

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 478

Introduced by General Affairs Committee: Holdcroft, 36, Chairperson;
Andersen, 49; Cavanaugh, J., 9; Clouse, 37; Quick, 35;
Rountree, 3; Storm, 23.

Read first time January 21, 2025

Committee: General Affairs

1 A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
2 sections 53-123.15, 53-124, 53-124.01, 53-130, 53-134, 53-162, and
3 53-304, Reissue Revised Statutes of Nebraska, and sections 53-101,
4 53-131.01, and 53-165.01, Revised Statutes Cumulative Supplement,
5 2024; to provide for an auction permit for the sale of alcoholic
6 liquor at auction and for a wholesalers shipping license as
7 prescribed; to change provisions relating to licenses issued by the
8 Nebraska Liquor Control Commission, the method of notice for local
9 governing body hearings related to licenses issued by the Nebraska
10 Liquor Control Commission, and obligations of the primary source of
11 supply for alcoholic liquor; to harmonize provisions; and to repeal
12 the original sections.
13 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 53-101, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 53-101 Sections 53-101 to 53-1,122 and section 2 of this act shall
4 be known and may be cited as the Nebraska Liquor Control Act.

5 **Sec. 2.** (1) The commission may issue an auction permit to an
6 auction house which authorizes the holder thereof to sell alcoholic
7 liquor at auction as prescribed in this section.

8 (2) An auction house may apply in a manner prescribed by the
9 commission for an auction permit from the commission. An auction permit
10 shall be required for the sale at auction of (a) alcoholic liquor
11 previously sold to a retailer that is no longer in operation or (b)
12 alcoholic liquor that had previously been sold at retail to a consumer in
13 the State of Nebraska in a private collection.

14 (3) An auction house that holds an auction permit shall notify the
15 commission of all auctions and provide inventories of the product to be
16 sold.

17 (4) The commission may adopt and promulgate rules and regulations to
18 carry out this section.

19 **Sec. 3.** Section 53-123.15, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 53-123.15 (1) No person shall order or receive alcoholic liquor in
22 this state which has been shipped directly to him or her from outside
23 this state by any person other than a holder of a shipping license issued
24 by the commission, except that a licensed wholesaler may receive not more
25 than three gallons of wine in any calendar year from any person who is
26 not a holder of a shipping license.

27 (2) The commission may issue a shipping license to a manufacturer.
28 Such license shall allow the licensee to ship alcoholic liquor only to a
29 licensed wholesaler. A person who receives a license pursuant to this
30 subsection shall pay the fee required in sections 53-124 and 53-124.01
31 for a manufacturer's shipping license. Such fee shall be collected by the

1 commission and be remitted to the State Treasurer for credit to the
2 General Fund, except that the fee received for a shipping license issued
3 to a beer manufacturer pursuant to this subsection shall be credited to
4 the Nebraska Beer Industry Promotional Fund.

5 (3) The commission may issue a shipping license to any person who
6 deals with vintage wines, which shipping license shall allow the licensee
7 to distribute such wines to a licensed wholesaler in the state. For
8 purposes of distributing vintage wines, a licensed shipper must utilize a
9 designated wholesaler if the manufacturer has a designated wholesaler.
10 For purposes of this section, vintage wine shall mean a wine verified to
11 be ten years of age or older and not available from a primary American
12 source of supply. A person who receives a license pursuant to this
13 subsection shall pay the fee required in sections 53-124 and 53-124.01
14 for a vintage wine dealer's shipping license. Such fee shall be collected
15 by the commission and be remitted to the State Treasurer for credit to
16 the General Fund.

17 (4) The commission may issue a shipping license to a wholesaler
18 located outside the State of Nebraska. Such license shall allow the
19 licensee to ship alcoholic liquor only to a licensed Nebraska wholesaler.
20 A person who receives a license pursuant to this subsection shall pay the
21 fee required in sections 53-124 and 53-124.01 for a wholesalers shipping
22 license. Such fee shall be collected by the commission and be remitted to
23 the State Treasurer for credit to the General Fund.

24 (5) ~~(4)~~ The commission may issue a shipping license to any
25 manufacturer who sells and ships alcoholic liquor from another state
26 directly to a consumer in this state if the manufacturer satisfies the
27 requirements of subsections (8) ~~(7)~~ through (10) ~~(9)~~ of this section. A
28 manufacturer who receives a license pursuant to this subsection shall pay
29 the fee required in sections 53-124 and 53-124.01 for a manufacture
30 direct sales shipping license. Such fee shall be collected by the
31 commission and remitted to the State Treasurer for credit to the Winery

1 and Grape Producers Promotional Fund.

