

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

May 3, 1999

LB 267, 719

CLERK: Senator Bourne would move to amend with AM1431, Mr. President. (AM1431, Legislative Journal page 1708.)

SPEAKER KRISTENSEN: Senator Hilgert, I understand you're authorized to handle this amendment, and you're...

SENATOR HILGERT: I am, Mr. Speaker.

SPEAKER KRISTENSEN: Thank you. You're recognized to open.

SENATOR HILGERT: Thank you very much. This is a very...this was the bill LB 719, basically, that was on consent that was taken off consent. It came out of committee unanimously, eight/zip. It's a rather simple bill. It changes one word "shall" to "may". The current law states that retailers shall maintain a separate book, a record for each person who has furnished documentary proof of age in the purchase of alcohol. This would simply change the "shall" to "may" which more accurately reflects the current practice with respect to this book. This book is also known as the minors book. It's maintained for the purpose of protecting the retailer. If a minor manages to purchase alcohol with the use of a fake ID and then signs the book verifying the ID he or she has produced as valid, the information in the book serves as an absolute defense for the retailer to the charge of selling alcohol to a minor. The language requiring retailers to have each and every person who provides documentation for a purchase to also sign the book was adopted in 1969. I might add here I conversed with my predecessor, Senator Bill Skarda, who was actually a senator that had an interest in this back in 1969. His impression, because it was a defense, that it was always a "may". This is something to protect the retailer. And this was also prior to pictures appearing on driver's license, which happened around 1977. With the use of picture IDs, it had become unnecessary for every single person to verify in writing that the identification they're using is actually them. It's an antiquated statute. In addition, most retailers have in-store policies which require the carding of people who look younger than, let's say, 30 years old, which is several years older than the 21 years that is required to purchase alcohol. These policies serve as an extra protection against the sale of