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LB 126, 267

add consumption to the definition of minor in possession; and it would change the penalties to the notices required...adding the changes in penalties to notices required to be posted in retail establishments. Would also establish a framework for compliance checks concerning sales to minors. Compliance checks would have to be conducted by, in conjunction with, or under the direction of the Nebraska State Patrol, and conducted pursuant to guidelines adopted by the Patrol, with input from the commission. The guidelines would require truthful identification of the underage individual and truthful responses to inquiries and appear in the manner consistent with their age. The Patrol would be required to maintain records of compliance checks, and make a report to the commission by the December 1 of each year. The term "consume" would also be defined as drinking or otherwise ingesting alcoholic liquor. It may be proved by visual observation of the person consuming liquor, or the physical appearance of the person, including evidence of intoxication or the aroma of alcohol to the breath of the person. There'd be a rebuttable presumption that a person having 0.01 percent of alcohol in their blood has consumed alcohol. A person charged with the consumption would have the right to a chemical test pursuant to other sections. The term "possession" would be defined as, in physical contact with or having physical control over alcoholic liquor. There would be a rebuttable presumption that a person having a container of alcohol within reach of his or her arms is in possession of such liquor. There'd be a driver's license reinstatement fee of \$95, allocated as follows: \$50 to the General Fund, and \$45 to the Department of Motor Vehicles. Throughout the debate on LB 267, we heard comments from some of our colleagues. In fact, Senator Engel this morning talked about taking away the driver's license of those minors who attempt to purchase alcohol. This amendment I present to you for your consideration, for your discussion, and would encourage the body to do so, and perhaps adopt, should they see fit. I believe that this was taken out of LB 126, which was Senator Stan Schellpeper's priority bill. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Hilgert. For discussion on the Hilgert amendment to LB 267, Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, let me be short and to the point here. I know that a good portion of