2 ~~(6)~~ ~~(5)~~ The commission may issue a shipping license to any retailer
3 who is licensed within or outside Nebraska, who is authorized to sell
4 alcoholic liquor at retail in the state of domicile of the retailer, and
5 who is not a manufacturer if such retailer satisfies the requirements of
6 subsections ~~(8)~~ ~~(7)~~ through ~~(10)~~ ~~(9)~~ of this section to ship alcoholic
7 liquor from another state directly to a consumer in this state. A
8 retailer who receives a license pursuant to this subsection shall pay the
9 fee required in sections 53-124 and 53-124.01 for a retail direct sales
10 shipping license. Such fee shall be collected by the commission and
11 remitted to the State Treasurer for credit to the Winery and Grape
12 Producers Promotional Fund.

13 ~~(7)~~ ~~(6)~~ The application for a shipping license under subsection (2)
14 or (3) of this section shall be in such form as the commission
15 prescribes. The application shall contain all provisions the commission
16 deems proper and necessary to effectuate the purpose of any section of
17 the act and the rules and regulations of the commission that apply to
18 manufacturers and shall include, but not be limited to, provisions that
19 the applicant, in consideration of the issuance of such shipping license,
20 agrees:

21 (a) To comply with and be bound by sections 53-162 and 53-164.01 in
22 making and filing reports, paying taxes, penalties, and interest, and
23 keeping records;

24 (b) To permit and be subject to all of the powers granted by section
25 53-164.01 to the commission or its duly authorized employees or agents
26 for inspection and examination of the applicant's premises and records
27 and to pay the actual expenses, excluding salary, reasonably attributable
28 to such inspections and examinations made by duly authorized employees of
29 the commission if within the United States; and

30 (c) That if the applicant violates any of the provisions of the
31 application or the license, any section of the act, or any of the rules

1 and regulations of the commission that apply to manufacturers, the
2 commission may suspend, cancel, or revoke such shipping license for such
3 period of time as it may determine.

4 (8) ~~(7)~~ The application for a shipping license under subsection (5)
5 ~~(4)~~ or (6) ~~(5)~~ of this section shall be in such form as the commission
6 prescribes. The application shall require an applicant which is a
7 manufacturer, a craft brewery, a craft distillery, or a farm winery to
8 identify the brands of alcoholic liquor that the applicant is requesting
9 the authority to ship either into or within Nebraska. For all applicants,
10 unless otherwise provided in this section, the application shall contain
11 all provisions the commission deems proper and necessary to effectuate
12 the purpose of any section of the act and the rules and regulations of
13 the commission that apply to manufacturers or retailers and shall
14 include, but not be limited to, provisions that the applicant, in
15 consideration of the issuance of such shipping license, agrees:

16 (a) To comply with and be bound by sections 53-162 and 53-164.01 in
17 making and filing reports, paying taxes, penalties, and interest, and
18 keeping records;

19 (b) To permit and be subject to all of the powers granted by section
20 53-164.01 to the commission or its duly authorized employees or agents
21 for inspection and examination of the applicant's premises and records
22 and to pay the actual expenses, excluding salary, reasonably attributable
23 to such inspections and examinations made by duly authorized employees of
24 the commission if within the United States;

25 (c) That if the applicant violates any of the provisions of the
26 application or the license, any section of the act, or any of the rules
27 and regulations of the commission that apply to manufacturers or
28 retailers, the commission may suspend, cancel, or revoke such shipping
29 license for such period of time as it may determine;

30 (d) That the applicant agrees to notify the commission of any
31 violations in the state in which he or she is domiciled and any

1 violations of the direct shipping laws of any other states. Failure to
2 notify the commission within thirty days after such a violation may
3 result in a hearing before the commission pursuant to which the license
4 may be suspended, canceled, or revoked; and

5 (e) That the applicant, if a manufacturer, craft brewery, craft
6 distillery, or farm winery, agrees to notify any wholesaler licensed in
7 Nebraska that has been authorized to distribute such brands that the
8 application has been filed for a shipping license. The notice shall be in
9 writing and in a form prescribed by the commission. The commission may
10 adopt and promulgate rules and regulations as it reasonably deems
11 necessary to implement this subdivision, including rules and regulations
12 that permit the holder of a shipping license under this subdivision to
13 amend the shipping license by, among other things, adding or deleting any
14 brands of alcoholic liquor identified in the shipping license.

