

ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018
COMMITTEE STATEMENT
LB477

Hearing Date: Tuesday January 31, 2017
Committee On: Agriculture
Introducer: McCollister
One Liner: Prohibit certain unlawful acts as prescribed relating to the Weights and Measures Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Albrecht, Blood, Brasch, Halloran, Krist, Lowe, Thibodeau
Nay:		
Absent:	1	Senator Chambers
Present Not Voting:		

Verbal Testimony:

Proponents:

Senator John McCollister
Don Quinn

Rose White
Dan O'Neill
Jim Hegarty
Kathy Siefken

Opponents:

Ed Woeppel

Neutral:

Michelle Weber
Greg Ibach

Representing:

Introducer
Sapp Brothers, Nebraska Petroleum Marketers & Convenience Store Association
AAA, The Auto Club Group
Self
Better Business Bureau
Nebraska Grocery Industry Association

Representing:

Nebraska Cooperative Council

Representing:

Kum &Go
Nebraska Department of Agriculture

Summary of purpose and/or changes:

LB 477 amends section 89-197 of the Nebraska Weights and Measures Act which lists unlawful acts under the Act. The bill would insert two new subsections (19) & (20) relating to motor vehicle retail locations to declare the following as additional unlawful acts:

- To advertise a price on signage for an automotive spark ignition fuel that is not available at all fueling positions unless the signage simultaneously advertises a price of a second automotive spark ignition fuel price that is available at all fueling positions. "Spark ignition fuel" is defined to mean gasoline and its blend with oxygenates such as alcohol and ethers.

- To vary the base price of a grade of fuel dispensed at more than one fuel dispenser if the dispensers are supplied by a single storage tank or by multiple storage tanks joined in a manner that commingles the fuel from the tanks. This prohibition does not preclude discounts to the base price for cash payments, self-serve, customer loyalty, or other types of discount programs not based on octane.

Explanation of amendments:

The committee amendment (AM2409) strikes the new subsection (19) in the original bill and substitutes a revised new subsection (19). The revised new subsection (19) provides that it shall be an unlawful practice to sell an advertised blend of spark ignition engine fuel containing 10% or less ethanol blend at a price other than as advertised on manual, electronic, digital or other medium. The new subsection additionally declares a duty for a location that utilizes multi-product fuel dispensers with six or more fueling positions to make such advertised fuel blends available at all fueling positions. The sale of ethanol fuel blends of greater than 10% is expressly excluded from the prohibitions and duties set forth in subsection (19).

The committee amendment also revises the last sentence of new subsection (20) inserted in section 89-197 for readability and clarity.

Lydia Brasch, Chairperson