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Agriculture Committee  
January 31, 2012

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[LB884 LB915]

The Committee on Agriculture met at 1:30 p.m. on Tuesday, January 31, 2012, in Room 2102 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB884 and LB915. Senators present: Tom Carlson, Chairperson; Norm Wallman, Vice Chairperson; Dave Bloomfield; Lydia Brasch; Burke Harr; Russ Karpisek; Tyson Larson; and Steve Lathrop. Senators absent: None.

SENATOR CARLSON: Welcome to the January 31, 2012, Agriculture Committee interim hearing. I'm Senator Tom Carlson, Chairman of the committee. Our research analyst is Rick Leonard and our committee clerk is Barb DeRiese. Our pages today are Paige Schreiber from Columbus and Cicely Batie from Lexington. To my right is Senator Norman Wallman, Vice Chairman of the committee, from Cortland; Senator Lydia Brasch from Bancroft; Senator Burke Harr from Omaha; and Senator Dave Bloomfield from Hoskins. To my left is Senator Russ Karpisek from Wilber; Senator Steve Lathrop from Omaha; and Senator Tyson Larson from O'Neill. We have committee members that get up and leave during our hearing because they may have bills that they need to present with other committees, so I always hope that that's what they're doing, and they're not mad at the chairman. (Laughter) So, we know that that kind of thing will happen and just expect it. If you're going to testify today, pick up a green sheet and fill out the sheet before you testify. And then, turn that in to the page as you come to the front there to the chair, and one of the first things you need to do is state your name and spell it for the record. And that certainly helps us from that standpoint. If that doesn't get done, then we get called and our record may not be complete. We will use the light system and the light is in front of you. When it goes on and you start talking, it's green. And it will stay green for four minutes, and then it turns yellow for one minute, and so you have five minutes total. When the red light goes on, try and quickly wrap up what your thoughts are. And if you're in the middle of a thought, it probably will be that some member of the committee will ask you to complete the thought that you were in the middle of when the red light came on, but try to wind things up as the red light comes on. If you don't want to testify, but want your name entered in the record as being present, there's a nontestifying form that's on the desk to your right of the chair up there and you can sign that. Please either turn your cell phones off or put them on vibrate throughout the testimony in our hearing and we won't have interruptions that way. Also in our committee hearings we ask that there be no audible support or opposition given to somebody's testimony. And we try and keep it completely civil throughout the hearing, and we've been able to do that, and there's no reason why it won't happen again today. Are there any questions before we begin? All right, we'll open the hearing on LB884. And Senator Sullivan, you are welcome to open. And for those of you in the audience, we don't put the lights on for the senators as they introduce their bills. So, welcome.

SENATOR SULLIVAN: Thank you and good afternoon, Senator Carlson and members

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of the Agriculture Committee. I'm Senator Kate Sullivan of Cedar Rapids representing the 41st Legislative District. That's K-a-t-e S-u-l-l-i-v-a-n. LB884 addresses a subject that's actually close to my heart, the subject of agricultural literacy in our K-12 schools. Agricultural literacy is a term used to describe programs designed to promote the understanding and knowledge necessary to communicate basic information about agriculture to students, producers, consumers, and the public. These programs focus on assisting educators to effectively incorporate information about agriculture into subjects already being taught in K-12 schools and to better understand the impact of agriculture on our society. Nebraska's children need to understand the impact and value of agriculture in their daily lives. Beginning in kindergarten and continuing through the 12th grade, all students should receive instruction about agriculture, its role in the founding of our...founding of our state, its place as the number one industry in our state, its place in Nebraska's stable economy, and its contribution to our daily lives. Agriculture is much too important to our state to be taught only to a small percentage of students considering careers in agriculture and pursuing vocational agricultural studies. So, to further the pursuit of agricultural literacy for our students, I've introduced LB884 at the request of the Nebraska Farm Bureau and the many other agricultural advocacy groups. LB884 creates the Agricultural Literacy Task Force. The task force is directed to evaluate current K-12 educational standards and curricula and determine if those standards and curricula provide Nebraska students with a meaningful understanding of agriculture and its contribution to Nebraska's economy, way of life, and overall well-being. The task force would consist of nine members, which must be appointed within 30 days of the effective date of the act. They would include the chairperson of the Education Committee or the designee; chairperson of the Agriculture Committee or the designee; the Commissioner of Education or the designee; the Director of Agriculture or the designee; two members representing education appointed by the chairperson of the Education Committee; two members representing agriculture appointed by the chairperson of the Ag Committee; and one member from a private agricultural literacy entity or organization that would be appointed by the chairperson of the Ag Committee. The Education Committee Chair appoints the task force Chair. Staff support would be provided by the Ag Committee. And the task force is required to meet within 30 days of the appointment...of their appointment at the call of the Chair. The task force is specifically asked to determine if existing educational standards and curricula provide students with a basic understanding of agriculture, define agriculture's role in providing food, fiber, fuel, and shelter, and identify agriculture's impact and importance to our state's economy. The task force must provide a report to the Legislature on or before November 15, 2012, which identifies and makes recommendations for improvements to state educational standards and curricula intended to provide K-12 students with a knowledge and understanding of agriculture's importance in Nebraska. The task force sunsets on December 31, 2012. As I said at the outset, the subject is near and dear to my heart and perhaps that needs a bit more explanation. First of all, I know you share with me the belief that education truly is the key to preparing our young people to deal with tomorrow's problems and issues, whether they live in Omaha or Osmond. I think

