

## LEGISLATIVE BILL 202

Approved by the Governor February 28, 1991

Introduced by Smith, 33; R. Johnson, 34; Will, 8;  
Rogers, 41; Rasmussen, 20

AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123.12, 53-130, 53-138.01, and 53-1,117, Reissue Revised Statutes of Nebraska, 1943, and sections 53-117.05 and 53-131, Revised Statutes Supplement, 1990; to provide for certain materials to be distributed without charge; to change fees; to provide for the disposition of fees; and to repeal the original sections.

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

Section 1. That section 53-117.05, Revised Statutes Supplement, 1990, be amended to read as follows:

53-117.05. The commission may issue or shall provide without charge to any person regulated licensed under the Nebraska Liquor Control Act a set of rules and regulations adopted and promulgated by the commission, a copy of the Nebraska Liquor Control Act, and any other information which the commission deems important in the area of liquor control in the State of Nebraska. The information may be printed in a booklet, a pamphlet, or any other form the commission may determine to be appropriate. The commission may update such material as often as it deems necessary. The commission may provide such material to any other person upon request and may charge a fee for the material. The fee shall be reasonable and shall not exceed any reasonable or necessary costs of producing the material for distribution.

Sec. 2. That section 53-123.12, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-123.12. Any person desiring to obtain a new license to operate a farm winery shall:

(1) File an application with the commission in triplicate original upon such forms as the commission ~~shall~~ from time to time ~~prescribe~~ prescribes;

(2) Pay the license fee to the commission under the provisions of subdivision (2) of section 53-124, which fee shall be returned to the applicant if

the application is denied; and

(3) Pay the state registration fee to the commission in the sum of ~~twenty-five~~ thirty dollars.

License fees and registration fees may be paid to the commission by certified or cashier's check of a bank within this state, personal or business check, United States post office money order, or cash in the full amount ~~thereof of such fees~~. The commission shall then notify, by registered or certified mail marked return receipt requested with postage prepaid, the municipal clerk of the city or incorporated village where such license is sought or, if the license is not sought within a city or incorporated village, the county clerk of the county where such license is sought of the receipt of the application and shall enclose with such notice one copy of the application. No such license shall then be issued by the commission until the expiration of at least forty-five days from the date of mailing such application by the commission. Within thirty-five days from the date of receipt of such application from the commission, the local governing bodies of nearby cities or villages or the county may make and submit to the commission recommendations relative to the granting of or refusal to grant such license to the applicant.

Sec. 3. That section 53-130, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-130. New licenses to manufacturers, distributors, railroads, airlines, boats, and nonbeverage users of alcoholic liquors may be issued by the commission upon (1) written application in duplicate, to be filed in the manner and on such forms as the commission ~~shall~~ from time to time ~~prescribe~~ prescribes, and in which the applicant for a beer or alcoholic liquor distributor's license shall set forth the sales territory in Nebraska in which it is authorized by a manufacturer or manufacturers to sell their brand or brands and the name of such brand or brands, (2) receipt of bond as provided in section 53-138.02, (3) payment in advance of the state registration fee of thirty dollars and the license fee, and (4) such notice and hearing as the commission by its own order shall fix. ~~A and~~ a notice of such application shall be served upon the manufacturer or manufacturers listed in any application for a beer or alcoholic liquor distributor's license and upon any existing distributor licensed to sell the brand or brands in the described sales territory. A license so issued may be renewed

without formal application upon payment of license and registration fees. ~~The~~ ; ~~PROVIDED, that the payment thereof of such fees~~ 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~~ ; ~~AND PROVIDED FURTHER, that the commission may at any time require a licensee to submit an application.~~

Sec. 4. That section 53-131, Revised Statutes Supplement, 1990, be amended to read as follows:

53-131. Any person desiring to obtain a new license to sell alcoholic liquor at retail or a brewpub license shall file with the commission:

(1) An application in triplicate original upon such forms as the commission ~~shall~~ from time to time ~~prescribe prescribes~~;

(2) The license fee if under subdivision (5) of section 53-124 such fee is payable to the commission, which fee shall be returned to the applicant if the application is not approved; and

(3) The state registration fee in the sum of ~~twenty-five~~ thirty dollars.

License fees and registration fees shall be paid to the commission by certified or cashier's check of a bank within this state, personal or business check, United States post office money order, or cash in the full amount of such fees. The commission shall notify, by registered or certified mail marked return receipt requested with postage prepaid, the municipal clerk of the city or incorporated village in which such license is sought or, if the license is not sought within a city or incorporated village, the county clerk of the county in which such license is sought of the receipt of the application and shall enclose with the notice one copy of the application.

Sec. 5. That section 53-138.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-138.01. All state registration fees shall be credited by the State Treasurer shall credit twenty-five dollars of each state registration fee to the General Fund and the remaining five dollars to the Nebraska Liquor Control Commission Rule and Regulation Cash Fund to be used for providing licensees with materials pursuant to section 53-117.05. All retail license fees received by the city or village treasurer, as the case may be, shall inure to the school fund of the district lying wholly or partially within the

corporate limits of such city or village. All The State Treasurer shall credit all license fees received by the commission for licenses issued pertaining to alcoholic liquors, including beer, shall be credited by the State Treasurer to the school fund as provided in Article VII, section 5, of the Constitution of Nebraska. All retail license fees received by the county treasurer, as provided in section 53-124, shall be credited to the school fund of the county.

Sec. 6. That section 53-1,117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-1,117. All sums of money received by the The State Treasurer shall deposit the proceeds from state registration fees and the gallonage tax on alcoholic liquors provided for in this act shall be placed by him section 53-160 in the General Fund.

Sec. 7. That original sections 53-123.12, 53-130, 53-138.01, and 53-1,117, Reissue Revised Statutes of Nebraska, 1943, and sections 53-117.05 and 53-131, Revised Statutes Supplement, 1990, are repealed.