

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1085**

Introduced by Clouse, 37.

Read first time January 15, 2026

Committee: General Affairs

1 A BILL FOR AN ACT relating to the Nebraska Liquor Control Commission; to  
2 amend sections 53-103.47, 53-133, and 53-1,100, Reissue Revised  
3 Statutes of Nebraska, and section 53-132, Revised Statutes  
4 Cumulative Supplement, 2024; to define and redefine terms; to change  
5 provisions relating to retail, bottle club, craft brewery, and  
6 microdistillery licenses and commission duties and the process for  
7 the commission to issue retail licenses for which the local  
8 governing body recommended a denial; to change penalties; to  
9 harmonize provisions; and to repeal the original sections.  
10 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 53-103.47, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3           53-103.47 Bottle club means an operation, whether formally organized  
4 as a club having a regular membership list, dues, officers, and meetings  
5 or not, keeping and maintaining premises where persons who have made  
6 their own purchases of alcoholic liquor congregate to consume alcoholic  
7 liquor in or upon the premises for the express purpose of consuming  
8 ~~alcoholic liquor~~ upon the payment of a fee or other consideration.

9           **Sec. 2.** Section 53-132, Revised Statutes Cumulative Supplement,  
10 2024, is amended to read:

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

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

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

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

4 (b) Evidence submitted by the applicant for a retail license under  
5 subdivision (2)(b) of section 53-133 that the city, village, or county  
6 issuing a recommendation of denial for an application acted arbitrarily  
7 and capriciously;

8 (c) ~~(b)~~ The existence of a citizens' protest made in accordance with  
9 section 53-133;

10 (d) ~~(e)~~ The existing population of the city, village, or county and  
11 its projected growth;

12 (e) ~~(d)~~ The nature of the neighborhood or community of the location  
13 of the proposed licensed premises;

14 (f) ~~(e)~~ The existence or absence of other retail licenses, bottle  
15 club licenses, craft brewery licenses, or microdistillery licenses with  
16 similar privileges within the neighborhood or community of the location  
17 of the proposed licensed premises and whether, as evidenced by  
18 substantive, corroborative documentation, the issuance of such license  
19 would result in or add to an undue concentration of licenses with similar  
20 privileges and, as a result, require the use of additional law  
21 enforcement resources;

22 (g) ~~(f)~~ The existing motor vehicle and pedestrian traffic flow in  
23 the vicinity of the proposed licensed premises;

24 (h) ~~(g)~~ The adequacy of existing law enforcement;

25 (i) ~~(h)~~ Zoning restrictions;

26 (j) ~~(i)~~ The sanitation or sanitary conditions on or about the  
27 proposed licensed premises; ~~and~~

28 (k) ~~(j)~~ Whether the type of business or activity proposed to be  
29 operated in conjunction with the proposed license is and will be  
30 consistent with the public interest; ~~and~~ -

31 (l) Whether the applicant or any affiliated entities of the

1 applicant are delinquent on any federal, state, or local taxes. For  
2 purposes of this subdivision, affiliated entities means any other  
3 corporation, partnership, or limited liability company that holds a  
4 liquor license under the Nebraska Liquor Control Act of which such  
5 applicant has an ownership interest in.

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

9 (a) The clerk of the city, village, or county who shall deliver the  
10 same to the licensee upon receipt from the licensee of proof of payment  
11 of (i) the license fee if by the terms of subsection (6) of section  
12 53-124 the fee is payable to the treasurer of such city, village, or  
13 county, (ii) any fee for publication of notice of hearing before the  
14 local governing body upon the application for the license, (iii) the fee  
15 for publication of notice of renewal as provided in section 53-135.01,  
16 and (iv) occupation taxes, if any, imposed by such city, village, or  
17 county except as otherwise provided in subsection (7) of this section; or

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

22 (5) Notwithstanding any ordinance or charter power to the contrary,  
23 no city, village, or county shall impose an occupation tax on the  
24 business of any person, firm, or corporation licensed under the act and  
25 doing business within the corporate limits of such city or village or  
26 within the boundaries of such county in any sum which exceeds two times  
27 the amount of the license fee required to be paid under the act to obtain  
28 such license.

29 (6) Each license shall designate the name of the licensee, the place  
30 of business licensed, and the type of license issued.

31 (7) Class J retail licensees shall not be subject to occupation

1 taxes under subsection (4) of this section.

