

First of all, if you would look at the one that talks about technical problems with the amendment...

PRESIDENT: Were you through, or just taking a breath?

SENATOR SMITH: No, no, I'm not.

PRESIDENT: Okay.

SENATOR SMITH: Okay, actually when you talk about, number one, Section 4 eliminates the power of the commission to receive license applications from manufacturers, distributors, nonbeverage users and so on, page 5, lines 4 through 10, the language on page 5 says the commission has to approve "deniance" on the license. The power to receive applications is implicit in that power. We don't have to state that. They can do that. We don't have to state that they can make...that they can receive applications. How can they act upon them, if they can't receive them? It's just like we don't say that when we talk about what commissions or anyone else can do, that we have to tell them you can go and unlock your door and go in that day. This is implicit. Number two, the amendment completely eliminates the power of the commission to hear and determine appeals. I've told you about the fact that the appeals process has now gone to the district court, because local control is final. This is a local control piece of legislation, that's the process we have to use in order to do that. Number three, Section 7 states that either the city or the Nebraska Liquor Control Commission may revoke a liquor license after the commission has caused a forfeiture of the license. There is no standard to determine who may revoke the license. It is possible that both may attempt to revoke a license with conflicting results. And they talk about page 22, lines 16 through 24, and page 23. They are only revoked for cause, which would have to be a violation of the Liquor Control Act. This can be a problem. Case law states that the license can only be revoked once for violation under a section of the statutes so that the commission and the local governing body can act at the same time. Instead, either of them can act. I can't see what the problem with this is. Number four, there are three sections dealing with the revocation of liquor licenses, and all three sections have different standards. What this does, instead of saying that you have three different standards here, is that you provide three different ways that licenses can be revoked. It's not three different standards. Number five, Section 12 allows