

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 377

Introduced by Lowe, 37.

Read first time January 12, 2023

Committee:

- 1 A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
- 2 section 53-124.11, Revised Statutes Cumulative Supplement, 2022; to
- 3 change provisions related to special designated licenses; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-124.11, Revised Statutes Cumulative
2 Supplement, 2022, 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) 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, except that a nonprofit corporation the
22 purposes of which is fraternal, charitable, or public service and which
23 has been exempted from the payment of federal income taxes may be issued
24 a special designated license for up to twelve calendar days in any one
25 calendar year. Only one special designated license shall be required for
26 any application for two or more consecutive days.

27 (b) A municipal corporation, a fine arts museum incorporated as a
28 nonprofit corporation, a religious nonprofit corporation which has been
29 exempted from the payment of federal income taxes, a political
30 organization which has been exempted from the payment of federal income
31 taxes, or any other nonprofit corporation the purpose of which is

1 fraternal, charitable, or public service and which has been exempted from
2 the payment of federal income taxes, may apply for special designated
3 licenses for the same location in a single application. The application
4 shall include all dates and times for which a special designated license
5 is being requested at such location.

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

8 (3) Except for any special designated license issued to a holder of
9 a catering license or to an organization or corporation as provided in
10 subdivision (2)(b) of this section, there shall be a fee of forty dollars
11 for each day identified in the special designated license. For a special
12 designated license issued to an organization or corporation as provided
13 in subdivision (2)(b) of this section, there shall be a fee of forty
14 dollars for the initial special designated license and ten dollars for
15 each additional day beyond the first at the same location in such
16 application. Such fee shall be submitted with the application for the
17 special designated license, collected by the commission, and remitted to
18 the State Treasurer for credit to the General Fund. The applicant shall
19 be exempt from the provisions of the Nebraska Liquor Control Act
20 requiring an application or renewal fee and the provisions of the act
21 requiring the expiration of forty-five days from the time the application
22 is received by the commission prior to the issuance of a license, if
23 granted by the commission. The retail licensees, craft brewery licensees,
24 microdistillery licensees, farm winery licensees, holders of
25 manufacturer's licenses issued pursuant to subsection (2) of section
26 53-123.01, municipal corporations, organizations, and nonprofit
27 corporations enumerated in subsection (1) of this section seeking a
28 special designated license shall file an application on such forms as the
29 commission may prescribe. Such forms shall contain, along with other
30 information as required by the commission, (a) the name of the applicant,
31 (b) the premises for which a special designated license is requested,

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

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

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

1 retail licensee shall apply to the holder of a special designated license
2 with the exception of such statutory provisions and rules and regulations
3 of the commission so designated by the commission and stated upon the
4 issued special designated license, except that the commission may not
5 designate exemption of sections 53-180 to 53-180.07. The decision of the
6 commission shall be final. If the applicant does not qualify for a
7 special designated license, the application shall be denied by the
8 commission.

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

13 Sec. 2. Original section 53-124.11, Revised Statutes Cumulative
14 Supplement, 2022, is repealed.