

April 9, 1986

LB 911

Senator Hefner, amend your amendment to take care of this pretty serious inconsistency as I see it between the existing bill and the bill as...the existing statute and the bill as written right now.

SENATOR HEFNER: Senator Hoagland, I think I've told this body before that all of the Liquor Control laws need to be rewritten. There is one statute will contradict another statute and so we have submitted a resolution, a study resolution, and we're requesting some money from the Exec Board to completely rewrite the Liquor Control laws in the state. We can see a lot of differences in these statutes and so I would urge you to adopt this amendment and then during the interim we'll try to make a more comprehensive study and report back to you next January.

PRESIDENT: Senator Landis...Senator Hoagland, go ahead.

SENATOR HOAGLAND: But you're comfortable, Senator Hefner, allowing that inconsistency to continue in the law for at least a year even though we could take care of it this year if we wanted to?

SENATOR HEFNER: Senator Hoagland, there is many places in the Liquor Control statutes that we need to correct and this would just be correcting one minor part of it.

SENATOR HOAGLAND: Okay, that's it.

PRESIDENT: Senator Landis, did you wish to speak on this amendment? You were out a moment ago when your light was on.

SENATOR LANDIS: I would just make a brief statement, two things. First, there are a number of sections in the Liquor Control statute that do not reference the provision that Senator Hoagland just read to you and permit local controls of various types. Secondly, as a matter of statutory interpretation, the specific is taken as binding over the general and, secondly, the last in time controls over the first in time in which case a court would have an easy time in reading as consistently as possible which, by the way, the court assumes as its obligation in interpreting statutes that work today with what is already on the books.

PRESIDENT: All right, anyone else wish to speak on the amendment? Closing, Senator Hefner.

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