

April 9, 1980

LB 889

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, a couple of questions of Senator Lamb, if I may. Could you explain, Senator Lamb, the basic registration requirement? Who is required to register and at what point the registration takes place.

SENATOR LAMB: Well, Senator....

SENATOR BEUTLER: With your amendment.

SENATOR LAMB: Pardon?

SENATOR BEUTLER: With your amendment. As your amendment would require it.

SENATOR LAMB: Well, the amendment is to clarify the fact that those people who distribute fertilizer into the State of Nebraska, although they have no place of business in the state, are also required to register with the State Department of Agriculture.

SENATOR BEUTLER: Okay, so the burden is on the one who sends it into the state as opposed to the one who sells it in the state. Is that correct? The burden of registration.

SENATOR LANDIS: Yes, those who bring the product into the state are required to register, and this is the way the State Department of Agriculture has been administering the law up until just recently as you may well know.

SENATOR BEUTLER: Yes, I have had some correspondence on this and, of course, the concern is whether the interstate commerce clause of the U.S. Constitution is violated by this kind of a provision, and I think there is a real question there, and I guess I am particularly interested in the question of whether the system as set up is for the protection of the consumer or the protection of the dealers who are here in the state selling the products.

SENATOR LAMB: I think the....

SENATOR BEUTLER: I assume the consumer would be equally protected under a system that either required registration by the local dealer or required registration by the distributor. Is that correct?

SENATOR LAMB: I think it would be very difficult for the... you are placing the dealer in a very difficult position if you are not affording him some protection also from the product which is distributed into the state. And I might add