

AMENDMENTS TO LB 810

Introduced by Judiciary.

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. (1) A retail licensee shall, prior to allowing
4 an employee to sell or serve alcoholic liquor, train the employee
5 by electronic means. A retail licensee shall retain proof of
6 electronic training until the training under subsection (2) of this
7 section is complete.

8 (2) A retail licensee shall train its employees who sell
9 or serve alcoholic liquor within sixty days after the operative
10 date of this act for employees employed on the operative date
11 of this act or within sixty days after employment for employees
12 hired after the operative date of this act. The training shall be
13 provided pursuant to section 53-117.03. An employee shall receive a
14 certificate evidencing completion of the training. Employees shall
15 complete the training every three years.

16 (3) A retail licensee who violates this section shall be
17 subject to the same punishment provided for violation of section
18 53-180.

19 Sec. 2. Section 53-101, Revised Statutes Supplement,
20 2007, is amended to read:

21 53-101 Sections 53-101 to 53-1,122 and section 1 of this
22 act shall be known and may be cited as the Nebraska Liquor Control
23 Act.

1 Sec. 3. Section 53-1,104, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 53-1,104 (1) Any licensee which sells or permits the
4 sale of any alcoholic liquor not authorized under the terms of
5 such license on the licensed premises or in connection with such
6 licensee's business or otherwise shall be subject to suspension,
7 cancellation, or revocation of such license by the commission.

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

17 (3) (a) For a second suspension for violation of section
18 53-180 or 53-180.02 or section 1 of this act occurring within four
19 years after the date of the first suspension, the commission, in
20 its discretion, may order that the licensee be required to suspend
21 sales of alcoholic liquor for a period of time not to exceed
22 forty-eight hours and that the licensee may not elect to pay a
23 cash penalty. The commission may use the required suspension of
24 sales of alcoholic liquor penalty either alone or in conjunction
25 with suspension periods for which the licensee may elect to pay a
26 cash penalty. For purposes of this subsection, second suspension
27 for violation of section 53-180 shall include suspension for a

1 violation of section 53-180.02 following suspension for a violation
2 of section 53-180 and second suspension for violation of section
3 53-180.02 shall include suspension for a violation of section
4 53-180 following suspension for a violation of section 53-180.02;

5 (b) For a third or subsequent suspension for violation
6 of section 53-180 or 53-180.02 or section 1 of this act occurring
7 within four years after the date of the first suspension, the
8 commission, in its discretion, may order that the licensee be
9 required to suspend sales of alcoholic liquor for a period of time
10 not to exceed fifteen days and that the licensee may not elect to
11 pay a cash penalty. The commission may use the required suspension
12 of sales of alcoholic liquor penalty either alone or in conjunction
13 with suspension periods for which the licensee may elect to pay a
14 cash penalty. For purposes of this subsection, third or subsequent
15 suspension for violation of section 53-180 shall include suspension
16 for a violation of section 53-180.02 following suspension for a
17 violation of section 53-180 and third or subsequent suspension
18 for violation of section 53-180.02 shall include suspension for a
19 violation of section 53-180 following suspension for a violation of
20 section 53-180.02; and

21 (c) For a first suspension based upon a finding that a
22 licensee or an employee or agent of the licensee has been convicted
23 of possession of a gambling device on a licensee's premises in
24 violation of sections 28-1107 to 28-1111, the commission, in its
25 discretion, may order that the licensee be required to suspend
26 sales of alcoholic liquor for thirty days and that the licensee
27 may not elect to pay a cash penalty. For a second or subsequent

1 suspension for such a violation of sections 28-1107 to 28-1111
2 occurring within four years after the date of the first suspension,
3 the commission shall order that the license be canceled.

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

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

23 Sec. 4. This act becomes operative on January 1, 2009.

24 Sec. 5. Original section 51-1,104, Reissue Revised
25 Statutes of Nebraska, and section 53-101, Revised Statutes
26 Supplement, 2007, are repealed.