

COMMITTEE STATEMENT

LB 833

HEARING DATE: February 2, 1999

COMMITTEE ON: Agriculture

TITLE: (Agriculture Committee, Connealy, Jones, Schmitt, Bromm) Adopt the Competitive Livestock Markets Act

ROLL CALL VOTE – FINAL COMMITTEE ACTION

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

7	Yes	Senators Chambers, Cudaback, Dickey, Dierks, Hilgert, Janssen, Schrock
0	No	
0	Present, not voting	
1	Absent	Senator Vrtiska

PROPOSERS	REPRESENTING
Senator Merton L. Dierks	District #40
U.S. Senator Bob Kerrey	State of Nebraska
Senator George Coordsen	District #32
Senator Jim Jones	District #43
Senator Roger Wehrbein	District #2
Senator Curt Bromm	District #23
Senator Matt Connealy	District #16
Merlyn Carlson, Director	Nebraska Department of Agriculture
Mike Callicrate	Self
Steve Cady	Nebraska Pork Producers Association
Keith Olsen	Nebraska Farm Bureau
Stanley Rosendahl	Nebraska Pork Producers Association
Bill Rhea	Nebraska Cattlemen
Geoffery Stolle	Nebraska Cattlemen
Homer Buell	Nebraska Cattlemen
Greg Ruehle	Nebraska Cattlemen
Paul Peters	Self
Donald Kracke	Nebraska Livestock Markets Association
Clint Dubas	Mid-Nebraska Pride
John K. Hansen	Nebraska Farmers Union
Mick Karmazin	Self
Albert J. Ebers	Nebraska State Grange

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Michael Jacobson	Self
Gene Himmelberg	Self
Loran Schmit	Self
OPPONENTS	REPRESENTING
Dick Gady	ConAgra
Donald E. Willoughby	IBP, Inc.
Kathy Siefken	Nebraska Retail Grocers Association
Bob Crain	Self
Larry McCord	Self
Doug Cunningham	Nebraska Retail Grocers Association
NEUTRAL	REPRESENTING

SUMMARY OF PURPOSE AND/OR CHANGES:

LB 833 prohibits packers from owning, keeping and feeding livestock for slaughter, provides powers and duties for the Attorney General to enforce the Act, and establishes procedures for disposition of livestock kept in violation of the bill. The substantive provisions of LB 833 were incorporated into LB 835 enacted during the 1st session of the 96th Legislature and are codified as section 54-2604 through 54-2606 of the Competitive Livestock Markets Act.

EXPLANATION OF AMENDMENTS, IF ANY:

The committee amendments strike the original provisions and insert new sections amending various provisions of the Competitive Livestock Markets Act. The amendments would make technical amendments to the Competitive Livestock Markets Act in order to reestablish operability of certain provisions preempted by federal law enacted by Congress. Proposed amendments also address potential commerce clause defects with the price discrimination provisions in light of a ruling of the Federal District Court for South Dakota on a similar law in South Dakota.

The following specific changes are made:

- a) Sections 54-2608, 54-2609 and 54-2618 are amended to strike requirement that packers report transaction information required under the state price reporting system. With federal preemption of state price reporting, this requirement is no longer operative.
- b) Amends 54-2607, 54-2617, and 54-2619 to provide that the restrictions on discriminatory pricing in swine purchases and limitations on cattle contracts apply to purchases of swine or cattle “originating in this state.”

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c) Rewords portions of 54-2617 and 54-2619. These provisions prohibit non-negotiated contracts and contracts which prohibit the seller from disclosing the terms of the contract. The wording changes are intended to avoid conflict with federal price reporting preemption. The intent of the original statutes is retained.

Senator Merton L. Dierks, Chairman