

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB592

Hearing Date: Monday March 25, 2019
Committee On: General Affairs
Introducer: Briese
One Liner: Provide additional powers to the Nebraska Liquor Control Commission to suspend sales of alcoholic liquor

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	5	Senators Arch, Brandt, Briese, Lowe, Moser
Nay:	1	Senator Blood
Absent:		
Present Not Voting:	2	Senators Hunt, Wayne

Oral Testimony:

Proponents:

Tom Briese
Hobert Rupe
Portia Cavitt

Chris Wagner

Representing:

Introducer
Nebraska Liquor Control Commission
National Coalition of 100 Black Women/ Clair Memorial UMC
Project Extra Mile

Opponents:

Kathy Siefken
Vanessa Silke
Rich Otto

Ken Schilz
Tim Keigher

Representing:

Nebraska Grocery Industry Association
Nebraska Craft Brewers Guild
Nebraska Retail Federation/ Nebraska Restaurant Association
NLBA
Nebraska Petroleum Marketers and Convenience Store Association

Neutral:

Representing:

Summary of purpose and/or changes:

LB592 allows the Liquor Control Commission the authority within its discretion to require mandatory closure days for a period of time not to exceed forty-eight hours in lieu of a cash penalty for second or subsequent violations of the Nebraska Liquor Control Act.

LB592 makes the following changes by section:

Section One of the Bill: Amends section 53-1, 104 to allow the commission in its discretion to order a licensee be required to suspend sales of alcoholic liquor for a period not to exceed forty-eight hours in lieu of a cash payment for a second suspension violation of any provision of the Nebraska Liquor Control Act.

Removes additional statutory sections listed which are included as violations for purposes of this section that are no longer necessary as any second or subsequent violation of the liquor control act is now included.

Section Two of the Bill: Repeals the original section

Explanation of amendments:

The committee considered and adopted AM1359 which accomplishes the following:

Removes the original language and content of LB592.

Adds in two provisions of LB584 (Hilgers)-Change Farm Winery Provisions

The two provisions from LB584 included in AM1359 make changes to 3 sections of law and are as follows:

-Amends section 53-103.13 to lower the percentage of grapes, fruit, or other suitable agricultural products that must be grown in this state to meet the definition of farm winery from seventy five percent of the finished product grown in this state to sixty percent of the finished product grown in this state.

-Amends section 53-123.13 to harmonize with the above percentage change by allowing when requested by the operator of a farm winery, due to natural disasters and and taking into consideration the availability of products used in farm wineries in this area, the commission within its discretion to waive the lowered sixty percent requirement to reduce the percentage of grapes, fruit or other suitable products that must be grown in this state. This waiver is currently allowed in statute, but AM1359 would make a technical change from seventy five percent to sixty percent to harmonize provisions.

-Amends section 53-123.11 to increase the number of branch outlets that a farm winery may allow the sampling and sale of its wine at from one to four branch outlets.

No other provisions from the original language or committee amendment to LB584 are included in AM1359.

Testifiers for LB584 were as follows:

Proponents:

Beau Ballard, Senator Mike Hilgers/ Introducer
Mike Schilling, Nebraska Wine and Grape Growers
Jim Ballard, James Arthur Vineyards
John Siebert, Junto LLC
Tim Murman, Glacial Till Vineyard and Winery
Richard Hilske, Cellar 426 Winery
Les Meyer, Nebraska Wine and Grape Growers

Opponents:

Justin Brady, NE Liquor Wholesalers Association
Joe Kohout, Associated Beverage Distributors of NE
Chris Wagner, Project Extra Mile

Neutral:

Hobert Rupe, Nebraska Liquor Control Commission

For Additional information on the original language and committee amendment to LB584 please see the committee

statement for LB584.

Tom Briese, Chairperson