

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 56

FINAL READING

Introduced by Lowe, 37.

Read first time January 10, 2019

Committee: General Affairs

1 A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
2 section 53-124.13, Reissue Revised Statutes of Nebraska, and section
3 53-124.11, Revised Statutes Cumulative Supplement, 2018; to change
4 requirements for application for and issuance of a special
5 designated license; and to repeal the original sections.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-124.11, Revised Statutes Cumulative
2 Supplement, 2018, is amended to read:

3 53-124.11 (1) The commission may issue a special designated license
4 for sale or consumption of alcoholic liquor at a designated location to a
5 retail licensee, a craft brewery licensee, a microdistillery licensee, a
6 farm winery licensee, the holder of a manufacturer's license issued
7 pursuant to subsection (2) of section 53-123.01, a municipal corporation,
8 a fine arts museum incorporated as a nonprofit corporation, a religious
9 nonprofit corporation which has been exempted from the payment of federal
10 income taxes, a political organization which has been exempted from the
11 payment of federal income taxes, or any other nonprofit corporation the
12 purpose of which is fraternal, charitable, or public service and which
13 has been exempted from the payment of federal income taxes, under
14 conditions specified in this section. The applicant shall demonstrate
15 meeting the requirements of this subsection.

16 (2) No retail licensee, craft brewery licensee, microdistillery
17 licensee, farm winery licensee, holder of a manufacturer's license issued
18 pursuant to subsection (2) of section 53-123.01, organization, or
19 corporation enumerated in subsection (1) of this section may be issued a
20 special designated license under this section for more than six calendar
21 days in any one calendar year. Only one special designated license shall
22 be required for any application for two or more consecutive days. This
23 subsection shall not apply to any holder of a catering license.

24 (3) Except for any special designated license issued to a holder of
25 a catering license, there shall be a fee of forty dollars for each day
26 identified in the special designated license. Such fee shall be submitted
27 with the application for the special designated license, collected by the
28 commission, and remitted to the State Treasurer for credit to the General
29 Fund. The applicant shall be exempt from the provisions of the Nebraska
30 Liquor Control Act requiring an application or renewal fee and the
31 provisions of the act requiring the expiration of forty-five days from

1 the time the application is received by the commission prior to the
2 issuance of a license, if granted by the commission. The retail
3 licensees, craft brewery licensees, microdistillery licensees, farm
4 winery licensees, holders of manufacturer's licenses issued pursuant to
5 subsection (2) of section 53-123.01, municipal corporations,
6 organizations, and nonprofit corporations enumerated in subsection (1) of
7 this section seeking a special designated license shall file an
8 application on such forms as the commission may prescribe. Such forms
9 shall contain, along with other information as required by the
10 commission, (a) the name of the applicant, (b) the premises for which a
11 special designated license is requested, identified by street and number
12 if practicable and, if not, by some other appropriate description which
13 definitely locates the premises, (c) the name of the owner or lessee of
14 the premises for which the special designated license is requested, (d)
15 sufficient evidence that the holder of the special designated license, if
16 issued, will carry on the activities and business authorized by the
17 license for himself, herself, or itself and not as the agent of any other
18 person, group, organization, or corporation, for profit or not for
19 profit, (e) a statement of the type of activity to be carried on during
20 the time period for which a special designated license is requested, and
21 (f) sufficient evidence that the activity will be supervised by persons
22 or managers who are agents of and directly responsible to the holder of
23 the special designated license.

24 (4) No special designated license provided for by this section shall
25 be issued by the commission without the approval of the local governing
26 body. The local governing body may establish criteria for approving or
27 denying a special designated license. The local governing body may
28 designate an agent to determine whether a special designated license is
29 to be approved or denied. Such agent shall follow criteria established by
30 the local governing body in making his or her determination. The
31 determination of the agent shall be considered the determination of the

1 local governing body unless otherwise provided by the local governing
2 body. For purposes of this section, the local governing body shall be the
3 city or village within which the premises for which the special
4 designated license is requested are located or, if such premises are not
5 within the corporate limits of a city or village, then the local
6 governing body shall be the county within which the premises for which
7 the special designated license is requested are located.

8 (5) If the applicant meets the requirements of this section, a
9 special designated license shall be granted and issued by the commission
10 for use by the holder of the special designated license. All statutory
11 provisions and rules and regulations of the commission that apply to a
12 retail licensee shall apply to the holder of a special designated license
13 with the exception of such statutory provisions and rules and regulations
14 of the commission so designated by the commission and stated upon the
15 issued special designated license, except that the commission may not
16 designate exemption of sections 53-180 to 53-180.07. The decision of the
17 commission shall be final. If the applicant does not qualify for a
18 special designated license, the application shall be denied by the
19 commission.

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

24 Sec. 2. Section 53-124.13, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 53-124.13 (1) The holder of a catering license may deliver, sell, or
27 dispense alcoholic liquor, including beer, for consumption at premises
28 designated in a special designated license issued pursuant to section
29 53-124.11.

30 (2) ~~The At least twenty-one days prior to the event for which the~~
31 ~~special designated license is to be used, the holder of the catering~~

1 license shall file an application seeking a special designated license
2 for the event. The application shall be filed at least twenty-one days
3 prior to the event for which the special designated license is requested
4 unless the local governing body has established an expedited process for
5 such applications, in which case the application shall be filed at least
6 twelve days prior to the event. In addition to the information required
7 by subsection (3) of section 53-124.11, the applicant shall inform the
8 commission of (a) the time of the event, (b) the name of the person or
9 organization requesting the applicant's services, (c) the opening and
10 closing dates of the event, and (d) any other information the commission
11 or local governing body deems necessary. A holder of a catering license
12 shall not cater an event unless such licensee receives a special
13 designated license for the event.

14 (3) If the organization for which the holder of a catering license
15 is catering is a nonprofit organization exempted from the payment of
16 federal income taxes, such organization may share with such licensee a
17 part or all of the proceeds from the sale of any alcoholic liquor sold
18 and dispensed pursuant to this section.

19 (4) For purposes of this section, local governing body means shall
20 ~~mean~~ the governing body of the city or village in which the event will be
21 held or, if the event will not be held within the corporate limits of a
22 city or village, the governing body of the county in which such event
23 will be held.

24 (5) Only the holder of a special designated license or employees of
25 such licensee may dispense alcoholic liquor at the event which is being
26 catered. Violation of any provision of this section or section 53-124.12
27 or any rules or regulations adopted and promulgated pursuant to such
28 sections occurring during an event being catered by such licensee may be
29 cause to revoke, cancel, or suspend the class of retail license issued
30 under section 53-124 held by such licensee.

31 Sec. 3. Original section 53-124.13, Reissue Revised Statutes of

1 Nebraska, and section 53-124.11, Revised Statutes Cumulative Supplement,
2 2018, are repealed.