

March 15, 1979

LB 190

SENATOR BURROWS: I think it might be challenged, but I don't see any problem of substance in sustaining the law as the precedents have been set in surrounding states and upheld in the courts.

SENATOR MARESH: Would the Attorney General defend your bill if he, in fact, said that it was unconstitutional?

SENATOR BURROWS: The Attorney General might, or a county attorney might be the defense of the bill, or legal help by the Legislature, if that were required. I think the Attorney General has somewhat dampened really his ability to defend with raising the questions of constitutionality himself. There are other sources of defense for a bill, and other attorneys would be brought in, I'm sure, regardless of who defended it.

SENATOR MARESH: So, don't you feel that we'd be on safer ground to place this issue on the ballot if we get it on the floor to amend it...to have a constitutional amendment? Don't you think that would be safer ground than.....

SENATOR BURROWS: No, I see no problem of any substance. Every bill we pass is suspect of constitutionality in a way. It's suspect until proven in the courts, and then it is proven constitutional. So, I think it would just be a duck for us to not pass the bill and proceed in a legislative action.

SENATOR MARESH: So you would oppose changing the bill if it did get to the floor, correct?

PRESIDENT: One minute, Senator Maresh.

SENATOR MARESH: Thank you.

SENATOR BURROWS: Yes, I would. I would oppose.

SENATOR MARESH: Thank you, Senator Burrows.

PRESIDENT: The Chair recognizes Senator Lamb.

SENATOR LAMB: Mr. President, members of the Legislature, reluctantly I rise to oppose the bill. As most of you know, I am a family farmer. I support the family farm concept. I want to see the family farm continue to be a strong segment of American agriculture, and I do not want to see alien ownership of our farmland, and I sympathize with Senator Burrows' aims, and I'm in support of his aims, but I must conclude that this bill infringes on some of my tools, my abilities to cope with the estate problem and other problems in continuing the family farm, and in passing this family farm onto my children. Under