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April 15, 1999 LB 835

PRESIDENT MAURSTAD: Thank you, Senator Chambers. (Visitors introduced.) For discussion on the Brashear amendment to LB 835, Senator Dierks.

SENATOR DIERKS: Thank you, Mr. President and members of the Legislature. Senator Wehrbein mentioned the fact that he had a Attorney General...or had seen a Attorney General's Opinion, he hadn't produced it yet, but said that it was okay for packers to own, feed livestock in this state. I have an Attorney General's Opinion here that was issued in 1984, after...after Initiative 300 was put into our constitution. I'd like to read to you at least some of it. It's kind of a lengthy thing, but it was issued by Paul Douglas and the conclusion, in the concluding paragraph, he says a "nonfamily" farm corporation may not engage in any aspect of farming or ranching which includes the ownership of livestock. How can it be more clear? The question was asked by Senator John DeCamp and part of his...in part of his explanation he says that...farming or ranching is defined as including the ownership of animals for the production of livestock or livestock products, and no corporation or syndicate shall acquire, this is direct language from the constitution, "No corporation or syndicate shall acquire, or otherwise obtain an interest, whether legal, beneficial, or otherwise, in any title to real estate used for farming or ranching in this state, or engage in farming or ranching." It's...I mean, I don't understand how we can come to such...the state where we are. Actually, I, again, I have to tell you, I am opposing this amendment of Senator Brashear's because I think it does add vagueness to the statutes and we can't...I don't think we need that. The purpose of this whole thing, and Senator Wehrbein was one of the first ones to come and testify in support of the legislation, was to get packers out of the business of feeding livestock, taking the competition away from the farmers and ranchers who were doing it the way they were supposed to be doing it. Sure, we've got a few people out there that are doing this. I'm not saying they're violating Initiative 300. I'm saying violation is occurring and maybe occurring on the part of the packers, but packers are feeding cattle in this state, they're feeding hogs in this state, and they're doing it in violation of Initiative 300. And those people that are doing the feeding are calling up now and saying,