

AMENDMENTS TO LB 810

(Amendments to AM2664)

Introduced by Kruse, 13.

1 1. Strike section 3 and insert the following new section:

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

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

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

18 (2) For a first suspension for violation of section
19 53-180 or 53-180.02 or section 1 of this act, the commission shall
20 order that the licensee be required to suspend sales of alcoholic
21 liquor for a period of time not to exceed seven days.

22 (3) (a) For a second suspension for violation of section

1 53-180 or 53-180.02 or section 1 of this act occurring within four
2 years after the date of the first suspension, the commission, ~~in~~
3 ~~its discretion,~~ may shall order that the licensee be required to
4 suspend sales of alcoholic liquor for a period of time not to
5 exceed ~~forty-eight hours~~ and that the licensee may not elect to pay
6 a cash penalty. The commission may use the required suspension of
7 sales of alcoholic liquor penalty either alone or in conjunction
8 with suspension periods for which the licensee may elect to pay
9 a cash penalty. ten days. For purposes of this subsection, second
10 suspension for violation of section 53-180 shall include suspension
11 for a violation of section 53-180.02 following suspension for a
12 violation of section 53-180 and second suspension for violation
13 of section 53-180.02 shall include suspension for a violation of
14 section 53-180 following suspension for a violation of section
15 53-180.02;

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

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

5 (c) For a first suspension based upon a finding that a
6 licensee or an employee or agent of the licensee has been convicted
7 of possession of a gambling device on a licensee's premises in
8 violation of sections 28-1107 to 28-1111, the commission, in its
9 discretion, may order that the licensee be required to suspend
10 sales of alcoholic liquor for thirty days, and that the licensee
11 may not elect to pay a cash penalty. For a second or subsequent
12 suspension for such a violation of sections 28-1107 to 28-1111
13 occurring within four years after the date of the first suspension,
14 the commission shall order that the license be canceled.

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

18 ~~(5) The election provided for in subsection (2) of~~
19 ~~this section shall be filed with the commission in writing one~~
20 ~~week before the suspension is ordered to commence and shall be~~
21 ~~accompanied by payment in full of the sum required by this section.~~
22 ~~If such election has not been received by the commission by the~~
23 ~~close of business one week before the day such suspension is~~
24 ~~ordered to commence, it shall be conclusively presumed that the~~
25 ~~licensee has elected to close for the period of the suspension~~
26 ~~and any election received later shall be absolutely void and the~~
27 ~~payment made shall be returned to the licensee. The election shall~~

- 1 ~~be made on a form prescribed by the commission. All funds received~~
- 2 ~~under this section shall be remitted to the State Treasurer for~~
- 3 ~~credit to the temporary school fund.~~