

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 899

Introduced by Lowe, 37.

Read first time January 07, 2022

Committee: General Affairs

- 1 A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
- 2 section 53-124.11, Reissue Revised Statutes of Nebraska; to change
- 3 provisions regarding special designated licenses; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-124.11, Reissue Revised Statutes of Nebraska,
2 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)(a) {2} No retail licensee, craft brewery licensee,
17 microdistillery licensee, farm winery licensee, holder of a
18 manufacturer's license issued pursuant to subsection (2) of section
19 53-123.01, organization, or corporation enumerated in subsection (1) of
20 this section may be issued a special designated license under this
21 section for more than six calendar days in any one calendar year. Only
22 one special designated license shall be required for any application for
23 two or more consecutive days. ~~This subsection shall not apply to any~~
24 ~~holder of a catering license.~~

25 (b) A municipal corporation, a fine arts museum incorporated as a
26 nonprofit corporation, a religious nonprofit corporation which has been
27 exempted from the payment of federal income taxes, a political
28 organization which has been exempted from the payment of federal income
29 taxes, or any other nonprofit corporation the purpose of which is
30 fraternal, charitable, or public service and which has been exempted from
31 the payment of federal income taxes, may apply for special designated

1 licenses for the same location in a single application. The application
2 shall include all dates and times for which a special designated license
3 is being requested at such location.

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

6 (3) Except for any special designated license issued to a holder of
7 a catering license or to an organization or corporation as provided in
8 subdivision (2)(b) of this section, there shall be a fee of forty dollars
9 for each day identified in the special designated license. For a special
10 designated license issued to an organization or corporation as provided
11 in subdivision (2)(b) of this section, there shall be a fee of forty
12 dollars for the initial special designated license and ten dollars for
13 each additional day beyond the first at the same location in such
14 application. Such fee shall be submitted with the application for the
15 special designated license, collected by the commission, and remitted to
16 the State Treasurer for credit to the General Fund. The applicant shall
17 be exempt from the provisions of the Nebraska Liquor Control Act
18 requiring an application or renewal fee and the provisions of the act
19 requiring the expiration of forty-five days from the time the application
20 is received by the commission prior to the issuance of a license, if
21 granted by the commission. The retail licensees, craft brewery licensees,
22 microdistillery licensees, farm winery licensees, holders of
23 manufacturer's licenses issued pursuant to subsection (2) of section
24 53-123.01, municipal corporations, organizations, and nonprofit
25 corporations enumerated in subsection (1) of this section seeking a
26 special designated license shall file an application on such forms as the
27 commission may prescribe. Such forms shall contain, along with other
28 information as required by the commission, (a) the name of the applicant,
29 (b) the premises for which a special designated license is requested,
30 identified by street and number if practicable and, if not, by some other
31 appropriate description which definitely locates the premises, (c) the

1 name of the owner or lessee of the premises for which the special
2 designated license is requested, (d) sufficient evidence that the holder
3 of the special designated license, if issued, will carry on the
4 activities and business authorized by the license for himself, herself,
5 or itself and not as the agent of any other person, group, organization,
6 or corporation, for profit or not for profit, (e) a statement of the type
7 of activity to be carried on during the time period for which a special
8 designated license is requested, and (f) sufficient evidence that the
9 activity will be supervised by persons or managers who are agents of and
10 directly responsible to the holder of the special designated license.

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

26 (5) If the applicant meets the requirements of this section, a
27 special designated license shall be granted and issued by the commission
28 for use by the holder of the special designated license. All statutory
29 provisions and rules and regulations of the commission that apply to a
30 retail licensee shall apply to the holder of a special designated license
31 with the exception of such statutory provisions and rules and regulations

1 of the commission so designated by the commission and stated upon the
2 issued special designated license, except that the commission may not
3 designate exemption of sections 53-180 to 53-180.07. The decision of the
4 commission shall be final. If the applicant does not qualify for a
5 special designated license, the application shall be denied by the
6 commission.

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

11 Sec. 2. Original section 53-124.11, Reissue Revised Statutes of
12 Nebraska, is repealed.