

AMENDMENTS TO LB 973

1 1. Insert the following new section:

2 "Sec. 2. Section 53-1,104, Revised Statutes Supplement,
3 1999, is amended to read:

4 53-1,104. (1) Any licensee which sells or permits the
5 sale of any alcoholic liquor not authorized under the terms of such
6 license on the licensed premises or in connection with such
7 licensee's business or otherwise shall be subject to suspension,
8 cancellation, or revocation of such license by the commission.

9 (2) When an order suspending a retail license to sell
10 alcoholic liquor becomes final, the licensee may elect to pay a
11 cash penalty to the commission in lieu of suspending sales of
12 alcoholic liquor for the designated period if such election is not
13 prohibited by order of the commission. ~~For~~ Except as otherwise
14 provided in subsection (3) of this section, for the first such
15 suspension for any licensee, the penalty shall be fifty dollars per
16 day, and for ~~For~~ a second or any subsequent suspension, the
17 penalty shall be one hundred dollars per day. ~~7 except that:~~

18 (3)(a) For a second suspension for violation of section
19 53-180 or 53-180.02 occurring within four years after the date of
20 the first suspension, the commission, in its discretion, may order
21 that the licensee be required to suspend sales of alcoholic liquor
22 for a period of time not to exceed forty-eight hours and that the
23 licensee may not elect to pay a cash penalty. The commission may
24 use the required suspension of sales of alcoholic liquor penalty

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1 either alone or in conjunction with suspension periods for which
2 the licensee may elect to pay a cash penalty. For purposes of this
3 subsection, second suspension for violation of section 53-180 shall
4 include suspension for a violation of section 53-180.02 following
5 suspension for a violation of section 53-180 and second suspension
6 for violation of section 53-180.02 shall include suspension for a
7 violation of section 53-180 following suspension for a violation of
8 section 53-180.02; ~~and~~

9 (b) For a third or subsequent suspension for violation of
10 section 53-180 or 53-180.02 occurring within four years after the
11 date of the first suspension, the commission, in its discretion,
12 may order that the licensee be required to suspend sales of
13 alcoholic liquor for a period of time not to exceed fifteen days
14 and that the licensee may not elect to pay a cash penalty. The
15 commission may use the required suspension of sales of alcoholic
16 liquor penalty either alone or in conjunction with suspension
17 periods for which the licensee may elect to pay a cash penalty.
18 For purposes of this subsection, third or subsequent suspension for
19 violation of section 53-180 shall include suspension for a
20 violation of section 53-180.02 following suspension for a violation
21 of section 53-180 and third or subsequent suspension for violation
22 of section 53-180.02 shall include suspension for a violation of
23 section 53-180 following suspension for a violation of section
24 53-180.02; ~~and~~

25 (c) For a first suspension based upon a finding that a
26 licensee or an employee or agent of the licensee has been convicted
27 of possession of a gambling device on a licensee's premises in

1 violation of sections 28-1107 to 28-1111, the commission, in its
2 discretion, may order that the licensee be required to suspend
3 sales of alcoholic liquor for thirty days and that the licensee may
4 not elect to pay a cash penalty. For a second or subsequent
5 suspension for such a violation of sections 28-1107 to 28-1111
6 occurring within four years after the date of the first suspension,
7 the commission shall order that the license be canceled.

8 (4) For any licensee which has no violation for a period
9 of four years consecutively, any suspension shall be treated as a
10 new first suspension.

11 (5) The election provided for in ~~this~~ subsection (2) of
12 this section shall be filed with the commission in writing one week
13 before the suspension is ordered to commence and shall be
14 accompanied by payment in full of the sum required by this section.
15 If such election has not been received by the commission by the
16 close of business one week before the day such suspension is
17 ordered to commence, it shall be conclusively presumed that the
18 licensee has elected to close for the period of the suspension and
19 any election received later shall be absolutely void and the
20 payment made shall be returned to the licensee. The election shall
21 be made on a form prescribed by the commission. All funds received
22 under this section shall be remitted to the State Treasurer for
23 credit to the temporary school fund.".

24 2. On page 2, line 10, strike "is" and insert "and
25 section 53-1,104, Revised Statutes Supplement, 1999, are".

26 3. Renumber the remaining section accordingly.