

shouldn't have them. And what this constitutional amendment does, it puts that in our Constitution, that statute in our Constitution, because I feel that if we want the local government to...local governments to have that authority, then we need to put it in our Constitution. I think this LR 9 is a good way to go. I've listened to some of the arguments why it isn't, but I can see no reason why we wouldn't want it in our Constitution. And this way, we tell the State Supreme Court that we want it this way, that local government wants to control the liquor licenses and know where they are going. And so I would urge that you vote against the indefinitely postponement of this amendment.

PRESIDENT MOUL: Thank you, Senator Hefner. Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Madam President and members of the body. As a matter of maybe a little history about how this works, here years ago what happened with liquor licenses is a city did have control over it, and this was back when the city council had complete control over who got a license and who didn't, and they could kind of control their own little area. Abuses came along. City council would...whoever ran for city council would say I am going to get Jerry's Bar in Wayne, I am going to close it down, and there were disputes. Whoever got elected to city council could be vindictive against people with liquor licenses, could really control who had a business and who didn't. Those people went to the courts and got relief, saying, look, our liquor license is our livelihood, it has some property right to us, and we are entitled to some due process. And so the pendulum swung the other way. The state said, look, if this is going to be a property right, we are going to take over and the state is going to control liquor licenses, and the state is going to handle those things. Well, the state didn't do a very good job because they couldn't take into consideration local needs. They couldn't take into consideration each community's individual desires, wants, and likes, and so what we have done for the last ten years or so is to try to strike a balance between what the local city wants, and that is the discretion of who gets liquor licenses, and the state's need to protect those people's property rights from local abuse. And so you have got the city on one hand trying to control its own destiny, yet the state trying to protect the individual rights, and it is a balance. It is a balance between the locals and the state. Unfortunately, you run into the Constitution of Nebraska that says that the state can't delegate those sorts of regulatory