## TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

March 30, 2006 LB 845

a city council and the local discretion was that a license ought not be granted. And we were slightly offended when the state commission would override our decision and they, you know, certainly had their own requirements and so forth. I've seen other situations where city ordinance, by way of zoning, can address some issues but, by way of zoning, has kept competition out. And I'm not speaking of the liquor business. I'm speaking of other businesses that the city effectively has to grant the new ability or the ability for someone to compete in the marketplace. And that makes me a bit uneasy because there are various political factors that exist and it oftentimes doesn't boil down to whether something...or where something should go, which is a zoning issue, but whether or not it should even exist. And really, I think we shouldn't go there. My concern is oftentimes that there are too many liquor licenses in certain I fully agree with that. And I think Senator Landis certainly does touch on some of the realities that exist because of the time differential and the law enforcement concerns and the social impact of a concentrated number of liquor licenses. Thank you, Mr. President.

SENATOR CUDABACK: Senator Landis.

SENATOR LANDIS: Is this to close?

SENATOR CUDABACK: There are two lights on other than yours.

SENATOR LANDIS: Foot on the dock, foot in the boat, understand the situation that Senator Smith finds himself in. I think in the end, if we got to pick, the local political subdivisions who are asking for this authority is a good one to The Liquor Control Commission who's been battling in court with people who want expanded alcohol opportunities to try to make sure that we had disciplined control over them is the right one to choose. And the argument about equal treatment is an interesting argument. Here's my problem with the equal treatment argument. And I think it was Aristotle who said discretion comes...or arbitrary behavior occurs in two ways; it occurs in treating similar situations differently, and it occurs treating the same...different situations by the same standard. In other words, it goes both ways, treating similar