

February 23, 1981

LB 124

is to cease debate. All those in favor vote aye, those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on ceasing debate? Once more, have you all voted on ceasing debate? Record the vote.

CLERK: 19 ayes, 10 nays to cease debate, Mr. President.

SENATOR CLARK: Motion has failed. Debate is not ceased. Senator Newell.

SENATOR NEWELL: Mr. President, members of the body, I rise to support LB 124 and to oppose the Fowler amendment. Now I have been listening to the debate and I think it is very interesting. There is a lot of confusion around what this bill does and what its intent is and what, in fact, will be the effectiveness of the legislation. Let me say as I read Senator Fowler's amendment, it takes out some clarifying language but probably wouldn't affect the bill in any substantial way and I think that that would create some problems down the road in terms of truly understanding just what the purposes of this legislation is. Let me assure Senator Dworak, if I could, who has a legitimate point but I think maybe hasn't analyzed it as well as he should that this bill, in fact, is not screwed down...Senator Dworak, is Senator Dworak...he is listening, that is good...Senator Dworak, this bill does not screw down to any great extent the number of people that will be getting liquor licenses. In fact, what the bill does is it allows for a better interpretation of what has always been the case, for a more clear interpretation of what has always been the case in the issuance of liquor license by the Commission. Let me explain the problem and how we got to where we are at. The problem is very simple. We found that over the years since Nebraska has not delineated each and every possible criteria for denying a liquor license that the Supreme Court in recent cases has decided that there is no real criteria unless the Legislature has delineated that, and so when that happened, there was some legitimate liquor licenses that should have been denied that were, in fact, allowed to go through because of these court cases. And so the Legislature, the Miscellaneous Subjects Committee was faced with a couple of options and those options were (a) put in a quota system. Senator Dworak, you have always been opposed to the quota system so I knew with you in mind or this Committee knew with you in mind that we would not want to offer such a ludicrous sort of proposal for this Legislature to tear apart. (b) was to delineate thousands of different