

January 24, 1984

LB 947

CLERK: 25 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SPEAKER NICHOL: The committee amendments are adopted. Back to the bill. Senator Hefner.

SENATOR HEFNER: Mr. President and members, I move for the advancement of LB 947. This bill contains three provisions. The purpose of the first is to repeal the obsolete language in the definition of a Class C and a Class D retail license. The obsolete language refers to catering. Catering provisions in the Nebraska Liquor Control Act have been repealed. We repealed that last year in another bill. The purpose of the second provision is to provide for a fair licensing procedure. After an application is filed with the Nebraska Liquor Control Commission, a mandatory forty-five day waiting period is imposed before the license can be issued by the Commission. This bill, LB 947, allows the Commission to waive the balance of the forty-five day waiting period if the Commission finds no problem in doing so and if all application procedures have been successfully complied with. It is the intent of the committee that the forty-five day waiting period is arbitrary if all other procedures have been successfully complied with. I would like to cite an example, say a person is building a new restaurant or a new lounge or a bar, if everything was in order, they would not have to wait the full forty-five days, so maybe they would be able to start up in thirty-five or thirty-eight or forty days. Thus they would be getting a return on their investment before the forty-five day limit. The purpose of the third provision of this bill is to make the appeal process to district court on decisions, rules and orders of the Commission the same as most of the other state agencies. The appeals for most of the state agencies are tried on the record of the agencies. The Nebraska Liquor Control Act allows for additional, for additional testimony to be introduced in an appeal. LB 947 requires an appeal to be tried on the record of the Commission. This will result in a less complicated and therefore a less expensive appeal process. So it would mean that it would cost the state less. It would also bring us in compliance with the Administrative Appeals Act. And so I move the advancement of LB 947.