hearing or audit authorized to be held by
14 the commission (a) to examine or cause to be examined, under oath, any
15 licensee and to examine or cause to be examined the books and records of
16 such licensee, (b) to hear testimony and take proof material for its
17 information in the discharge of its duties under the act, and (c) to
18 administer or cause to be administered oaths;

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

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

25 Sec. 8. Section 53-119.01, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 53-119.01 The commission may request the State Fire Marshal to
28 inspect for fire safety pursuant to section 81-502 any premises for which
29 an annually renewable retail license or bottle club license, or renewal
30 of such a license, is sought. The State Fire Marshal shall assess a fee
31 for such inspection pursuant to section 81-505.01 which shall be payable

1 by the licensee or applicant for a license. The authority to make such
2 investigations may be delegated to qualified local fire prevention
3 personnel pursuant to section 81-502.

4 Sec. 9. Section 53-123, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 53-123 Licenses issued by the commission shall be of the following
7 types: (1) Manufacturer's license; (2) alcoholic liquor wholesale
8 license, except beer; (3) beer wholesale license; (4) retail license; (5)
9 railroad license; (6) airline license; (7) boat license; (8) nonbeverage
10 user's license; (9) farm winery license; (10) craft brewery license; (11)
11 shipping license; (12) special designated license; (13) catering license;
12 (14) microdistillery license; (15) entertainment district license; and
13 (16) pedal-pub vehicle license; and (17) bottle club license.

14 Sec. 10. Section 53-123.15, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

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

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

1 Fund.

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

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

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

1 the State Treasurer for credit to the Winery and Grape Producers
2 Promotional Fund.

3 (6) The application for a shipping license under subsection (2) or
4 (3) of this section shall be in such form as the commission prescribes.
5 The application shall contain all provisions the commission deems proper
6 and necessary to effectuate the purpose of any section of the act and the
7 rules and regulations of the commission that apply to manufacturers and
8 shall include, but not be limited to, provisions that the applicant, in
9 consideration of the issuance of such shipping license, agrees:

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

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

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

24 (7) The application for a shipping license under subsection (4) or
25 (5) of this section shall be in such form as the commission prescribes.
26 The application shall require an applicant which is a manufacturer, a
27 craft brewery, a craft distillery, or a farm winery to identify the
28 brands of alcoholic liquor that the applicant is requesting the authority
29 to ship either into or within Nebraska. For all applicants, unless
30 otherwise provided in this section, the application shall contain all
31 provisions the commission deems proper and necessary to effectuate the

1 purpose of any section of the act and the rules and regulations of the
2 commission that apply to manufacturers or retailers and shall include,
3 but not be limited to, provisions that the applicant, in consideration of
4 the issuance of such shipping license, agrees:

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

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

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

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

25 (e) That the applicant, if a manufacturer, craft brewery, craft
26 distillery, or farm winery, agrees to notify any wholesaler licensed in
27 Nebraska that has been authorized to distribute such brands that the
28 application has been filed for a shipping license. The notice shall be in
29 writing and in a form prescribed by the commission. The commission may
30 adopt and promulgate rules and regulations as it reasonably deems
31 necessary to implement this subdivision, including rules and regulations

1 that permit the holder of a shipping license under this subdivision to
2 amend the shipping license by, among other things, adding or deleting any
3 brands of alcoholic liquor identified in the shipping license.

4 (8) Any manufacturer or retailer who is granted a shipping license
5 under subsection (4) or (5) of this section shall:

6 (a) Only ship the brands of alcoholic liquor identified on the
7 application;

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

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

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

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

20 (f) Cause the direct shipment of alcoholic liquor to be by approved
21 common carrier only. The commission shall adopt and promulgate rules and
22 regulations pursuant to which common carriers may apply for approval to
23 provide common carriage of alcoholic liquor shipped by a holder of a
24 shipping license issued pursuant to subsection (4) or (5) of this
25 section. The rules and regulations shall include provisions that require
26 (i) the recipient to demonstrate, upon delivery, that he or she is at
27 least twenty-one years of age, (ii) the recipient to sign an electronic
28 or paper form or other acknowledgment of receipt as approved by the
29 commission, and (iii) the commission-approved common carrier to submit to
30 the commission such information as the commission may prescribe. The
31 commission-approved common carrier shall refuse delivery when the

1 proposed recipient appears to be under the age of twenty-one years and
2 refuses to present valid identification. All holders of shipping licenses
3 shipping alcoholic liquor pursuant to this subdivision shall affix a
4 conspicuous notice in sixteen-point type or larger to the outside of each
5 package of alcoholic liquor shipped within or into the State of Nebraska,
6 in a conspicuous location, stating: CONTAINS ALCOHOLIC BEVERAGES;
7 SIGNATURE OF PERSON AT LEAST 21 YEARS OF AGE REQUIRED FOR DELIVERY. Any
8 delivery of alcoholic beverages to a minor by a common carrier shall
9 constitute a violation by the common carrier. The common carrier and the
10 holder of the shipping license shall be liable only for their independent
11 acts.

