

Amendment No. 269

Assembly Amendment to Assembly Bill No. 221

(BDR 20-270)

Proposed by: Committee on Judiciary**Amendment Box:** Replaces Amendment No. 217.**Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 2, by deleting lines 9 and 10 and inserting:

“2. The liquor board in each of the several counties shall enact”.

Amend sec. 2, page 3, by deleting lines 11 and 12 and inserting:

“268.090 1. In addition to any authority or power now provided by the”.

Amend sec. 8, page 4, by deleting line 2.

Amend sec. 8, page 4, line 3, by deleting “(b)” and inserting “(a)”.

Amend sec. 8, page 4, line 4, by deleting “(c)” and inserting “(b)”.

Amend sec. 9, page 4, line 16, by deleting “act.” and inserting:

“act within 30 days after the employee is employed to sell, handle or serve alcoholic beverages.”.

Amend sec. 9, page 4, line 17, by deleting “may” and inserting “shall”.

Amend sec. 9, page 4, between lines 23 and 24 by inserting:

“4. Any money collected by the Department from fines pursuant to subsection 3 must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime created by NRS 217.260.

5. Any law enforcement agency whose officer discovers a violation of this section shall report the violation to the Department.”.

Amend sec. 10, page 4, line 28, by deleting “4” and inserting “2”.

Amend sec. 10, page 5, by deleting lines 2 through 14 and inserting:

“alcoholic beverage awareness program if the Administrator determines that:”.

Amend sec. 10, page 5, line 15, by deleting “(1)” and inserting “(a)”.

Amend sec. 10, page 5, line 17, by deleting “(2)” and inserting “(b)”.

Amend the title of the bill, fourth line, by deleting “authorizing” and inserting “requiring”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Under local ordinances adopted by certain counties and cities, persons who serve, sell or distribute alcoholic beverages must complete an alcohol awareness training course. (Clark County Code § 8.20.055, Las Vegas Municipal Code § 6.5.520, North Las Vegas Municipal Code § 5.26.520)

This bill requires by state statute that employees of certain establishments which sell alcoholic beverages complete an alcoholic beverage awareness program certified by the Commission on Postsecondary Education. This requirement is phased in over the next several years. This bill requires the owner or operator of such an establishment to ensure that by July 1, 2006, at least one employee who has successfully completed the program is on the premises during the hours that the establishment is open for business. In addition, after January 1, 2008, this bill requires that every employee of an establishment who sells, handles or serves alcoholic beverages successfully complete an alcoholic beverage awareness program certified by the Commission within 30 days after employment. This bill defines an "establishment" subject to the provisions of the bill as a business that sells alcoholic beverages by the drink for consumption on the premises or that sells alcoholic beverages in corked or sealed containers for consumption off the premises. Wholesale liquor distributors and private clubs and other facilities that are not open to the public are not included in the definition.

Existing law establishes the authority of county liquor boards and incorporated cities to regulate and license the sale of intoxicating liquor. (NRS 244.350, 268.090) Existing law authorizes an incorporated city to fix, impose and collect a license tax on the sale of beer, wines or other alcoholic beverages and requires the Department of Taxation to administer and enforce laws related to the importation and sale of intoxicating liquors. (NRS 268.090, 369.150) Existing law also requires sheriffs and police officers to assist in the enforcement of the licensing and tax laws related to intoxicating liquor. (NRS 369.540)

This bill prohibits a county liquor board or incorporated city from granting a license to, or renewing the license of, an owner or operator of an establishment who has violated the provisions of this bill more than three times during any 24-month period. The Department of Taxation is also required to impose an administrative fine against an owner or operator for violating the provisions of this bill. This bill further provides that a law enforcement agency whose officer discovers a violation of the provisions of this bill is required to report the violation to the Department of Taxation.