

statutes and it does a number of things which you may or may not consider important. Section 23, however, was added as an amendment to this bill on the 56th day of the legislative session. It was added at the request, at the request of the City of Lincoln, I'm disappointed to say, and it is what is known as what was protracted to be the sidewalk cafe amendment. Now, it is interesting that they call it the sidewalk cafe amendment because it is much more than that. It is the sidewalk business amendment. If you will read section 23 you will see that it says the city council of the city, and this is any city in Nebraska, may permit the public streets and sidewalks within such city to be occupied and used under a lease license or other permission, I don't know what other permission means, this section has some technical problems too, I assume they could give away these rights, by a person, business or others for the sale of services or goods, for the sale of services or goods, so it just doesn't have to do with sidewalk cafe's at all. It has to do with a whole number of possible businesses using the streets and sidewalks. It has nothing to do whatsoever with liquor or liquor licenses necessarily at all, only except to the extent that it is possible that a sidewalk cafe may also have a liquor license. With regard to the constitutionality, the problem comes from Section 14 of the Nebraska Constitution the sentence which says, "that there will be no vote upon the final passage of any bill until five days after its introduction or until it has been on file for Final Reading and passage for at least one legislative day." Okay, from the time that this amendment was added to the bill the five days, it was added on the 56th day, the five legislative days did not expire. That is the constitutional provision that we are dealing with. There is a court case brought to my attention by Senator DeCamp and I thank him for an additional bit of education. Nebraskans for Banking versus Omaha National Bank, and it was very, very close to this same situation. Somebody had come in with an amendment to a Savings and Loan bill, with a commercial banking amendment to a Savings and Loan bill within five days of the end of the session. The court said that the constitutional provision which I just read to you was violated. The court indicated, the court did not say, but the court indicated that perhaps if, if the amendment were germane, if the amendment had been heard at some time prior to five legislative days before the end of the session then it might have been saved. But, I want to relate to you the facts of this particular case because this amendment in this case was never introduced at any point in time as an amendment to another bill, it wasn't a part of any other bill, it never had any public hearing in any way. In addition to that, I don't think