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

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

23 Sec. 11. Section 53-124, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 53-124 (1) At the time application is made to the commission for a
26 license of any type, the applicant shall pay the fee provided in section
27 53-124.01 and, if the applicant is an individual, provide the applicant's
28 social security number. The commission shall issue the types of licenses
29 described in this section.

30 (2) There shall be an airline license, a boat license, a pedal-pub
31 vehicle license, and a railroad license. The commission shall charge one

1 dollar for each duplicate of an airline license, a pedal-pub vehicle
2 license, or a railroad license.

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

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

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

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

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

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

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

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

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

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

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

23 (6)(a) There shall be six classes of retail licenses:

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

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

27 (iii) Class C: Alcoholic liquor, for consumption on the premises and
28 off the premises, sales in original packages only. If a Class C license
29 is held by a nonprofit corporation, it shall be restricted to consumption
30 on the premises only. A Class C license may have a sampling designation
31 restricting consumption on the premises to sampling, but such designation

1 shall not affect sales for consumption off the premises under such
2 license;

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

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

8 (vi) Class J: Alcoholic liquor, including beer, for consumption off
9 the premises, sales in the original packages only, for a retail licensee
10 whose annual gross revenue from the sale of alcohol does not exceed
11 twenty percent of the licensee's total annual gross revenue from all
12 retail sales.

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

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

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

25 (9) There shall be a bottle club license. All applicable license
26 fees shall be paid by the applicant or licensee directly to the city or
27 village treasurer in the case of premises located inside the corporate
28 limits of a city or village and directly to the county treasurer in the
29 case of premises located outside the corporate limits of a city or
30 village.

31 (10) (9) The license year, unless otherwise provided in the Nebraska

1 Liquor Control Act, shall commence on May 1 of each year and shall end on
2 the following April 30, except that the license year for a Class C
3 license shall commence on November 1 of each year and shall end on the
4 following October 31. During the license year, no license shall be issued
5 for a sum less than the amount of the annual license fee as fixed in
6 section 53-124.01, regardless of the time when the application for such
7 license has been made, except that (a) when there is a purchase of an
8 existing licensed business and a new license of the same class is issued
9 or (b) upon the issuance of a new license for a location which has not
10 been previously licensed, the license fee and occupation taxes shall be
11 prorated on a quarterly basis as of the date of issuance.

12 Sec. 12. Section 53-124.01, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 53-124.01 (1) The fees for annual licenses finally issued by the
15 commission shall be as provided in this section and section 53-124.

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

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

18 (4) Bottle club license ... \$300

19 (5) (4) Manufacturer's license:

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

30 (6) (5) Nonbeverage user's license:

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

1 Alcoholic liquor 750

2 Beer 500

3 Sec. 13. Section 53-129, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 53-129 Retail, bottle club, craft brewery, and microdistillery
6 licenses issued under the Nebraska Liquor Control Act apply only to that
7 part of the premises described in the application approved by the
8 commission and in the license issued on the application. For retail,
9 bottle club, and microdistillery licenses, only one location shall be
10 described in each license. For craft brewery licenses, up to five
11 separate physical locations may be described in each license. After such
12 license has been granted for particular premises, the commission, with
13 the approval of the local governing body and upon proper showing, may
14 endorse upon the license permission to add to, delete from, or abandon
15 the premises described in such license and, if applicable, to move from
16 the premises to other premises approved by it, but in order to obtain
17 such approval the retail, bottle club, craft brewery, or microdistillery
18 licensee shall file with the local governing body a request in writing
19 and a statement under oath which shows that the premises as added to or
20 deleted from or to which such move is to be made comply in all respects
21 with the requirements of the act. No such addition, deletion, or move
22 shall be made by any such licensee until the license has been endorsed to
23 that effect in writing by the local governing body and by the commission
24 and the licensee furnishes proof of payment of the renewal fee prescribed
25 in subsection (4) of section 53-131.