15 (9) ~~(8)~~ Any manufacturer or retailer who is granted a shipping
16 license under subsection ~~(5)~~ ~~(4)~~ or ~~(6)~~ ~~(5)~~ of this section shall:

17 (a) Only ship the brands of alcoholic liquor identified on the
18 application;

19 (b) Only ship alcoholic liquor that is owned by the holder of the
20 shipping license;

21 (c) Only ship alcoholic liquor that is properly registered with the
22 Alcohol and Tobacco Tax and Trade Bureau of the United States Department
23 of the Treasury;

24 (d) Not ship any alcoholic liquor products that the manufacturers or
25 wholesalers licensed in Nebraska have voluntarily agreed not to bring
26 into Nebraska at the request of the commission;

27 (e) Not ship more than nine liters of alcoholic liquor per month to
28 any person in Nebraska to whom alcoholic beverages may be lawfully sold.
29 All such sales and shipments shall be for personal consumption only and
30 not for resale; and

31 (f) Cause the direct shipment of alcoholic liquor to be by approved

1 common carrier only. The commission shall adopt and promulgate rules and
2 regulations pursuant to which common carriers may apply for approval to
3 provide common carriage of alcoholic liquor shipped by a holder of a
4 shipping license issued pursuant to subsection ~~(5)~~ ~~(4)~~ or ~~(6)~~ ~~(5)~~ of this
5 section. The rules and regulations shall include provisions that require
6 (i) the recipient to demonstrate, upon delivery, that he or she is at
7 least twenty-one years of age, (ii) the recipient to sign an electronic
8 or paper form or other acknowledgment of receipt as approved by the
9 commission, and (iii) the commission-approved common carrier to submit to
10 the commission such information as the commission may prescribe. The
11 commission-approved common carrier shall refuse delivery when the
12 proposed recipient appears to be under the age of twenty-one years and
13 refuses to present valid identification. All holders of shipping licenses
14 shipping alcoholic liquor pursuant to this subdivision shall affix a
15 conspicuous notice in sixteen-point type or larger to the outside of each
16 package of alcoholic liquor shipped within or into the State of Nebraska,
17 in a conspicuous location, stating: CONTAINS ALCOHOLIC BEVERAGES;
18 SIGNATURE OF PERSON AT LEAST 21 YEARS OF AGE REQUIRED FOR DELIVERY. Any
19 delivery of alcoholic beverages to a minor by a common carrier shall
20 constitute a violation by the common carrier. The common carrier and the
21 holder of the shipping license shall be liable only for their independent
22 acts.

23 ~~(10)~~ ~~(9)~~ For purposes of sections 53-160, 77-2703, and 77-27,142,
24 each shipment of alcoholic liquor by the holder of a shipping license
25 under subsection (3), ~~(5)~~ ~~(4)~~, or ~~(6)~~ ~~(5)~~ of this section shall
26 constitute a sale in Nebraska by establishing a nexus in the state. The
27 holder of the shipping license shall collect all the taxes due to the
28 State of Nebraska and any political subdivision and remit any excise
29 taxes monthly to the commission and any sales taxes to the Department of
30 Revenue.

31 ~~(11)~~ ~~(10)~~ By July 1, 2014, the commission shall report to the

1 General Affairs Committee of the Legislature the number of shipping
2 licenses issued for license years 2013-14 and 2014-15. The report shall
3 be made electronically.

4 **Sec. 4.** Section 53-124, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 53-124 (1) At the time application is made to the commission for a
7 license of any type, the applicant shall pay the fee provided in section
8 53-124.01 and, if the applicant is an individual, provide the applicant's
9 social security number. The commission shall issue the types of licenses
10 described in this section.

11 (2) There shall be an airline license, a boat license, a special
12 party bus license, a pedal-pub vehicle license, and a railroad license.
13 ~~The commission shall charge one dollar for each duplicate of an airline~~
14 ~~license, a special party bus license, a pedal-pub vehicle license, or a~~
15 ~~railroad license.~~

16 (3)(a) There shall be a manufacturer's license for alcohol and
17 spirits, for beer, and for wine. The annual fee for a manufacturer's
18 license for beer shall be based on the barrel daily capacity as follows:

- 19 (i) 1 to 100 barrel daily capacity, or any part thereof, tier one;
20 (ii) 100 to 150 barrel daily capacity, tier two;
21 (iii) 150 to 200 barrel daily capacity, tier three;
22 (iv) 200 to 300 barrel daily capacity, tier four;
23 (v) 300 to 400 barrel daily capacity, tier five;
24 (vi) 400 to 500 barrel daily capacity, tier six;
25 (vii) 500 barrel daily capacity, or more, tier seven.