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you also know how much I care about Nebraska and its future, and certainly, agriculture is a part of that. It's part of our past, part of our heritage. It's certainly part of our present. It represents a \$15 billion-plus industry in Nebraska representing 98 percent of the state's cash receipts in 2009. And I also want agriculture to be part of our future in a vibrant and productive way. So I put the two together, agriculture and education, because they both have a pivotal role in Nebraska's future. But let's face it, these times they are a changing. Not only is today's agriculture a far cry from that of my grandfather's and my father's, but more and more young people today are totally removed from farming and agriculture, even though the agriculture industry in some way, shape, or form, touches everyone's lives each and every day. So why is that a problem that we see young people so removed from agriculture and the farm today? Why should we be concerned about that? Well, at the very basic level, I believe it's important that individuals know how agriculture is intertwined with their lives. Long ago the conservationist, Aldo Leopold said in his book, A Sand County Almanac, he said there are two spiritual dangers in not owning a farm. One is the danger of supposing that breakfast comes from the grocery store, and the other, that heat comes from a furnace. We are an agricultural state. We cannot dispute that, but we also know that agriculture, on many levels today, is misunderstood and because of that, is often put on the defensive or overlooked or undervalued with respect to its importance in our society. You're going to hear testimony today that this approach that I'm suggesting with the task force isn't necessary. But I've talked to educators and administrators in schools across the state who say it has and give me real examples of the lack of agricultural literacy on a very basic level. One school superintendent told me recently that in her attempt to put some more variety and also more nutritious meals on the school lunch menu, put chicken on the menu. Well, the child came up to her and wanted to know what it was, chicken nuggets, chicken strips. No, it's chicken, chicken drumsticks. Chickens don't have bones, this child said. Well, please be clear too about my intent. I am not suggesting yet another mandate to burden our educators with. This proposed task force will merely review and ultimately offer some suggestions and recommendations for incorporating agricultural literacy into the curriculum. I ask you, what's the harm in that? More importantly, wouldn't that benefit the process? What responsibility does public education have to this state and its future? I'd say, quite a lot. And how can a state's public education truly provide a complete education if it doesn't make a direct connection to the very industry that makes this state what it is? My concept in the task force may offer you a window into some opportunities that incorporate agriculture into everyday curricula. I'm just not looking at the social studies standards. What my vision of this is, taking a look at the K-12 curricula whether it be mathematics or chemistry, family consumer science, modern problems, computer science, in very elementary ways and effective ways, I might add. I'm telling you that the conversation around this topic that's proposed in this task force will have importance to our state and its future and certainly our young people. Agriculture is important. Our young people and their education are important. Let's bring the two together by supporting LB884 and advancing it to the full Legislature for debate. And I'd like to close with a quote from

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Nebraska's native son, William Jennings Bryan. He said, "Burn down your cities and leave our farms, and your cities will spring up again as if by magic; but destroy our farms and the grass will grow in the streets of every city in the country." Thank you. [LB884]

SENATOR CARLSON: Okay. Thank you, Senator Sullivan. Any questions of the committee? Senator Harr. [LB884]

SENATOR HARR: Thank you, Senator Carlson, and thank you, Senator Sullivan, for introducing this bill. I think it's a very good idea. I, just for creating legislative intent, and I take no pride in authorship of asking these questions, they were submitted. What is your meaning of agricultural interest and educational interest as far as, how do we advance that? What do you foresee? [LB884]