26 Sec. 14. Section 53-131, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 53-131 (1) Any person desiring to obtain a new license to sell
29 alcoholic liquor at retail, a bottle club license, a craft brewery
30 license, or a microdistillery license shall file with the commission:

1 (a) An application upon forms prescribed by the commission,
2 including the information required by subsection (3) of this section for
3 an application to operate a cigar shop;

4 (b) The license fee if under sections 53-124 and 53-124.01 such fee
5 is payable to the commission, which fee shall be returned to the
6 applicant if the application is denied; and

7 (c) The nonrefundable application fee in the sum of four hundred
8 dollars, except that the nonrefundable application fee for an application
9 for a cigar shop shall be one thousand dollars.

10 (2) The commission shall notify the clerk of the city or village in
11 which such license is sought or, if the license sought is not sought
12 within a city or village, the county clerk of the county in which such
13 license is sought, of the receipt of the application and shall include
14 one copy of the application with the notice. No such license shall be
15 issued or denied by the commission until the expiration of the time
16 allowed for the receipt of a recommendation of denial or an objection
17 requiring a hearing under subdivision (1)(a) or (b) of section 53-133.
18 During the period of forty-five days after the date of receipt by mail or
19 electronic delivery of such application from the commission, the local
20 governing body of such city, village, or county may make and submit to
21 the commission recommendations relative to the granting or refusal to
22 grant such license to the applicant.

23 (3) For an application to operate a cigar shop, the application
24 shall include proof of the cigar shop's annual gross revenue as requested
25 by the commission and such other information as requested by the
26 commission to establish the intent to operate as a cigar shop. The
27 commission may adopt and promulgate rules and regulations to regulate
28 cigar shops. The rules and regulations existing on August 1, 2014,
29 applicable to cigar bars shall apply to cigar shops until amended or
30 repealed by the commission.

31 (4) For renewal of a license under this section, a licensee shall

1 file with the commission an application, the license fee as provided in
2 subdivision (1)(b) of this section, and a renewal fee of forty-five
3 dollars.

4 Sec. 15. Section 53-132, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 53-132 (1) If no hearing is required pursuant to subdivision (1)(a)
7 or (b) of section 53-133 and the commission has no objections pursuant to
8 subdivision (1)(c) of such section, the commission may waive the forty-
9 five-day objection period and, if not otherwise prohibited by law, cause
10 a retail license, bottle club license, craft brewery license, or
11 microdistillery license to be signed by its chairperson, attested by its
12 executive director over the seal of the commission, and issued in the
13 manner provided in subsection (4) of this section as a matter of course.

14 (2) A retail license, bottle club license, craft brewery license, or
15 microdistillery license may be issued to any qualified applicant if the
16 commission finds that (a) the applicant is fit, willing, and able to
17 properly provide the service proposed within the city, village, or county
18 where the premises described in the application are located, (b) the
19 applicant can conform to all provisions and requirements of and rules and
20 regulations adopted pursuant to the Nebraska Liquor Control Act, (c) the
21 applicant has demonstrated that the type of management and control to be
22 exercised over the premises described in the application will be
23 sufficient to insure that the licensed business can conform to all
24 provisions and requirements of and rules and regulations adopted pursuant
25 to the act, and (d) the issuance of the license is or will be required by
26 the present or future public convenience and necessity.

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

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

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

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

3 (d) The nature of the neighborhood or community of the location of
4 the proposed licensed premises;

5 (e) The existence or absence of other retail licenses, bottle club
6 licenses, craft brewery licenses, or microdistillery licenses with
7 similar privileges within the neighborhood or community of the location
8 of the proposed licensed premises and whether, as evidenced by
9 substantive, corroborative documentation, the issuance of such license
10 would result in or add to an undue concentration of licenses with similar
11 privileges and, as a result, require the use of additional law
12 enforcement resources;

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

15 (g) The adequacy of existing law enforcement;

16 (h) Zoning restrictions;

17 (i) The sanitation or sanitary conditions on or about the proposed
18 licensed premises; and

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

22 (4) Retail licenses, bottle club licenses, craft brewery licenses,
23 or microdistillery licenses issued or renewed by the commission shall be
24 mailed or delivered to the clerk of the city, village, or county who
25 shall deliver the same to the licensee upon receipt from the licensee of
26 proof of payment of (a) the license fee if by the terms of subsection (6)
27 of section 53-124 the fee is payable to the treasurer of such city,
28 village, or county, (b) any fee for publication of notice of hearing
29 before the local governing body upon the application for the license, (c)
30 the fee for publication of notice of renewal as provided in section
31 53-135.01, and (d) occupation taxes, if any, imposed by such city,

1 village, or county except as otherwise provided in subsection (6) of this
2 section. Notwithstanding any ordinance or charter power to the contrary,
3 no city, village, or county shall impose an occupation tax on the
4 business of any person, firm, or corporation licensed under the act and
5 doing business within the corporate limits of such city or village or
6 within the boundaries of such county in any sum which exceeds two times
7 the amount of the license fee required to be paid under the act to obtain
8 such license.