26 (b) For purposes of this subsection, daily capacity means the
27 average daily barrel production for the previous twelve months of
28 manufacturing operation. If no such basis for comparison exists, the
29 manufacturing licensee shall pay in advance for the first year's
30 operation a fee of five hundred dollars.

31 (4) There shall be five classes of nonbeverage users' licenses:

1 Class 1, Class 2, Class 3, Class 4, and Class 5.

2 (5) In lieu of a manufacturer's, a retailer's, or a wholesaler's
3 license, there shall be a license to operate issued for a craft brewery,
4 a farm winery, or a microdistillery.

5 (6)(a) There shall be six classes of retail licenses:

6 (i) Class A: Beer only, for consumption on the premises;

7 (ii) Class B: Beer only, for consumption off the premises, sales in
8 the original packages only;

9 (iii) Class C: Alcoholic liquor, for consumption on the premises and
10 off the premises, sales in original packages only except as provided in
11 subsection (4) of section 53-123.04. If a Class C license is held by a
12 nonprofit corporation, it shall be restricted to consumption on the
13 premises only. A Class C license may have a sampling designation
14 restricting consumption on the premises to sampling, but such designation
15 shall not affect sales for consumption off the premises under such
16 license;

17 (iv) Class D: Alcoholic liquor, including beer, for consumption off
18 the premises, sales in the original packages only, except as provided in
19 subdivision (6)(a)(vi) of this section and subsection (2) of section
20 53-123.04;

21 (v) Class I: Alcoholic liquor, for consumption on the premises
22 except as provided in subsection (5) of section 53-123.04; and

23 (vi) Class J: Alcoholic liquor, including beer, for consumption off
24 the premises, sales in the original packages only, for a retail licensee
25 whose annual gross revenue from the sale of alcohol does not exceed
26 twenty percent of the licensee's total annual gross revenue from all
27 retail sales.

28 (b) All applicable license fees shall be paid by the applicant or
29 licensee directly to the city or village treasurer in the case of
30 premises located inside the corporate limits of a city or village and
31 directly to the county treasurer in the case of premises located outside

1 the corporate limits of a city or village.

2 (7) There shall be five ~~four~~ types of shipping licenses as described
3 in section 53-123.15: Manufacturers, wholesalers, vintage wines,
4 manufacture direct sales, and retail direct sales.

5 (8) There shall be two types of wholesale licenses: Alcoholic liquor
6 and beer only. The annual fee shall be paid for the first and each
7 additional wholesale place of business operated in this state by the same
8 licensee and wholesaling the same product.

9 (9) There shall be a bottle club license. All applicable license
10 fees shall be paid by the applicant or licensee directly to the city or
11 village treasurer in the case of premises located inside the corporate
12 limits of a city or village and directly to the county treasurer in the
13 case of premises located outside the corporate limits of a city or
14 village.

15 (10) The license year, unless otherwise provided in the Nebraska
16 Liquor Control Act, shall commence on May 1 of each year and shall end on
17 the following April 30, except that the license year for a Class C
18 license shall commence on November 1 of each year and shall end on the
19 following October 31. During the license year, no license shall be issued
20 for a sum less than the amount of the annual license fee as fixed in
21 section 53-124.01, regardless of the time when the application for such
22 license has been made, except that (a) when there is a purchase of an
23 existing licensed business and a new license of the same class is issued
24 or (b) upon the issuance of a new license for a location which has not
25 been previously licensed, the license fee and occupation taxes shall be
26 prorated on a quarterly basis as of the date of issuance.

27 **Sec. 5.** Section 53-124.01, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 53-124.01 (1) The fees for annual licenses finally issued by the
30 commission shall be as provided in this section and section 53-124.

