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March 29, 2000 LB 833, 835, 961, 963, 964, 1023

Legislature, I filed this motion to allow the consideration of AM3063. A copy of the amendment and an explanation is on your desks. Basically, AM3063 would gut the existing provisions of LB 833 and replace them with the provisions of four bills: LB 961, LB 963, LB 964 and LB 1023, which are all related to the Veterinary Practice Act. In effect, the provisions of LB 833, as it had been advanced from committee, would be stricken. Just to briefly recap, LB 833 as amended was intended as a cleanup bill for the Competitive Livestock Markets Act, enacted last year. As I mentioned on General File, enactment of federal price reporting legislation had explicitly preempted state price reporting. It was also the conclusion of the Attorney General that, because of the interaction between the swine price discrimination provisions and the state price reporting of LB 833 or LB 835, that the federal law also indirectly and inadvertently, though not intentionally, rendered inoperable the swine price discrimination provisions of state law. The committee amendments to LB 833 would have removed this defect. Also, the amendments would have changed the price discrimination statute slightly to respond to a federal district court decision, last summer, which struck down a similar statute in South Dakota. I was also aware of a second case proceeding through the federal district court for western Missouri, bringing a challenge on commerce clause grounds against a similar Missouri law. The Missouri statutes were written closer to our own and contained some features that were felt to make the law less vulnerable to a commerce clause challenge. However, we received word from the Missouri Attorney General's Office, last week, that the judge had verbally commented from the bench that he would reach conclusions similar to those reached in the South Dakota case. Since the ruling in the Missouri case is very relevant to the body's consideration of LB 833, I asked the Speaker to take LB 833 off the agenda in order to analyze the court ruling. However, a written opinion will not be issued for a couple more weeks; effectively, this eliminates further consideration of LB 833 for this year. I am therefore asking the body to allow me to use LB 833 as a vehicle to move some other bills. As I've explained in the materials handed out to you, the amendment would replace LB 833 with the provisions of LB 961, LB 964 and LB 1023. LB 1023 had been debated on General File and advanced to Select File. That legislation amended the Veterinary Practice Act to enable