

with the roll call vote. Take your seats. Reverse order on the Smith amendment. Mr. Clerk.

CLERK: (Roll call vote taken. See page 2593 of the Legislative Journal.) 29 ayes, 7 nays, on adoption of the amendment, Mr. President.

SPEAKER BARRETT: The amendment is adopted. Senator Smith, would you like to readvance the bill?

SENATOR SMITH: Yes, Mr. Speaker. I would request that the bill be readvanced.

SPEAKER BARRETT: Thank you. Senator Lindsay, discussion?

SENATOR LINDSAY: Mr. President, colleagues, I'm not going to beat a dead horse. I just want to, I guess, make sure that everybody is aware at least of what my position on this is, and that is I don't think we're talking about an issue of local control. Local control, I think, the Legislature has, at least in the past under 911, determined that local control is good policy, and I'm not going to quibble with that. That is not the question. I think what's been brought out in some of the debate, though, is there is some question about exactly what the amendments do. That is my objection to the bill now, as amended, I guess. It's just there are some questions to it. There are some things that I'm not sure that we intended to do here and that is by readvancing it now we are going to accomplish those things. Personally, my biggest objection has been with the standard of review, not with the appeals process. Senator Smith very accurately states that, sure, you've got to give the cities...they can't come under the ABA, under the Administrative Procedures Act, they have to come under a separate appeals process. But there is nothing to prevent cities from having a direct appeal to the courts and yet having a different standard of review. We are stripping a lot of your license holders, the people in your districts, and you'll hear from them, I'm sure, when it starts coming up, but you're stripping them of some of their judicial review, of the court's ability to review a local board that may get out of control. In Nebraska, we're fortunate we've got...the local boards we've got are good. Once in a while they do get bad. And, if they weren't getting bad, then there would be no reason to have a lot of recalls that we've had going on around the state. And, remember, those are the ones that the people aren't happy with,