31 (2) Airline license ... \$100

| | | |
|----|--|------------------|
| 1 | (3) Boat license ... \$50 | |
| 2 | (4) Bottle club license ... \$300 | |
| 3 | (5) Special party bus license ... \$75 | |
| 4 | (6) Manufacturer's license: | |
| 5 | Class | Fee - In Dollars |
| 6 | Alcohol and spirits | 1,000 |
| 7 | Beer - tier one | 100 |
| 8 | Beer - tier two | 200 |
| 9 | Beer - tier three | 350 |
| 10 | Beer - tier four | 500 |
| 11 | Beer - tier five | 650 |
| 12 | Beer - tier six | 700 |
| 13 | Beer - tier seven | 800 |
| 14 | Wine | 250 |
| 15 | (7) Nonbeverage user's license: | |
| 16 | Class | Fee - In Dollars |
| 17 | Class 1 | 5 |
| 18 | Class 2 | 25 |
| 19 | Class 3 | 50 |
| 20 | Class 4 | 100 |
| 21 | Class 5 | 250 |
| 22 | (8) Operator's license: | |
| 23 | Class | Fee - In Dollars |
| 24 | Craft brewery | 250 |
| 25 | Farm winery | 250 |
| 26 | Microdistillery | 250 |
| 27 | (9) Pedal-pub vehicle license ... \$50 | |
| 28 | (10) Railroad license ... \$100 | |
| 29 | (11) Retail license: | |
| 30 | Class | Fee - In Dollars |

| | | |
|----|--------------------------|------------------|
| 1 | Class A | 100 |
| 2 | Class B | 100 |
| 3 | Class C | 300 |
| 4 | Class D | 200 |
| 5 | Class I | 250 |
| 6 | Class J | 50 |
| 7 | (12) Shipping license: | |
| 8 | Class | Fee - In Dollars |
| 9 | Manufacturer | 1,000 |
| 10 | <u>Wholesaler</u> | <u>1,000</u> |
| 11 | Vintage wines | 1,000 |
| 12 | Manufacture direct sales | 500 |
| 13 | Retail direct sales | 500 |
| 14 | (13) Wholesale license: | |
| 15 | Class | Fee - In Dollars |
| 16 | Alcoholic liquor | 750 |
| 17 | Beer | 500 |

18 **Sec. 6.** Section 53-130, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 53-130 (1) New licenses to manufacturers, wholesalers, railroads,
21 airlines, boats, special party buses, pedal-pub vehicles, and nonbeverage
22 users of alcoholic liquor may be issued by the commission upon (a)
23 ~~written application in duplicate~~ filed in the manner and on such forms as
24 the commission prescribes and in which the applicant for a beer wholesale
25 license sets forth the sales territory in Nebraska in which it is
26 authorized by a manufacturer or manufacturers to sell their brand or
27 brands and the name of such brand or brands, (b) receipt of bond, (c)
28 payment in advance of the nonrefundable application fee of forty-five
29 dollars and the license fee, and (d) such notice and hearing as the
30 commission fixes by its own order.

1 (2) A notice of such application shall be served upon the
2 manufacturer or manufacturers listed in any application for a beer
3 wholesale license and upon any existing wholesaler licensed to sell the
4 brand or brands in the described sales territory.

5 (3) A license so issued may be renewed without formal application
6 upon payment of license fees and a renewal fee of forty-five dollars
7 prior to or within thirty days after the expiration of the license. The
8 payment of such fees shall be an affirmative representation and
9 certification by the licensee that all answers contained in an
10 application, if submitted, would be the same in all material respects as
11 the answers contained in the last previous application. The commission
12 may at any time require a licensee to submit an application.

13 **Sec. 7.** Section 53-131.01, Revised Statutes Cumulative Supplement,
14 2024, is amended to read:

15 53-131.01 (1) The application for a new license shall be submitted
16 upon such forms as the commission may prescribe. Such forms shall contain
17 (a) the name and residence of the applicant and how long he or she has
18 resided within the State of Nebraska, (b) the particular premises for
19 which a license is desired designating the same by street and number if
20 practicable or, if not, by such other description as definitely locates
21 the premises, (c) the name of the owner of the premises upon which the
22 business licensed is to be carried on, (d) a statement that the applicant
23 is a resident of Nebraska and legally able to work in Nebraska, that the
24 applicant and the spouse of the applicant are not less than twenty-one
25 years of age, and that such applicant has never been convicted of or
26 pleaded guilty to a felony or been adjudged guilty of violating the laws
27 governing the sale of alcoholic liquor or the law for the prevention of
28 gambling in the State of Nebraska, except that a manager for a
29 corporation applying for a license shall qualify with all provisions of
30 this subdivision as though the manager were the applicant, except that
31 the provisions of this subdivision shall not apply to the spouse of a

1 manager-applicant, (e) a statement that the applicant intends to carry on
2 the business authorized by the license for himself or herself and not as
3 the agent of any other persons and that if licensed he or she will carry
4 on such business for himself or herself and not as the agent for any
5 other person, (f) a statement that the applicant intends to superintend
6 in person the management of the business licensed and that if so licensed
7 he or she will superintend in person the management of the business, and
8 (g) such other information as the commission may from time to time
9 direct. The applicant shall also submit a two legible set sets of
10 fingerprints to be furnished to the Federal Bureau of Investigation
11 through the Nebraska State Patrol for a national criminal history record
12 check and the fee for such record check payable to the patrol.