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

11 (6) Class J retail licensees shall not be subject to occupation
12 taxes under subsection (4) of this section.

13 Sec. 16. Section 53-133, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 53-133 (1) The commission shall set for hearing before it any
16 application for a retail license, bottle club license, craft brewery
17 license, or microdistillery license relative to which it has received:

18 (a) Within forty-five days after the date of receipt of such
19 application by the city, village, or county clerk, a recommendation of
20 denial from the city, village, or county;

21 (b) Within ten days after the receipt of a recommendation from the
22 city, village, or county, or, if no recommendation is received, within
23 forty-five days after the date of receipt of such application by the
24 city, village, or county clerk, objections in writing by not less than
25 three persons residing within such city, village, or county, protesting
26 the issuance of the license. Withdrawal of the protest does not prohibit
27 the commission from conducting a hearing based upon the protest as
28 originally filed and making an independent finding as to whether the
29 license should or should not be issued;

30 (c) Within forty-five days after the date of receipt of such
31 application by the city, village, or county clerk, objections by the

1 commission or any duly appointed employee of the commission, protesting
2 the issuance of the license; or

3 (d) An indication on the application that the location of a proposed
4 retail or bottle club establishment is within one hundred fifty feet of a
5 church as described in subsection (2) of section 53-177 and a written
6 request by the church for a hearing.

7 (2) Hearings upon such applications shall be in the following
8 manner: Notice indicating the time and place of such hearing shall be
9 mailed or electronically delivered to the applicant, the local governing
10 body, each individual protesting a license pursuant to subdivision (1)(b)
11 of this section, and any church affected as described in subdivision (1)
12 (d) of this section, at least fifteen days prior to such hearing. The
13 notice shall state that the commission will receive evidence for the
14 purpose of determining whether to approve or deny the application.
15 Mailing or electronic delivery to the attorney of record of a party shall
16 be deemed to fulfill the purposes of this section. The commission may
17 receive evidence, including testimony and documentary evidence, and may
18 hear and question witnesses concerning the application. The commission
19 shall not use electronic delivery with respect to an applicant, a
20 protestor, or a church under this section without the consent of the
21 recipient to electronic delivery.

22 Sec. 17. Section 53-134, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 53-134 The local governing body of any city or village with respect
25 to licenses within its corporate limits and the local governing body of
26 any county with respect to licenses not within the corporate limits of
27 any city or village but within the county shall have the following
28 powers, functions, and duties with respect to retail, bottle club, craft
29 brewery, microdistillery, and entertainment district licenses:

30 (1) To cancel or revoke for cause retail, craft brewery,
31 microdistillery, or entertainment district licenses to sell or dispense

1 alcoholic liquor or bottle club licenses, issued to persons for premises
2 within its jurisdiction, subject to the right of appeal to the
3 commission;

4 (2) To enter or to authorize any law enforcement officer to enter at
5 any time upon any premises licensed under the Nebraska Liquor Control Act
6 to determine whether any provision of the act, any rule or regulation
7 adopted and promulgated pursuant to the act, or any ordinance,
8 resolution, rule, or regulation adopted by the local governing body has
9 been or is being violated and at such time examine the premises of such
10 licensee in connection with such determination. Any law enforcement
11 officer who determines that any provision of the act, any rule or
12 regulation adopted and promulgated pursuant to the act, or any ordinance,
13 resolution, rule, or regulation adopted by the local governing body has
14 been or is being violated shall report such violation in writing to the
15 executive director of the commission (a) within thirty days after
16 determining that such violation has occurred, (b) within thirty days
17 after the conclusion of an ongoing police investigation, or (c) within
18 thirty days after the verdict in a prosecution related to such an ongoing
19 police investigation if the prosecuting attorney determines that
20 reporting such violation prior to the verdict would jeopardize such
21 prosecution, whichever is later;

