

CLERK: Madam President, LR 9CA was introduced by Senators Smith, Cudaback, Rod Johnson, Rogers and Rasmussen. (Read title.) The resolution was introduced on January 22 of 1991. At that time it was referred to the General Affairs Committee. The resolution was advanced to General File. I have no committee amendments pending at this time.

PRESIDENT MOUL: Senator Cudaback.

SENATOR CUDABACK: Madam President, Senator Johnson was going to be here and address this bill as well as myself. I do not see him. Here he comes now, so we'll let Senator Johnson speak first and I will speak later.

PRESIDENT MOUL: Senator Johnson.

SENATOR R. JOHNSON: Thank you, Madam Chair. As some of you may know, this bill was orphaned by the departure of former Senator Jacky Smith from last year, but basically the bill does two things. If you recall on some of the liquor license problems we've had in this Legislature over the years we've tried to maintain a certain amount of local control for our municipalities, our counties in issuing liquor permits. We've passed a number of bills to set a standard by which the municipalities can basically regulate and provide for liquor permits. The concern is that in previous bills that we've passed that there seems to be a change in opinions from the courts about providing for permits. And what this bill basically does it provides one that, provides in the Constitution the authority of local governing bodies to approve or deny retail and bottle club license and also provides in the Constitution that a liquor license is a personal privilege and not a property right. There is some concern that the local governments will not provide for due process. That is not the case. The Legislature has provided for these standards that the municipalities have to follow. They are obviously to provide for hearing notice before any license is approved or taken away or denied. They can also go through the courts if they need to. We're not trying to deny rights to our liquor license holders, but we're trying to set up a standard by which the local folks, whether it be a municipality or county, can decide whether or not they wish to issue a license. There has been some concern or at least in the past where a municipality has denied a permit but then it was appealed on to the Liquor Commission and the Liquor Commission then gave out the permit and that upset some