2 **Sec. 3.** Section 53-133, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 53-133 (1) The commission shall set for hearing before it any  
5 application for a retail license, bottle club license, craft brewery  
6 license, or microdistillery license relative to which it has received:

7 (a) Within forty-five days after the date of receipt of such  
8 application by the city, village, or county clerk, a recommendation of  
9 denial from the city, village, or county;

10 (b) Within ten days after the receipt of a recommendation from the  
11 city, village, or county, or, if no recommendation is received, within  
12 forty-five days after the date of receipt of such application by the  
13 city, village, or county clerk, objections in writing by not less than  
14 three persons residing within such city, village, or county, protesting  
15 the issuance of the license. Withdrawal of the protest does not prohibit  
16 the commission from conducting a hearing based upon the protest as  
17 originally filed and making an independent finding as to whether the  
18 license should or should not be issued;

19 (c) Within forty-five days after the date of receipt of such  
20 application by the city, village, or county clerk, objections by the  
21 commission or any duly appointed employee of the commission, protesting  
22 the issuance of the license; or

23 (d) An indication on the application that the location of a proposed  
24 retail or bottle club establishment is within one hundred fifty feet of a  
25 church as described in subsection (2) of section 53-177 and a written  
26 request by the church for a hearing.

27 (2)(a) ~~(2)~~ Hearings upon such applications shall be in the following  
28 manner: Notice indicating the time and place of such hearing shall be  
29 mailed or electronically delivered to the applicant, the local governing  
30 body, each individual protesting a license pursuant to subdivision (1)(b)  
31 of this section, and any church affected as described in subdivision (1)

1 (d) of this section, at least fifteen days prior to such hearing. The  
2 notice shall state that the commission will receive evidence for the  
3 purpose of determining whether to approve or deny the application.  
4 Mailing or electronic delivery to the attorney of record of a party shall  
5 be deemed to fulfill the purposes of this section. The commission may  
6 receive evidence, including testimony and documentary evidence, and may  
7 hear and question witnesses concerning the application. The commission  
8 shall not use electronic delivery with respect to an applicant, a  
9 protestor, or a church under this section without the consent of the  
10 recipient to electronic delivery.

11 (b) Following a hearing pursuant to subdivision (2)(a) of this  
12 section, the commission may approve an application for a retail license  
13 that received a recommendation of denial from a city, village, or county  
14 if the proposed licensed premises for such retail license application  
15 does not include an area with a craft brewery or microdistillery license  
16 and the applicant proves that the city, village, or county issuing the  
17 recommendation of denial acted arbitrarily and capriciously in making the  
18 determination.

19 **Sec. 4.** Section 53-1,100, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 53-1,100 (1) Any person (a) who imports alcoholic liquor for  
22 distribution as a wholesaler or distributes or sells alcoholic liquor,  
23 other than sale at retail, at any place within the state without having  
24 first obtained a valid license to do so under the Nebraska Liquor Control  
25 Act, (b) who manufactures alcoholic liquor other than spirits within the  
26 state without having first obtained a valid license to do so under the  
27 act, (c) who makes any false statement or otherwise violates any of the  
28 provisions of the act in obtaining any license under the act, (d) who,  
29 having obtained a license under the act, violates any of the provisions  
30 of the act with respect to the manufacture, possession, distribution, or  
31 sale of alcoholic liquor or with respect to the maintenance of the

1 licensed premises, or (e) who violates any other provision of the act for  
2 which a penalty is not otherwise provided, shall for a first offense be  
3 guilty of a Class IV misdemeanor and for a second or subsequent offense  
4 shall be guilty of a Class II misdemeanor.

5 (2) Any person who (a) manufactures spirits at any place within the  
6 state or (b) sells alcoholic liquor at retail without having first  
7 obtained a valid license to do so under the act shall be guilty of a  
8 Class I misdemeanor for a first offense and a Class IV felony for a  
9 second or subsequent offense.

10 (3) Each day any person engages in business as a manufacturer,  
11 wholesaler, retailer, or bottle club in violation of the act shall  
12 constitute a separate offense.

13 (4) In any prosecution in which a person is charged with an offense  
14 arising out of the failure to obtain a valid license as provided in  
15 subdivision (1)(a) or (b) or subsection (2) of this section, evidence of  
16 the failure of the accused to produce such license upon demand shall  
17 constitute prima facie proof that a license has not been issued by the  
18 commission to such person.

19 **Sec. 5.** Original sections 53-103.47, 53-133, and 53-1,100, Reissue  
20 Revised Statutes of Nebraska, and section 53-132, Revised Statutes  
21 Cumulative Supplement, 2024, are repealed.