

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

March 23, 1999 LB 835

If we adopt that, if we adopt the act and it becomes effective, I don't find anywhere in the act that there's any opportunity for dispersal of herds, liquidation of facilities, or any of those things. I'm just asking, and I'm not taking the side of those who we're trying to prohibit being in the business. But don't we owe any citizen, corporate or otherwise, some opportunity to "exit" that which we are now telling them is an unlawful activity? How do they get out? Because the way the bill is written, they are immediately, instantaneously in violation of the law.

SENATOR DIERKS: The...as far as I can tell, Section 5 answers the...the violation of Section 4, and it doesn't allow for them to...it allows for them to sell, allows for them to sell the livestock. And I'm not sure that we should give them any opportunity to back out. I think that we need to make it as strict as we can. And maybe, if one of them gets into trouble with this section, then the rest of them won't get into that trouble. You see what I'm saying?

SENATOR BRASHEAR: Well, I do, and help me. Do we have packers who are doing this now? I assume we do, or we wouldn't be prohibiting it and making it unlawful.

SENATOR DIERKS: It's my opinion that we do.

SENATOR BRASHEAR: All right. All I'm raising, Senator Dierks, and I assume we'll not finish this today and we can look at...all I'm asking about is the issue of if...I think it's...I think it's due process. If we're going to say it's unlaw...if they're doing it and we're going to now make the public policy decision that it is unlawful for them to do it, I think they ought to have an opportunity to stop doing it in a reasonable and orderly manner rather than saying they are in violation of the law. Would seem to me we would give them an effective date off into the future. Is that unreasonable?

SENATOR DIERKS: Perhaps not. I guess that I should tell you that it's already prohibited in our constitution so this really isn't that much of a change. It just places it in statute.

SENATOR BRASHEAR: Well, are we referring to Initiative 300?