22 (3) To receive a signed complaint from any citizen within its
23 jurisdiction that any provision of the act, any rule or regulation
24 adopted and promulgated pursuant to the act, or any ordinance,
25 resolution, rule, or regulation relating to alcoholic liquor has been or
26 is being violated and to act upon such complaints in the manner provided
27 in the act;

28 (4) To receive retail license fees, bottle club license fees, craft
29 brewery license fees, and microdistillery license fees as provided in
30 sections 53-124 and 53-124.01 and entertainment district license fees as
31 provided in section 53-123.17 and pay the same, after the license has

1 been delivered to the applicant, to the city, village, or county
2 treasurer;

3 (5) To examine or cause to be examined any applicant or any retail
4 licensee, bottle club licensee, craft brewery licensee, microdistillery
5 licensee, or entertainment district licensee upon whom notice of
6 cancellation or revocation has been served as provided in the act, to
7 examine or cause to be examined the books and records of any applicant or
8 licensee except as otherwise provided for bottle club licensees in
9 section 4 of this act, and to hear testimony and to take proof for its
10 information in the performance of its duties. For purposes of obtaining
11 any of the information desired, the local governing body may authorize
12 its agent or attorney to act on its behalf;

13 (6) To cancel or revoke on its own motion any license if, upon the
14 same notice and hearing as provided in section 53-134.04, it determines
15 that the licensee has violated any of the provisions of the act or any
16 valid and subsisting ordinance, resolution, rule, or regulation duly
17 enacted, adopted, and promulgated relating to alcoholic liquor. Such
18 order of cancellation or revocation may be appealed to the commission
19 within thirty days after the date of the order by filing a notice of
20 appeal with the commission. The commission shall handle the appeal in the
21 manner provided for hearing on an application in section 53-133; and

22 (7) Upon receipt from the commission of the notice and copy of
23 application as provided in section 53-131, to fix a time and place for a
24 hearing at which the local governing body shall receive evidence, either
25 orally or by affidavit from the applicant and any other person, bearing
26 upon the propriety of the issuance of a license. Notice of the time and
27 place of such hearing shall be published in a legal newspaper in or of
28 general circulation in such city, village, or county one time not less
29 than seven and not more than fourteen days before the time of the
30 hearing. Such notice shall include, but not be limited to, a statement
31 that all persons desiring to give evidence before the local governing

1 body in support of or in protest against the issuance of such license may
2 do so at the time of the hearing. Such hearing shall be held not more
3 than forty-five days after the date of receipt of the notice from the
4 commission, and after such hearing the local governing body shall cause
5 to be recorded in the minute record of their proceedings a resolution
6 recommending either issuance or refusal of such license. The clerk of
7 such city, village, or county shall mail to the commission by first-class
8 mail, postage prepaid, a copy of the resolution which shall state the
9 cost of the published notice, except that failure to comply with this
10 provision shall not void any license issued by the commission. If the
11 commission refuses to issue such a license, the cost of publication of
12 notice shall be paid by the commission from the security for costs.

13 Sec. 18. Section 53-134.01, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 53-134.01 (1) The holder of a Class C license may obtain a limited
16 bottling endorsement for such license as prescribed in this section. The
17 endorsement shall be issued for the same period and may be renewed in the
18 same manner as the Class C license. A limited bottling endorsement may
19 not be used in conjunction with a special designated license.

20 (2) A licensee desiring to obtain a limited bottling endorsement for
21 a license shall file with the commission an application upon such forms
22 as the commission prescribes and a fee of three hundred dollars payable
23 to the commission.

24 (3) The holder of a limited bottling endorsement may sell beer for
25 consumption off the licensed premises in sealed containers filled as
26 provided in this subsection if:

27 (a) The sale occurs on the licensed premises of the licensee during
28 the hours the licensee is authorized to sell beer;

29 (b) The licensee uses sanitary containers purchased by the customer
30 from the licensee or exchanged for containers previously purchased by the
31 customer from the licensee. The containers shall prominently display the

1 endorsement holder's trade name or logo or some other mark that is unique
2 to the endorsement holder and shall hold no more than sixty-four ~~thirty-~~
3 ~~two~~ ounces;

4 (c) The licensee seals the container in a manner designed so that it
5 is visibly apparent whether the sealed container has been tampered with
6 or opened or seals the container and places the container in a bag
7 designed so that it is visibly apparent whether the sealed container has
8 been tampered with or opened; and

9 (d) The licensee provides a dated receipt to the customer and
10 attaches a copy of the dated receipt to the sealed container or, if the
11 sealed container is placed in a bag, to the bag.