13 (2) If any false statement is made in any part of such application,
14 the applicant or applicants shall be deemed guilty of perjury, and upon
15 conviction thereof the license shall be revoked and the applicant
16 subjected to the penalties provided by law for that crime.

17 **Sec. 8.** Section 53-134, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 53-134 The local governing body of any city or village with respect
20 to licenses within its corporate limits and the local governing body of
21 any county with respect to licenses not within the corporate limits of
22 any city or village but within the county shall have the following
23 powers, functions, and duties with respect to retail, bottle club, craft
24 brewery, microdistillery, and entertainment district licenses:

25 (1) To cancel or revoke for cause retail, craft brewery,
26 microdistillery, or entertainment district licenses to sell or dispense
27 alcoholic liquor or bottle club licenses, issued to persons for premises
28 within its jurisdiction, subject to the right of appeal to the
29 commission;

30 (2) To enter or to authorize any law enforcement officer to enter at
31 any time upon any premises licensed under the Nebraska Liquor Control Act

1 to determine whether any provision of the act, any rule or regulation
2 adopted and promulgated pursuant to the act, or any ordinance,
3 resolution, rule, or regulation adopted by the local governing body has
4 been or is being violated and at such time examine the premises of such
5 licensee in connection with such determination. Any law enforcement
6 officer who determines that any provision of the act, any rule or
7 regulation adopted and promulgated pursuant to the act, or any ordinance,
8 resolution, rule, or regulation adopted by the local governing body has
9 been or is being violated shall report such violation in writing to the
10 executive director of the commission (a) within thirty days after
11 determining that such violation has occurred, (b) within thirty days
12 after the conclusion of an ongoing police investigation, or (c) within
13 thirty days after the verdict in a prosecution related to such an ongoing
14 police investigation if the prosecuting attorney determines that
15 reporting such violation prior to the verdict would jeopardize such
16 prosecution, whichever is later;

17 (3) To receive a signed complaint from any citizen within its
18 jurisdiction that any provision of the act, any rule or regulation
19 adopted and promulgated pursuant to the act, or any ordinance,
20 resolution, rule, or regulation relating to alcoholic liquor has been or
21 is being violated and to act upon such complaints in the manner provided
22 in the act;

23 (4) To receive retail license fees, bottle club license fees, craft
24 brewery license fees, and microdistillery license fees as provided in
25 sections 53-124 and 53-124.01 and entertainment district license fees as
26 provided in section 53-123.17 and pay the same, after the license has
27 been delivered to the applicant, to the city, village, or county
28 treasurer;

29 (5) To examine or cause to be examined any applicant or any retail
30 licensee, bottle club licensee, craft brewery licensee, microdistillery
31 licensee, or entertainment district licensee upon whom notice of

1 cancellation or revocation has been served as provided in the act, to
2 examine or cause to be examined the books and records of any applicant or
3 licensee except as otherwise provided for bottle club licensees in
4 section 53-123.08, and to hear testimony and to take proof for its
5 information in the performance of its duties. For purposes of obtaining
6 any of the information desired, the local governing body may authorize
7 its agent or attorney to act on its behalf;

8 (6) To cancel or revoke on its own motion any license if, upon the
9 same notice and hearing as provided in section 53-134.04, it determines
10 that the licensee has violated any of the provisions of the act or any
11 valid and subsisting ordinance, resolution, rule, or regulation duly
12 enacted, adopted, and promulgated relating to alcoholic liquor. Such
13 order of cancellation or revocation may be appealed to the commission
14 within thirty days after the date of the order by filing a notice of
15 appeal with the commission. The commission shall handle the appeal in the
16 manner provided for hearing on an application in section 53-133;

