

April 9, 1980

LB 889

would like to read is on 878 of the Journal down toward the bottom where it says, the Attorney General says: "Although the criteria for determining the validity of state statutes affecting interstate commerce have been variously stated, the general rule that emerges can be phrased as follows: Where the statute regulates evenhandedly to effectuate a legitimate local public interest, and its effects on interstate commerce are only incidental, it will be upheld unless the burden imposed on such commerce is clearly excessive in relation to the putative local benefits." Then it continues: "The burden upon commerce would appear to be the filing of two registration forms with the Nebraska Department of Agriculture, and the payment of a nominal fee to the state. In our judgment, this would not constitute an excessive burden upon interstate commerce. On the other hand, the guarantee to the state, and all of its citizens, of the precise ingredients and the nutrient content of a particular fertilizer would seem to be an important consumer protection measure recognized as such by the Nebraska courts." In other words, the Attorney General continues and says: "Consequently, consistent with the position we maintained in our previous representation of the Department of Agriculture, and consistent with the opinion of the state district court, which was the only court ruling on the constitutional question presented, we would advise you that the amendments to LB 889 which require, in some cases, registration by out-of-state distributors, do not appear to exceed the constitutional limitations we have discussed." So that is what the Attorney General is saying. I guess I can add no more.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: I move the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? Okay. All those in favor of ceasing debate vote aye, opposed vote no. Shall debate cease? Have you all.....okay, record the vote.

CLERK: 26 ayes, 2 nays, to cease debate, Mr. President.

SPEAKER MARVEL: Debate ceases. The motion is to advance the bill. The Chair recognizes Senator Lamb.

SENATOR LAMB: I move that we advance the bill, Mr. Chairman.

SPEAKER MARVEL: All those in favor of advancing 889 to