12 Sec. 19. Section 53-134.03, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 53-134.03 The governing bodies of cities and villages are authorized
15 to regulate by ordinance, not inconsistent with the Nebraska Liquor
16 Control Act, the business of all retail, bottle club, craft brewery, or
17 microdistillery licensees carried on within the corporate limits of the
18 city or village.

19 Sec. 20. Section 53-134.04, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 53-134.04 Any five residents of the city or village shall have the
22 right to file a complaint with the local governing body of such city or
23 village stating that any retail licensee or bottle club licensee subject
24 to the jurisdiction of such local governing body has been or is violating
25 any provision of the Nebraska Liquor Control Act or the rules or
26 regulations issued pursuant to the act. Such complaint shall be in
27 writing in the form prescribed by the local governing body and shall be
28 signed and sworn to by the parties complaining. The complaint shall state
29 the particular provision, rule, or regulation believed to have been
30 violated and the facts in detail upon which belief is based. If the local
31 governing body is satisfied that the complaint substantially charges a

1 violation and that from the facts alleged there is reasonable cause for
2 such belief, it shall set the matter for hearing within ten days from the
3 date of the filing of the complaint and shall serve notice upon the
4 licensee of the time and place of such hearing and of the particular
5 charge in the complaint. The complaint shall in all cases be disposed of
6 by the local governing body within thirty days from the date the
7 complaint was filed by resolution thereof, which resolution shall be
8 deemed the final order for purposes of appeal to the commission as
9 provided in section 53-1,115.

10 Sec. 21. Section 53-135, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 53-135 A retail bottle club license issued by the commission and
13 outstanding may be automatically renewed by the commission without formal
14 application upon payment of the renewal fee and license fee if payable to
15 the commission prior to or within thirty days after the expiration of the
16 license. The payment shall be an affirmative representation and
17 certification by the licensee that all answers contained in an
18 application, if submitted, would be the same in all material respects as
19 the answers contained in the last previous application. The commission
20 may at any time require a licensee to submit an application, and the
21 commission shall at any time require a licensee to submit an application
22 if requested in writing to do so by the local governing body.

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

26 Sec. 22. Section 53-135.01, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 53-135.01 The city, village, or county clerk shall cause to be
29 published in a legal newspaper in or of general circulation in such city,
30 village, or county, one time between January 10 and January 30 of each
31 year, individual notice of the right of automatic renewal of each retail

1 liquor and beer license and each bottle club license, except that notice
2 of the right of automatic renewal of Class C licenses shall be published
3 between the dates of July 10 and July 30 of each year within such city,
4 village, or county, in substantially the following form:

5 NOTICE OF RENEWAL OF RETAIL LIQUOR OR BOTTLE CLUB LICENSE

6 Notice is hereby given pursuant to section 53-135.01 that a liquor
7 license [or bottle club license] may be automatically renewed for one
8 year from May 1, 20...., or November 1, 20...., for the following retail
9 liquor [or bottle club] licensee:

10 (Name of Licensee) (Address of licensed premises)

11 Notice is hereby given that written protests to the issuance of
12 automatic renewal of license may be filed by any resident of the city
13 (village or county) on or before February 10, 20...., or August 10,
14 20...., in the office of the city (village or county) clerk and that in
15 the event protests are filed by three or more such persons, hearing will
16 be had to determine whether continuation of the license should be
17 allowed.

18 (Name)

19 City (village or county) Clerk

20 Upon the conclusion of any hearing required by this section, the
21 local governing body may request a licensee to submit an application as
22 provided in section 53-135.

23 Sec. 23. Section 53-138.01, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 53-138.01 The State Treasurer shall credit three hundred ninety-five
26 dollars of each four-hundred-dollar application fee and forty dollars of
27 each forty-five-dollar application fee and each renewal fee to the
28 General Fund and the remaining five dollars to the Nebraska Liquor
29 Control Commission Rule and Regulation Cash Fund to be used for providing
30 licensees with materials pursuant to section 53-117.05. All retail and
31 bottle club license fees received by the city or village treasurer, as

1 the case may be, shall inure to the school fund of the district lying
2 wholly or partially within the corporate limits of such city or village.
3 Except as otherwise provided in section 53-123.15, the State Treasurer
4 shall distribute license fees received by the commission for licenses
5 issued pertaining to alcoholic liquor, including beer, in accordance with
6 Article VII, section 5, of the Constitution of Nebraska. All retail and
7 bottle club license fees received by the county treasurer, as provided in
8 section 53-124, shall be credited to the school fund of the county.

