

AMENDMENTS TO LB376

Introduced by General Affairs.

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

3 Sec. 10. Section 53-124.11, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

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

18 (2)(a) No retail licensee, craft brewery licensee, microdistillery
19 licensee, farm winery licensee, holder of a manufacturer's license issued
20 pursuant to subsection (2) of section 53-123.01, organization, or
21 corporation enumerated in subsection (1) of this section may be issued a
22 special designated license under this section for more than six calendar
23 days in any one calendar year, except that a nonprofit corporation, the
24 purpose of which is fraternal, charitable, or public service and which
25 has been exempted from the payment of federal income taxes, may be issued
26 a special designated license for up to twelve calendar days in any one
27 calendar year. Only one special designated license shall be required for

1 any application for two or more consecutive days.

2 (b) A municipal corporation, a fine arts museum incorporated as a
3 nonprofit corporation, a religious nonprofit corporation which has been
4 exempted from the payment of federal income taxes, a political
5 organization which has been exempted from the payment of federal income
6 taxes, or any other nonprofit corporation, the purpose of which is
7 fraternal, charitable, or public service and which has been exempted from
8 the payment of federal income taxes, may apply for special designated
9 licenses for the same location in a single application. The application
10 shall include all dates and times for which a special designated license
11 is being requested at such location.

12 (c) This subsection shall not apply to any holder of a catering
13 license.

14 (3) Except for any special designated license issued to a holder of
15 a catering license or to an organization or corporation as provided in
16 subdivision (2)(b) of this section, there shall be a fee of forty dollars
17 for each day identified in the special designated license. For a special
18 designated license issued to an organization or corporation as provided
19 in subdivision (2)(b) of this section, there shall be a fee of forty
20 dollars for the initial special designated license and ten dollars for
21 each additional day beyond the first at the same location in such
22 application. Such fee shall be submitted with the application for the
23 special designated license, collected by the commission, and remitted to
24 the State Treasurer for credit to the General Fund. The applicant shall
25 be exempt from the provisions of the Nebraska Liquor Control Act
26 requiring an application or renewal fee and the provisions of the act
27 requiring the expiration of forty-five days from the time the application
28 is received by the commission prior to the issuance of a license, if
29 granted by the commission. The retail licensees, craft brewery licensees,
30 microdistillery licensees, farm winery licensees, holders of
31 manufacturer's licenses issued pursuant to subsection (2) of section

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

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

1 governing body shall be the county within which the premises for which
2 the special designated license is requested are located.

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

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

19 Sec. 13. Original sections 53-103, 53-117.06, 53-123.11, and 53-168,
20 Reissue Revised Statutes of Nebraska, and sections 53-101, 53-124.11, and
21 53-169, Revised Statutes Cumulative Supplement, 2022, are repealed.