

May 17, 1973

(Start of Belt #12)

withdrawal of LB 313. Hearing none, so ordered. The bill is withdrawn. What else do we have on the desk? Attention please, a communication from the Governor.

CLERK: We have a report from Burl Johnson addressed to the Governor from the state Civil Defense Agency. Read.

PRESIDENT: Thank you.

CLERK: LB 111, Mr. President, on Select File. The bill was advanced to Select File. The E & R amendments have been adopted. The bill was laid over several days ago. There are now a series of amendments. The first one is by Senator Carpenter to add the emergency clause.

PRESIDENT: The chair recognizes Senator Carpenter, for his amendment to 111.

CLERK: Well, there is a series of amendments by Senator Carpenter. Do you want to combine them all? Ok. There is one to add the emergency clause and then two others that amend the bill. Senator Carpenter.

SENATOR CARPENTER: The one, the first part, is to add the emergency clause which is self-explanatory. The first part of the other amendment is to eliminate from this bill the provision due to the licensing of dispensers in the area of a retail licensee. As you probably will recall, it was put in there in the beginning, as I recall, as a result of the recommendation of the Commission itself. Later they have been concerned about the volume of licensing all these, not the license, the dispensers because there is literally hundreds of them. They were concerned later, as I understand it, because of the cost involved, the element of time, so for the time being they would prefer that'd we would eliminate from the bill the dispensers. Now in order, again, to indicate what this meant. It meant, for example, that a licensee who is now under the laws of the state would not be affected one way or the other from any penalty as the result of being sighted for anything that might violate the liquor laws and the rules and regulations. Its other purpose was to license those people who work for the licensee. The purpose of that was to give them some responsibility to the extent they would take more of an interest than sometimes they now do in order to protect the licensee who they are working for. I am sure you realize, if you had a license, you was the sole owner and you left and you left the country and the privilege you had within the area of the responsibility one man and if he wasn't reasonably careful, you could be cited and you wouldn't lose your license, probably, the first or second time but you would be closed up or you would have to pay a substantial fine in lieu of that. Now that's what this first amendment does. Now the second part of the same amendment is, it says in substance, this is all it says, that the price of liquor will be delivered F.O.B. the point of destination. In other words, the price of liquor from the wholesaler to the retailer would be the same on the same brand anywhere and everywhere within the state. Now that's the same policy we have on beer and have had on beer for a number of years. We are attempting, for the obvious reason, to make them, two, uniform. Let me go back, last year, I got a ruling from the attorney general and before that time the licensee or the retailers in Omaha and the nearby town, there liquor being delivered to them free of charge by the wholesaler but those dealers who were not in that specific area had to pay the freight. Now the Attorney General ruled because of the intent of the law that then existed and now exists that they couldn't do that and what would have to happen is that those retailers in Omaha would have to either come after it or have it delivered to them at their own expense so that they, in a general sense, the licensee in