

April 9, 1980

LB 889

accept the language as it is listed on page 4, because I think what we are doing, and I am not sure that is a function of the government, to protect businessmen from other businessmen. If a function of the government is to protect the consumer, I think that is what we should be saying. But since the consensus seems to be from the Agriculture Committee that we should be protecting the dealers from the consumers...or from their suppliers, then Mr. President, I would ask unanimous consent to withdraw this amendment.

SPEAKER MARVEL: Okay, everybody out of the building. Within my hearing, those of you....we have to clear the building.

SENATOR CHAMBERS: Mr. Chairman, in view of the fact that we were in session and no recess was declared, and whenever a senator is present business can be conducted, on General File it takes a majority of those voting to kill a bill, so I voted to kill LB 991. By unanimous consent, I moved LB 627, LB 822, LB 222, and I would like the Legislature to either ratify it or move to reconsider.

SPEAKER MARVEL: Is Senator Vickers here? You have an amendment to 889?

SENATOR VICKERS: Mr. President, I asked unanimous consent to withdraw it while you were busy on the phone earlier.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President, I have got nothing further on LB 889.

SPEAKER MARVEL: Senator Lamb. Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, I have had my light on since the beginning and so if I could have just a moment of your time to discuss LB 889. I swear I've had it on here for about an hour. The point that was raised by Senator Beutler is a reasonable one to take up and that is whether or not LB 889 represents an unconstitutional infringement on the interstate commerce clause of the U.S. Constitution. The Agriculture Department attempted to apply the existing act to out of state manufacturers, did so, and then there was a court challenge under existing language. The manufacturers were upheld by the Nebraska Supreme Court and in their opinion I think they made a very important point to bring out. Let me say before I read that point, however, that to determine whether or not a state action infringes on the interstate commerce