17 (7) Upon receipt from the commission of the notice and copy of
18 application as provided in section 53-131, to fix a time and place for a
19 hearing at which the local governing body shall receive evidence, either
20 orally or by affidavit from the applicant and any other person, bearing
21 upon the propriety of the issuance of a license. Notice of the time and
22 place of such hearing shall be published in a legal newspaper in or of
23 statewide circulation or general circulation in such city, village, or
24 county one time not less than seven and not more than fourteen days
25 before the time of the hearing. Such notice shall include, but not be
26 limited to, a statement that all persons desiring to give evidence before
27 the local governing body in support of or in protest against the issuance
28 of such license may do so at the time of the hearing. Such hearing shall
29 be held not more than forty-five days after the date of receipt of the
30 notice from the commission, and after such hearing the local governing
31 body shall cause to be recorded in the minute record of their proceedings

1 a resolution recommending either issuance or refusal of such license. The
2 clerk of such city, village, or county shall mail to the commission by
3 first-class mail, postage prepaid, a copy of the resolution which shall
4 state the cost of the published notice, except that failure to comply
5 with this provision shall not void any license issued by the commission.
6 If the commission refuses to issue such a license, the cost of
7 publication of notice shall be paid by the commission from the security
8 for costs;

9 (8) To review and authorize an application by a retail, bottle club,
10 craft brewery, farm winery, or microdistillery licensee for a temporary
11 expansion of its licensed premises within the jurisdiction of the local
12 governing body to an immediately adjacent area owned or leased by the
13 licensee or to an immediately adjacent street, parking lot, or alley, not
14 to exceed fifty days for calendar year 2020 and, for each calendar year
15 thereafter, not to exceed fifteen days per calendar year, as provided in
16 sections 53-123.12 and 53-129; and

17 (9) To review and authorize an application by a craft brewery, farm
18 winery, or microdistillery licensee that holds a promotional farmers
19 market special designated license for a permit to use such promotional
20 farmers market special designated license to sell or dispense alcoholic
21 liquor, which the holder is licensed to produce, at a farmers market
22 within the jurisdiction of the local governing body as provided in
23 section 53-124.17. The local governing body shall electronically notify
24 the commission within five days after authorization of any permit
25 pursuant to this subdivision.

26 **Sec. 9.** Section 53-162, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 53-162 For the purpose of raising revenue, a tax is imposed upon
29 persons holding a shipping license issued pursuant to subsection (5) ~~(4)~~
30 or (6) ~~(5)~~ of section 53-123.15 who ship alcoholic liquor to individuals
31 pursuant to section 53-192 and for which the required taxes in the state

1 of purchase or this state have not been paid. The tax, if due, shall be
2 paid by the holder of the shipping license issued pursuant to subsection
3 ~~(5) (4)~~ or ~~(6) (5)~~ of section 53-123.15. The amount of the tax shall be
4 imposed as provided in section 53-160. The tax shall be collected by the
5 commission, except that the tax shall not be due until December 31 of the
6 year in which the purchase was made. The tax shall be delinquent if
7 unpaid within twenty-five days after December 31. The revenue from the
8 tax shall be credited to the General Fund. The commission shall adopt and
9 promulgate rules and regulations to carry out this section.

10 **Sec. 10.** Section 53-165.01, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 53-165.01 (1)(a) Except as provided in subsection (4) of this
13 section, beginning ~~Beginning~~ July 1, 2024, prior to the sale or shipment
14 of any alcoholic liquor into the State of Nebraska, each licensed
15 manufacturer, licensed wholesaler, or holder of a shipping license shall
16 submit to the commission, along with any applicable fee set by the
17 commission not to exceed thirty dollars, a report on a form prescribed
18 and furnished by the commission, which shall include:

- 19 (i) The licensee's name and license number;
- 20 (ii) The designated Nebraska licensed wholesaler for such product,
21 if applicable;
- 22 (iii) The name of the primary source of supply in the United States;
- 23 (iv) The products to be imported, including the brand name, class or
24 type of product, and fanciful name if applicable;
- 25 (v) Evidence of compliance with federal label requirements pursuant
26 to the Federal Alcohol Administration Act, 27 U.S.C. chapter 8, and rules
27 and regulations adopted pursuant to such act, as such act and regulations
28 existed on January 1, 2023, or a sample of the actual label if federal
29 approval is not required; and
- 30 (vi) Any other information the commission may require related to
31 such sale or shipment.

1 (b) If the licensed manufacturer, licensed wholesaler, or holder of
2 a shipping license is not the product manufacturer, such licensee shall
3 also include with such form a separate letter from the product
4 manufacturer designating such licensee as the primary source of supply in
5 the United States or the sole source of supply in Nebraska. A separate
6 letter is required for each primary source.

