

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1085

Introduced by Clouse, 37.

Read first time January 15, 2026

Committee:

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.