

SENATOR FOWLER: Mr. President, again talking on page 3 of LB 124, section (c) and (d), I introduced an amendment to strike those sections so that perhaps we could get a little clarification as to what the intent was of the criteria that would be used by the Liquor Commission to decide whether or not to allow a new license and I guess I do not think that that clarification was forthcoming, at least to the detail that we'd need. There were suggestions made, Senator DeCamp and others, that this was to try and slow down the number of liquor licenses. In fact perhaps it could stop the granting of new liquor licenses because let's say you go in and request one. You don't know what is the criteria other than public convenience and necessity and all the Liquor Commission says is you didn't prove you are serving the public convenience and necessity but they won't tell you how to prove that. At least no one here on the legislative floor can explain how do you prove that. Then we get to Section (d) where you talk about distinct needs of an individual customer. In fact, Senator Hefner himself admitted it may be very difficult to try and explain what is the distinct need of a liquor customer. I mean it seems that the needs are either type of alcohol, bourbon versus beer, brand of alcohol, Wild Turkey versus something else, hours that you want to drink. Those seem to be the needs that I am not sure that any of those really are needs of customers. They are more like professed desires. I am not sure that there is any necessity that could ever be proven for the existence of a bar. Now this Legislature I think prides itself on being against government regulation and, in fact, probably a number of Senators have used the phrase about "let's leave small business alone and let's deregulate industry", and so on, but then we are going to write into statutes language that a small businessman must comply with that we can't even explain. We are going to ask that someone explain as a bar owner before they get a license what needs of a customer they are going to serve. They are going to talk about the necessity of a community to have a bar and I daresay that those are impossible things to prove. If the desire was to try and develop more specific criteria for granting liquor licenses so that those licenses, denials or acceptances, could hold up in court, I don't think this bill does it because I think this criteria is as broad and as ambiguous and as impossible to define as anything else and all we have done is pass the decision back to the Liquor Commission. I would suggest that we strike Sections (c) and (d) and we are left with two basic understandable criteria for a liquor license, that the applicant is fit, willing and able to provide the service, and that the applicant will follow the laws of the state and the regulations of the Liquor Commission, and to try and ask