

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

April 15, 1999 LB 835

SENATOR BRASHEAR: It's farming or ranching that has already been defined in such a way as to prohibit corporations from engaging in cattle feeding. We...so we ought to stay with that phrase, "farming and ranching," that is in the constitution for the purpose of prohibiting corporations from feeding cattle.

SENATOR BROMM: Well, here's...here's the problem, Senator Brashear. I don't think the constitutional provision, in and of itself, would cease and stop the activity that we're trying to address here. There are numerous ways for packers to be involved in the control of livestock so it affects the competition and the price and still be in compliance with Initiative 300.

PRESIDENT MAURSTAD: Time. Senator Chambers, on the Brashear amendment.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'd like to ask the "Silver Fox" a question or two, if I may, Senator Brashear that is.

PRESIDENT MAURSTAD: Senator Brashear.

SENATOR BRASHEAR: Yes, Mr. President.

SENATOR CHAMBERS: Senator Brashear, if there's any activity which is specifically prohibited by the constitution, can the Legislature constitutionally authorize that prohibited conduct by statute?

SENATOR BRASHEAR: No, it cannot.

SENATOR CHAMBERS: Now, if the constitution is written in such a way that it authorizes the Legislature to carry out provisions of the constitution, doesn't that acknowledge the power of the Legislature to do whatever it chooses to do so long as it does not violate any term of the constitution in carrying out those provisions?

SENATOR BRASHEAR: Yes, generally, but it must remain...what it does must remain within the ambit of that where the delegation