

LEGISLATIVE BILL 820

Approved by the Governor April 10, 1984

Introduced by Hefner, 19

AN ACT relating liquor; to amend section 53-138.02, Reissue Revised Statutes of Nebraska, 1943, and section 53-135, Revised Statutes Supplement, 1983; to authorize payment of certain fees as prescribed; to change provisions relating to bond requirements; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 53-135, Revised Statutes Supplement, 1983, be amended to read as follows:

53-135. A retail or bottle club license issued by the commission and outstanding may be automatically renewed by the commission without formal application if the commission has on file a bond as required by section 53-138.02, upon payment of the state registration fee, and license fee if payable to the commission. The registration fee for license renewals may be paid by a personal or business check. The payment thereof shall be an affirmative representation and certification by the licensee that all answers contained in an application, if submitted, would be the same in all material respects as the answers contained in the last previous application. The commission may at any time require a licensee to submit an application and the commission shall at any time require a licensee to submit an application if requested in writing to do so by the local governing body.

If a licensee files an application form in triplicate original upon seeking renewal of his or her license, the application shall be processed as set forth in section 53-131 and the security for costs as required by that section shall be submitted to the commission.

Any licensed retail or bottle club establishment located in an area which is annexed to any governmental subdivision shall file a formal application for a license, and while such application is pending, the licensee shall be authorized to continue all license privileges pursuant to section 53-124 until the original license expires or is canceled or revoked. If such license expires within sixty days following the annexation date of such area, the license may be renewed by order of the commission for not more than one year.

Sec. 2. That section 53-138.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-138.02. Except in the case of nonbeverage

~~user's~~ users' licenses for hospitals, no license may be issued under this act unless or until the applicant for such license shall have on file with the commission a joint and several bond, on such form as may be determined by the commission and executed by a good and sufficient corporate surety licensed to do business within the State of Nebraska. Such bond shall be conditioned upon the true and faithful compliance of the licensee with all applicable provisions of this act, and shall run to the commission in the appropriate penal sum as determined by the following schedule: Manufacturer's license, ten thousand dollars; distributor's license, five thousand dollars; retailer's license, two thousand dollars; railroad license, one thousand dollars; airline license, one thousand dollars; boat license, one thousand dollars; and bottle club license, two thousand dollars. For nonbeverage ~~user's~~ users' licenses, the respective bond amounts shall be as follows: Class 1, two hundred dollars; class 2, five hundred dollars; class 3, one thousand dollars; class 4, five thousand dollars; and class 5, ten thousand dollars. When more than one bottle club or retailer's license is issued to a licensee for the same location or premises, only one bond in the amount provided for one bottle club or retailer's license shall be required to be posted. Nothing contained in this section shall be construed to prevent or prohibit the commission from accepting and approving bonds which run for a term longer than the license period.

Sec. 3. That original section 53-138.02, Reissue Revised Statutes of Nebraska, 1943, and section 53-135, Revised Statutes Supplement, 1983, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.