



**Ninety-Ninth Legislature - First Session - 2005**  
**Committee Statement**  
**LB 107**

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**Hearing Date:** February 28, 2005  
**Committee On:** General Affairs

**Introducer(s):** (Friend)

**Title:** Change provisions relating to retail liquor license suspensions for second and subsequent violations

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**Roll Call Vote – Final Committee Action:**

- Advanced to General File
  - X Advanced to General File with Amendments
  - Indefinitely Postponed
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**Vote Results:**

8	Yes	Senators Connealy, Cornett, Erdman, Fischer, Friend, Janssen, Landis, Wehrbein
0	No	
0	Present, not voting	
0	Absent	

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**Proponents:**

Senator Mike Friend  
Diane Riibe  
Susie Dugan

**Representing:**

Introducer, District #10  
Project Extra Mile  
PRIDE-Omaha, Inc.

**Opponents:**

Mike Kelley  
Kathy Siefken  
Jim Moylan

**Representing:**

Responsible Beverage Operators of Nebraska  
Nebraska Grocery Industry Association  
Nebraska Licensed Beverage Association

**Neutral:**

Hobert B. Rupe

**Representing:**

Nebraska Liquor Control Commission

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**Summary of purpose and/or changes:**

LB 107 would extend the period from 4 years to 10 years that the Liquor Control Commission may consider for penalties in second or subsequent violations of certain sections of the Liquor Control Act by a licensee.

**Section 1** amends §53-1,104, relating to liquor license suspensions, by allowing the Commission to review of a licensee's violation record for a period of 10 years, instead of 4, after the date of the first suspension when the licensee is before the Commission

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because of a violation leading to a second, third, and subsequent suspensions under §53-180 or 180.02 (relating to sales to minors.)

Further allows the Commission to review a licensee's suspension record for 10 years, instead of four, after the date of the first suspension, when the licensee is before the Commission because of a possession of a gambling device conviction.

If a licensee has no violations for 10 consecutive years, any suspension is to be treated as a new, first suspension. Directs the commission to remit funds collected for penalties to the State Treasurer for distribution in accordance with Article VII section 5, of the Nebraska Constitution.

**Section 2** amends §53-1,106, relating to charging for violations of the Liquor Control Act, by changing from 4 to 10 years the period of time in which the licensee's record of filed indictments, complaints, affidavits or records of former convictions may be considered when prosecuting for a violation of the Liquor Control Act.

**Section 3** repeals the original sections.

**Explanation of amendments, if any:**

The committee amendment changes all new references to 10 years to 6 years. The bill would then extend the period from 4 years to 6 years that the Liquor Control Commission may consider when determining penalties for second or subsequent violations of the Liquor Control Act (the provisions dealing with selling to minors, possession of a gambling device), and when prosecuting for a violation of the Act.

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**Senator Ray Janssen, Chairperson**