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LB 833

publish price reporting information. It is also implicit, and you need to understand this and we need this on the record, that the Ag Department's duties to report apparent violations and promulgate regulations are also dormant, as these duties were either directly related or incidental to collecting and publishing price information. Finally, the committee amendments respond to a decision of the federal court, federal District Court for South Dakota, interpreting a similar though distinguishable law in South Dakota. Though the suit filed by packers sought to enjoin the entire South Dakota price reporting law, it was decided primarily by that court that it was only the price discrimination language that was faulty. An important part of that decision found commerce clause violations in South Dakota's price discrimination provisions due to an extra territorial projection of South Dakota law on out-of-state packers doing business in South Dakota, and South Dakota packers activities in other states. The committee amendments to LB 833 respond to this ruling by providing that the price discrimination and cattle contract restrictions apply to purchases of swine or cattle originating in this state. We have had several informal discussions with the Attorney General's staff about the South Dakota ruling and how it might impact our law. It is my opinion, and also one shared by the Attorney General's staff, that the change contained in LB 833, along with the other distinctions in our law, would make our statutes defensible in the face of a commerce clause challenge. I would conclude that the amendments do not strike existing law. It is my understanding that those provisions exempted or preempted by federal law will be dormant and would only become operative if federal price reporting is terminated. The federal law currently does not authorize federal price reporting beyond five years. I would like to keep our laws on the books to keep the federal government honest. Frankly, the potential for state laws to be revived is the best leverage the livestock industry has to hold parties who participated in writing of the federal law to support the federal effort. With that, I would ask the body to approve the amendments and advance LB 833 to Select File. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Dierks. Debate on the committee amendments to LB 833? Senator Dierks, you're recognized to close. Senator Dierks waives closing. The