9 Sec. 24. Section 53-148.01, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 53-148.01 Any retail or bottle club licensee shall post in a
12 conspicuous place a sign which clearly reads as follows: Warning:
13 Drinking alcoholic beverages during pregnancy can cause birth defects.
14 The commission shall prescribe the form of such warning sign and shall
15 make such warning signs available to all retail and bottle club
16 licensees.

17 Sec. 25. Section 53-177, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 53-177 (1) Except as otherwise provided in subsection (2) of this
20 section, no license shall be issued for the sale at retail of any
21 alcoholic liquor or for a bottle club within one hundred fifty feet of
22 any church, school, hospital, or home for indigent persons or for
23 veterans and their wives or children. This prohibition does not apply (a)
24 to any location within such distance of one hundred fifty feet for which
25 a license to sell alcoholic liquor at retail or for a bottle club has
26 been granted by the commission for two years continuously prior to making
27 of application for license, (b) to hotels offering restaurant service, to
28 regularly organized clubs, or to restaurants, food shops, or other places
29 where sale of alcoholic liquor is not the principal business carried on,
30 if such place of business so exempted was established for such purposes
31 prior to May 24, 1935, or (c) to a college or university in the state

1 which is subject to section 53-177.01.

2 (2) If a proposed location for the sale at retail of any alcoholic
3 liquor or for a bottle club is within one hundred fifty feet of any
4 church, a license may be issued if the commission gives notice to the
5 affected church and holds a hearing as prescribed in section 53-133 if
6 the affected church submits a written request for a hearing.

7 Sec. 26. Section 53-177.01, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 53-177.01 (1) No alcoholic liquor shall be sold for consumption on
10 the premises within three hundred feet from the campus of any college or
11 university in the state, except that this section:

12 (a) Does not prohibit a nonpublic college or university from
13 contracting with an individual or corporation holding a license to sell
14 alcoholic liquor at retail for the purpose of selling alcoholic liquor at
15 retail on the campus of such college or university at events sanctioned
16 by such college or university but does prohibit the sale of alcoholic
17 liquor at retail by such licensee on the campus of such nonpublic college
18 or university at student activities or events; and

19 (b) Does not prohibit sales of alcoholic liquor by a community
20 college culinary education program pursuant to section 53-124.15.

21 (2) Except as otherwise provided in subsection (4) of this section,
22 the commission may waive the three-hundred-foot restriction in subsection
23 (1) of this section taking into consideration one or more of the
24 following:

25 (a) The impact of retail sales of alcoholic liquor for consumption
26 on the premises on the academic mission of the college or university;

27 (b) The impact on students and prospective students if such sales
28 were permitted on or near campus;

29 (c) The impact on economic development opportunities located within
30 or in proximity to the campus; and

31 (d) The waiver would likely reduce the number of applications for

1 special designated licenses requested by the college or university or its
2 designee.

3 (3) To apply for a waiver under this section, the applicant shall
4 submit a written application to the commission. The commission shall
5 notify the governing body of the affected college or university when the
6 commission receives an application for a waiver. The application shall
7 include:

8 (a) The address of the location for which the waiver is requested;

9 (b) The name and type of business for which the waiver is requested;

10 and

11 (c) A description of the justification for the waiver explaining how
12 the proposed location complies with the findings prescribed in subsection
13 (2) of this section.

14 (4) The commission shall not waive the three-hundred-foot
15 restriction in subsection (1) of this section without written approval
16 from the governing body of the college or university or its designee if
17 the physical location of the property which is the subject of the
18 requested waiver is (a) surrounded by property owned by the college or
19 university including any public or private easement, street, or right-of-
20 way adjacent to the property owned by the college or university or (b)
21 adjacent to property on two or more sides owned by the college or
22 university including any public or private easement, street, or right-of-
23 way adjacent to the property owned by the college or university.

24 (5) No bottle club shall be operated within three hundred feet from
25 the campus of any college or university in the state.

26 Sec. 27. Section 53-186.01, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 53-186.01 (1) It shall be unlawful for any person owning, operating,
29 managing, or conducting any bottle club, dance hall, restaurant, cafe, or
30 club or any place open to the general public to permit or allow any
31 person to consume alcoholic liquor upon the premises except as permitted

1 by a license issued for such premises pursuant to the Nebraska Liquor
2 Control Act.