7 (2) The primary source of supply as designated to the commission
8 pursuant to subsection (1) of this section shall reaffirm the brands to
9 be shipped into the State of Nebraska by July 1 of each year, with a
10 renewal period starting ninety days prior to July 1. The commission may
11 charge an applicable renewal fee not to exceed thirty dollars, on a form
12 prescribed and furnished by the commission.

13 (3) ~~(2)~~ If the primary source of supply in the United States for
14 such alcoholic liquor changes, the new licensed manufacturer, licensed
15 wholesaler, or holder of a shipping license importing such alcoholic
16 liquor shall submit the information required pursuant to subsection (1)
17 of this section at least thirty days prior to the shipment of such
18 alcoholic liquor into this state. The licensed manufacturer, licensed
19 wholesaler, or holder of a shipping license shall also remit to the
20 commission any applicable fee set by the commission not to exceed thirty
21 dollars.

22 (4) A retailer who is licensed within or outside Nebraska and who
23 holds a shipping license to ship alcoholic liquor from another state
24 directly to a consumer in this state pursuant to subsection (6) of
25 section 53-123.15 is exempt from filing the report described in this
26 section.

27 (5) ~~(3)~~ Nothing in this section shall restrict or prohibit the
28 importation of alcoholic liquor to a Nebraska licensed wholesaler from an
29 affiliated wholesaler if (a) the report required by this section has
30 previously been submitted for the alcoholic liquor product being
31 imported, (b) the report designates the Nebraska licensed wholesaler for

1 such product, and (c) the product was obtained by the affiliated
2 wholesaler from the same primary source of supply identified on the
3 report.

4 ~~(6)~~ ~~(4)~~ The commission shall remit any fees collected pursuant to
5 this section to the State Treasurer for credit to the Nebraska Liquor
6 Control Commission Rule and Regulation Cash Fund.

7 ~~(7)~~ ~~(5)~~ The commission may adopt and promulgate rules and
8 regulations to carry out this section.

9 **Sec. 11.** Section 53-304, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 53-304 Each Nebraska winery shall pay to the Nebraska Liquor Control
12 Commission twenty dollars for every one hundred sixty gallons of juice
13 produced or received by its facility. Gifts, grants, or bequests may be
14 received for the support of the Nebraska Grape and Winery Board. Funds
15 paid pursuant to the charge imposed by this section and funds received
16 pursuant to subsection ~~(5)~~ ~~(4)~~ or ~~(6)~~ ~~(5)~~ of section 53-123.15 and from
17 gifts, grants, or bequests shall be remitted to the State Treasurer for
18 credit to the Winery and Grape Producers Promotional Fund which is hereby
19 created. For administrative purposes, the fund shall be located in the
20 Department of Agriculture. All revenue credited to the fund pursuant to
21 the charge imposed by this section and excise taxes collected pursuant to
22 section 2-5603 and any funds received as gifts, grants, or bequests and
23 credited to the fund shall be used by the department, at the direction of
24 and in cooperation with the board, to develop and maintain programs for
25 the research and advancement of the growing, selling, marketing, and
26 promotion of grapes, fruits, berries, honey, and other agricultural
27 products and their byproducts grown and produced in Nebraska for use in
28 the wine industry. Such expenditures may include, but are not limited to,
29 all necessary funding for the employment of experts in the fields of
30 viticulture and enology, as deemed necessary by the board, and programs
31 aimed at improving the promotion of all varieties of wines, grapes,

1 fruits, berries, honey, and other agricultural products and their
2 byproducts grown and produced in Nebraska for use in the wine industry.

3 Funds credited to the fund shall be used for no other purposes than
4 those stated in this section and any transfers authorized pursuant to
5 section 2-5604. Any funds not expended during a fiscal year may be
6 maintained in the fund for distribution or expenditure during subsequent
7 fiscal years. Any money in the fund available for investment shall be
8 invested by the state investment officer pursuant to the Nebraska Capital
9 Expansion Act and the Nebraska State Funds Investment Act.

10 **Sec. 12.** Original sections 53-123.15, 53-124, 53-124.01, 53-130,
11 53-134, 53-162, and 53-304, Reissue Revised Statutes of Nebraska, and
12 sections 53-101, 53-131.01, and 53-165.01, Revised Statutes Cumulative
13 Supplement, 2024, are repealed.