

AMENDMENTS TO LB1204

Introduced by General Affairs.

1           1. Strike original section 6 and insert the following new section:

2           Sec. 6. Section 53-132, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

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

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

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

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

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

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

5 (d) The nature of the neighborhood or community of the location of  
6 the proposed licensed premises;

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

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

17 (g) The adequacy of existing law enforcement;

18 (h) Zoning restrictions;

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

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

24 (4) Retail licenses, bottle club licenses, craft brewery licenses,  
25 or microdistillery licenses issued or renewed by the commission shall be  
26 mailed or delivered electronically to:

27 (a) The ~~the~~ clerk of the city, village, or county who shall deliver  
28 the same to the licensee upon receipt from the licensee of proof of  
29 payment of (i) ~~(a)~~ the license fee if by the terms of subsection (6) of  
30 section 53-124 the fee is payable to the treasurer of such city, village,  
31 or county, (ii) ~~(b)~~ any fee for publication of notice of hearing before

1 the local governing body upon the application for the license, (iii) ~~(e)~~  
2 the fee for publication of notice of renewal as provided in section  
3 53-135.01, and (iv) ~~(d)~~ occupation taxes, if any, imposed by such city,  
4 village, or county except as otherwise provided in subsection (7) ~~(6)~~ of  
5 this section; or -

6 (b) The licensee, upon confirmation from the clerk of the city,  
7 village, or county that the necessary fees and taxes described in  
8 subdivision (4)(a) of this section have been received by the clerk of  
9 such city, village, or county.

10 (5) Notwithstanding any ordinance or charter power to the contrary,  
11 no city, village, or county shall impose an occupation tax on the  
12 business of any person, firm, or corporation licensed under the act and  
13 doing business within the corporate limits of such city or village or  
14 within the boundaries of such county in any sum which exceeds two times  
15 the amount of the license fee required to be paid under the act to obtain  
16 such license.

17 (6) ~~(5)~~ Each license shall designate the name of the licensee, the  
18 place of business licensed, and the type of license issued.

19 (7) ~~(6)~~ Class J retail licensees shall not be subject to occupation  
20 taxes under subsection (4) of this section.