3 (2) It shall be unlawful for any person to consume alcoholic liquor
4 in any bottle club, dance hall, restaurant, cafe, or club or any place
5 open to the general public except as permitted by a license issued for
6 such premises pursuant to the act.

7 (3) This section shall not apply to a retail licensee while lawfully
8 engaged in the catering of alcoholic beverages or to limousines or buses
9 operated under section 60-6,211.08.

10 (4) Any person violating subsection (1) of this section shall, upon
11 conviction thereof, be subject to the penalties contained in section
12 53-1,100.

13 (5) Any person violating subsection (2) of this section shall be
14 guilty of a Class III misdemeanor.

15 Sec. 28. Section 53-1,100, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

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

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

5 (3) Each day any person engages in business as a manufacturer,
6 wholesaler, ~~or~~ retailer, or bottle club in violation of the act shall
7 constitute a separate offense.

8 (4) In any prosecution in which a person is charged with an offense
9 arising out of the failure to obtain a valid license as provided in
10 subdivision (1)(a) or (b) or subsection (2) of this section, evidence of
11 the failure of the accused to produce such license upon demand shall
12 constitute prima facie proof that a license has not been issued by the
13 commission to such person.

14 Sec. 29. Section 53-1,115, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 53-1,115 (1) A copy of the rule, regulation, order, or decision of
17 the commission denying an application or suspending, canceling, or
18 revoking a license or of any notice required by any proceeding before it,
19 certified under the seal of the commission, shall be served upon each
20 party of record to the proceeding before the commission. Service upon any
21 attorney of record for any such party shall be deemed to be service upon
22 such party. Each party appearing before the commission shall enter his or
23 her appearance and indicate to the commission his or her address for such
24 service. The mailing of a copy of any rule, regulation, order, or
25 decision of the commission or of any notice by the commission, in the
26 proceeding, to such party at such address shall be deemed to be service
27 upon such party.

28 (2) Within thirty days after the service of any rule, regulation,
29 order, or decision of the commission denying an application or
30 suspending, canceling, or revoking any license upon any party to the
31 proceeding, as provided for by subsection (1) of this section, such party

1 may apply for a rehearing with respect to any matters determined by the
2 commission. The commission shall receive and consider such application
3 for a rehearing within thirty days after its filing with the executive
4 director of the commission. If such application for rehearing is granted,
5 the commission shall proceed as promptly as possible to consider the
6 matters presented by such application. No appeal shall be allowed from
7 any decision of the commission except as provided in section 53-1,116.

8 (3) Upon final disposition of any proceeding, costs shall be paid by
9 the party or parties against whom a final decision is rendered. Costs may
10 be taxed or retaxed to local governing bodies as well as individuals.
11 Only one rehearing referred to in subsection (2) of this section shall be
12 granted by the commission on application of any one party.

13 (4) For purposes of this section, party of record means:

14 (a) In the case of an administrative proceeding before the
15 commission on the application for a retail, bottle club, craft brewery,
16 or microdistillery license:

17 (i) The applicant;

18 (ii) Each individual protesting the issuance of such license
19 pursuant to subdivision (1)(b) of section 53-133;

20 (iii) The local governing body if it is entering an appearance to
21 protest the issuance of the license or if it is requesting a hearing
22 pursuant to subdivision (1)(c) of section 53-133; and

23 (iv) The commission;

24 (b) In the case of an administrative proceeding before a local
25 governing body to cancel or revoke a retail, bottle club, craft brewery,
26 or microdistillery license:

27 (i) The licensee; and

28 (ii) The local governing body; and

29 (c) In the case of an administrative proceeding before the
30 commission to suspend, cancel, or revoke a retail, bottle club, craft
31 brewery, or microdistillery license:

1 (i) The licensee; and

2 (ii) The commission.

3 Sec. 42. Original sections 53-116.01, 53-116.02, 53-119.01,
4 53-134.03, 53-134.04, 53-135.01, 53-138.01, 53-148.01, 53-1,115, 59-1401,
5 59-1403, 59-1404, 59-1405, and 59-1406, Reissue Revised Statutes of
6 Nebraska, and sections 53-101, 53-103, 53-117, 53-123, 53-123.15, 53-124,
7 53-124.01, 53-129, 53-131, 53-132, 53-133, 53-134, 53-134.01, 53-135,
8 53-177, 53-177.01, 53-186.01, and 53-1,100, Revised Statutes Cumulative
9 Supplement, 2016, are repealed.

10 2. Renumber the remaining sections and correct internal references
11 accordingly.