

February 25, 1991 LB 344

PRESIDENT MOUL: Thank you, Senator Smith. Senator Nelson, she seeked to be recognized. We'll now recognize Senator Hartnett, followed by Senator Schmit. Senator Hartnett.

SENATOR HARTNETT: Madam Chairman and members of the body, I have served on the...started out as the Miscellaneous Subjects Committee and now the General Affairs Committee since I've been in this body and so forth and this is the first time a bill has been brought with us like this from the Liquor Commission and it is, like Senator Smith has said, it is a cleanup bill. It does bring it all, kind of brings all the statutes together and brings it up-to-date into the 1990s and I also was going to make a comment that that's not true of another area that we deal with in General Affairs. We get one of these "trust me" things about that thick every year, but not from the Liquor Commission, so I rise to support the LB 344.

PRESIDENT MOUL: Thank you, Senator Hartnett. Senator Schmit.

SENATOR SCHMIT: Mr. President and members, I just wonder if anyone had read the whole 125 pages of the bill. Do you think, Senator Smith, anyone has read it? I have a question, Senator Smith. I notice there a number of fees are included in this bill. Has the committee ever seriously considered the inequity that exists when a violation of liquor laws are levied against the various institutions? For example, in a village such as Bellwood, if an establishment there violates the liquor laws they can be closed up for a period of 10 days or fined \$500, \$50 per day. In the City of Omaha the same violation can draw the same kind of a penalty, \$50 per day or \$500 for 10 days. Now in Bellwood, Nebraska, \$50 of revenue could well constitute the total receipts some day, let alone profit. And so the penalty is much, much higher there than it would be in Omaha where \$50 would constitute a 10 minute run during happy hour. Has the committee ever considered the lack of equity in this type of penalty? It's a question of Senator Smith.

SENATOR SMITH: Senator Schmit, this bill does not deal with anything that is substantive in changes of any kind and if we had dealt with penalties and changing the penalties, that would have made it become substantive. The idea of it was not to deal with that in this bill. This just deals with going through the whole act and cleaning it up and harmonizing it. So that is the reason that wasn't addressed in this bill.