

March 15, 1979

LB 190

SENATOR BURROWS: Certainly.

SENATOR MARESH: Senator Burrows, does your LB 190 differ any from last year's 728 as far as having constitutional problems, or not?

SENATOR BURROWS: I don't think it differs in any way in any constitutional problems, because I have been unable to see any constitutional problems with the history of farm legislation in the other states where they've been in all cases upheld by the courts, with the same or similar constitutional language. I realize the Attorney General wrote an opinion on the previous bill that stated that it questioned the constitutionality of it. No bill is unconstitutional until brought down in the courts, and I think Maryland-McNabbs Research thoroughly showed that the question of constitutionality was very slight when you found it upheld in all cases where they've been tested in the other states.

SENATOR MARESH: Wouldn't the proper...in the light of the Attorney General's Opinion, wouldn't it be more proper to get your bill to the floor and then amend it to place this issue on the ballot, so we would make it constitutional if we are, indeed, concerned about aliens taking over our farming?

SENATOR BURROWS: Well, I think there would...this is a legislative decision, and in all these surrounding states, they've dealt with it in the legislative body. I think it would be a most unusual procedure, and only one unless the Legislature refuses to face up to the issue, should it go to a vote of the people. Some of the people are extremely concerned with what happened to the bottle bill, that possibly vast sums of money would come into the state, and the proponents to the bill would be very short in resources in fighting it. So there have been questions raised on this that it would put a tremendous volume of money possibly of the large corporations in the state to fight the bill, and therefore, I would much prefer the Legislature take its own responsibilities of controlling the creatures of the state, which corporations are, and face up to this issue straight on without going before a vote of the people. As a next resort, I am certainly interested in the other alternative. I am not as afraid as most because I think without any lobbying efforts, I think it would pass by a seventy percent vote of the people. The small businessmen polled seventy-seven, and I am sure agriculture would be very close to this in polling for a corporate alien ownership act.

SENATOR MARESH: I'm sure this issue would end up in the courts anyway even if we passed the law, it would be automatically challenged in the court, don't you feel?