

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

April 15, 1999 LB 835

oh my, the sky is falling, they're going to take business away from us. Those people that are doing that have been shooting themselves in the foot from the very beginning. They're adding to their own problems. They're taking away the profitability from their own operation by doing this and we have to put a stop to it, and that's what this legislation is all about.. And the language that we're talking about this morning is very specific. It stops that nonsense. Let's get rid of this amendment, let's don't support it, let's get back to the green copy...or the amended version of the bill and support it as it is. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Dierks. Senator Schrock. Senator Schrock waives. There being no further lights, Senator Brashear, you're recognized to close.

SENATOR BRASHEAR: Mr. President, members of the body, notwithstanding the discussion, I think it's been a very good discussion, I continue to urge the adoption of AM1299. Anything I say is going to be a bit of a repetition because it's been a thorough discussion, but I will emphasize that the entirety of Section 4 on page 2 of the amendment utilizes the terminology of Initiative 300. That means when the court is interpreting this, for whatever reason, and I'm sorry but it's not so clear to me as it might be to others as to why this will or won't be challenged, if somebody tries to enforce it as against a packer they're going to defend on this basis, among others. If a packer decides that they don't want to comply with the burdensomeness of this legislation, they're going to attack the legislation. I've said before, I'm not going to make a big deal but I'm going to continue to say it, it doesn't have a severability clause, which is fairly standard, and without the severability, if there's anything wrong with it the whole thing goes down. So I think we're dealing with important issues here. And to have a bill that takes language out of Initiative 300, I didn't start referencing Initiative 300 just on a frolic of my own. The language "engaged in the ownership, keeping, or feeding of livestock for the production of livestock or livestock products" is all out of Initiative 300. The only difference is, in Section 4 we have placed the word "packer" and we haven't used the words "farming" or "ranching." So I interpret this section to be a new prohibition, something beyond Initiative 300, and with the conjunctive word "or" I think each