SENATOR SULLIVAN: Well, if you intertwine the two...first of all, we're talking about our attempt in our public education to provide as well-rounded an education. You put that in the context of our state, and I will tell you that, you know, all 50 states have uniquenesses. And I said in my testimony, I ventured a guess that one of the uniquenesses of Nebraska is our robust and large agricultural industry. So isn't it...it seems to me natural to advance both interests because they are so equally important to our state, if that helps. [LB884]

SENATOR HARR: And I would agree with that. Yeah, I would agree with that. I'm just trying to figure out what...how you promote agricultural interests and what you define as an agricultural interest? Is it that chickens have bones or is it more that agriculture plays an integral part in our society in the state of Nebraska? [LB884]

SENATOR SULLIVAN: Probably a little of both. And to me, as I've tried to think about what might emanate from this task force, it could be a whole variety of things. I mean, if you carry it to the nth degree, it could even be helping a child not only understand where their food comes from, but their relationship to that food. Take the leap over to food and nutrition; take the leap over to dealing with obesity among children. You know, there's all different ways you can interplay it. And then also, take it from the standpoint of agriculture and, oh, I never thought of a job or a career in agriculture. So it could be a way of opening career opportunities to children that hadn't thought of it before. [LB884]

SENATOR HARR: Oh, very good. Thank you very much. I appreciate your answer. [LB884]

SENATOR CARLSON: Any other questions? I'll probably reserve some until we see what the other testifiers say. So you'll be here to close. [LB884]

SENATOR SULLIVAN: Absolutely. [LB884]

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SENATOR CARLSON: Okay. Thank you, Senator Sullivan. Now we go into the phase of the hearing where we ask for proponents, those who support the bill, to come forth and testify. And as you do, we have some young people that are going to testify. I'm going to guess they've never testified in front of a committee at the Legislature before, so try and relax. We're not bad people over here, and we want to listen to what you have to say and so try to enjoy the time that you're here. And remember we're going to use the light system now, so come on forward. Proponents of the bill. Welcome. [LB884]

DUSTIN LADENBURGER: (Exhibit 1) Good afternoon, Senator Carlson and members of the Agriculture Committee. For the record, my name is Dustin Ladenburger, D-u-s-t-i-n L-a-d-e-n-b-u-r-g-e-r. I am from Stratton, Nebraska, in southwest Nebraska. I currently serve on the Nebraska and American Farm Bureau Young Farmers and Ranchers Committee. And today I testify on behalf of the Nebraska Farm Bureau Federation. We are in support of LB884 and thank Senator Sullivan for carrying this important piece of legislation. For the past several years, members of our organization have become increasingly aware of the lack of knowledge students in Nebraska have when it comes to agriculture. This problem is not only a Nebraska problem, it is a problem across the nation, as we have learned from interacting with other Farm Bureau groups from across the country. Solutions start at home, which is why I am here today. Because of this growing concern, Nebraska Farm Bureau members from across the state introduced resolutions urging policy to be adopted by Nebraska Farm Bureau on this topic. At our annual meeting this past December, policy was adopted and it states: We support incorporating agriculture education into the Nebraska curriculum for fourth graders. Such curriculum should be incorporated statewide and provide information about all types of agriculture in Nebraska as well as information about the role of agriculture in our state. While this is the official policy adopted by our membership, much of our discussion was about ways agriculture could be incorporated into all grades and many different types of curriculum. In the fall of 2004, when I became an elementary teacher, having an ag background and the knowledge of how important agriculture is, I used it as a setting in many of my lessons I taught throughout the curriculum area. For example, in math I would ask, "If a hen lays 5 eggs a week, how many eggs would she lay in a year?" Continuing on, "if a truck can carry 26,000 eggs to the grocery store, how many hens does it take to fill a truck?" In science classes I used bull sale catalogs I got in the mail to explain how pedigrees were set up and how they are used in various animal industries. These are mere examples of how agriculture can be integrated throughout all curriculum areas, but there are countless others. We recognize the lack of agriculture awareness as a problem and appreciate you considering this bill which would begin the conversation in moving forward with a solution. Thank you, and I would be happy to answer any questions. [LB884]

SENATOR CARLSON: Okay. Thank you for your testimony. Any questions of Mr. Ladenburger? I want to ask you to give that...what about the 26,000 eggs? I don't think I

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can answer that question. (Laughter) [LB884]

SENATOR LATHROP: I think you need to know how often the truck goes to market. [LB884]

DUSTIN LADENBURGER: (Exhibits 2-5) It would be 100 chickens. Also for the record, I would like to submit letters from four teachers that are in support of this legislation. Their names are Greg Tebo, Kathy Wilke, Nancy Dondlinger, and Duane Lienemann, all of Lincoln Public Schools. [LB884]

