

April 9, 1980

LB 889

that there are only four large potash companies who are objecting to this provision.

SENATOR BEUTLER: Okay. But to reframe my question, perhaps, it's not really a matter of consumer protection. It's a matter of who we want to place the burden on as far as the registration is concerned....

SENATOR LAMB: I guess I would have to disagree with that. I would have to disagree with that, Senator Beutler. I do believe it is a protection to the ultimate consumer, the farmer, because if that product is not what it's supposed to be when it comes into the state, he is in a much less... he's much less apt to be protected than he would be under the provisions of this bill.

SENATOR BEUTLER: I would certainly agree with you. But if the bill were changed so that the local dealer who sold the product had the registration requirement, the consumer, I take it the farmer, would be equally protected as far as protection is concerned.

SENATOR LAMB: Well, I don't agree with that assessment. If that is your assessment, I guess I just have to say I do not agree.

SENATOR BEUTLER: I guess my last question would be, it would be how is the consumer better protected by having the distributor do the registration as opposed to the local dealer?

SENATOR LAMB: Well...

SENATOR BEUTLER: I guess what I am getting at is if we can have a system that avoids a violation of the interstate commerce clause, maybe that would be preferable, but if you think there is some additional consumer protection in the system as you have set it up, then maybe we should take that risk. But I guess I am asking you whether there really is any additional consumer protection in the system?

SENATOR LAMB: Well, in my opinion there is because if these products come into the state...and we are not worried about the big reliable companies. We are talking mainly about protection from less than reputable companies that come into this state with products which just don't do the job, and if we don't have the protection from those companies that may or may not have a dealer set-up in this state, I think there is a big hole in the consumer protection that