

traffic flow, zoning restrictions, sanitation conditions, citizen protests, population projected growth and the existence of existing class licensures, the nature of the neighborhoods, and the type of business activity proposed, if those standards...

SPEAKER NICHOL: One minute.

SENATOR LANDIS: ...are applied, arbitrarily or capriciously, there is appeal to a court system for the overturning of an irrational and arbitrary local decision. But for cities like my own, who wish to carry out for themselves the very real important task of carrying on and furthering the nature of existing neighborhoods, the carrying out of existing community standards, the law should permit that to happen. We should not frustrate them by a lax liquor control law that authorizes the use of a standard of public convenience or necessity, a phrase so broad that even the liquor industry proponents would recognize, in some of their studies, as being inappropriate, inappropriate because that language comes to us as a model from public power statutes.

SPEAKER NICHOL: Time is up.

SENATOR LANDIS: I support this amendment to the amendment. I urge you to adopt it.

SPEAKER NICHOL: Senator DeCamp, please.

SENATOR DECAMP: Mr. President, and members, Senator Landis has confused zoning with the right to do business, and they are two different entities. Zoning says where you can do something, as opposed to just the right to enter into a business, which is the right to do business. Nobody would attempt to interfere with or stop the city's, local governments right to control where you may have something through the zoning laws. But if you try to use 1,000 different subdivisions of government to decide whether somebody can or cannot enter into business, in this case the liquor business, if you try to use 1,000 different communities' local standards, you will have 1,000 different criteria. And that is what you're setting yourself up for. Now once upon a time, once upon a time, before there were court decisions, court decisions that said you can't just arbitrarily say somebody can't go into the liquor business, that might have made sense to make it a completely arbitrary and capricious thing, and whatever a local community wanted to say is their rule is their