SENATOR CARLSON: Okay. Thank you. Any further questions? Senator Bloomfield. [LB884]

SENATOR BLOOMFIELD: Well, just a comment on your question, Senator Carlson. Did you discuss the freshness of the eggs, if it only took 100 chickens? (Laughter) [LB884]

SENATOR CARLSON: Okay. Thank you, Thank you for your testimony. [LB884]

DUSTIN LADENBURGER: Thank you. [LB884]

SENATOR CARLSON: Next testifier. Don't be bashful. Welcome. [LB884]

ELLEN HELLERICH: (Exhibit 6) Well, good afternoon to all of you on the committee. For the record my name is Ellen Hellerich, and that's E-I-I-e-n, last name is H-e-I-I-e-r-i-c-h. I am the past coordinator for the Nebraska Agriculture in the Classroom program, where I worked for 27 years developing agriculture resources to be used in K-12 classrooms across the state. And I would like to share with you this afternoon some of the things I learned in my former position. I would like to begin by sharing with the committee the difference between agriculture literacy and agriculture education so that we don't have any confusion as we look at the issue before us today. Agriculture literacy is the process of learning where your food, fiber, fuel, and other essentials of life come from, and why agriculture is so important to our state and nation. Agriculture education is learning about careers in agriculture and the education needed to pursue an agriculture career. But both of these are very, very important to our industry, and I just wanted to make a distinction for the purpose of this bill. I think as people who have an interest in agriculture, we can all agree that it is an important topic and that one should be incorporated into the classrooms. The Nebraska Foundation for Agricultural Awareness that funds and manages the Agriculture in the Classroom program has made that a priority for the last 21 years and has tried to move agriculture into education with limited staff and resources. And by resources, I also mean funding. While they have done great work, the fact of the matter is, that much remains to be done. And we believe change needs to come at a higher level. Currently, there is one person working in the Ag in the Classroom program, yet there are countless classrooms across the

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state to incorporate these programs and one person cannot do it all. The agriculture system impacts all of us, not just the people involved in agriculture but everyone. Farmers and ranchers produce the food for us, for the American people, and also the world. In America we spend less than 10 percent of our income on food, the lowest in the world, yet most people do not understand where all of these essentials for their lives come from. Over the past 27 years, I have developed educational resources to incorporate agriculture into the basic subject areas of math, science, social studies, and language arts. In other words, use agriculture as the vehicle to teach and meet Nebraska state standards in these content areas. It is not a separate subject. Teachers present these resources and because the students can make a direct connection to their lives...I hear so many students, why do I need to learn this? It's not connected to my life. Agriculture is connected to their lives. Students become enthused and hardly realize that they are learning math, science, social studies, and language arts. They also have, in these lessons that I have developed, a hands-on activity. Whenever you can get students involved in hands-on activity, that's where the learning begins and they can complete learning about the concept that you're trying to get across to them. Students today do not have a direct connection to anyone who produces food. I should say, the majority. Some of them do. This information that they get comes from the media, the Internet, and a lot of people that have no direct connection to agriculture. Over the years in working with students, I have many students and stories from them to tell you about their misconceptions about agriculture. And I must add teachers to that list too. For example, I had a student that believed that all the corn in the fields that you see in Nebraska is used to feed squirrels. That's what it's used for. Because when they go to the grocery store, they see the ears of corn and it has right on there, for the squirrels. So that was their concept of what all that corn is used for. I had a question about where the farmers store their bushelbaskets after they deliver the corn to the grain elevator. Their perception was that they stacked the bushels in the grain truck and when they emptied it out, then they had all of these bushels to store someplace, which would be quite a problem. Also the students are always asking, what's the names of your animals? They think everyone has a name. They compare livestock to their pets. For the most part, their idea of farming takes us back at least 60 years. Modern agriculture to them is completely foreign. In closing, I would like to encourage you to consider this legislation seriously, and I would be happy to answer any questions. Don't ask me how to store bushelbaskets, though, because I have no idea. (Laugh) [LB884]

SENATOR CARLSON: Okay. Thank you for your testimony. Questions of the committee? Let me ask you, you referred to the one person working in Ag in the Classroom. Is that you? What did that refer to? [LB884]

ELLEN HELLERICH: I am retired from that position. [LB884]

SENATOR CARLSON: That was your position. [LB884]

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ELLEN HELLERICH: That was my position. [LB884]

SENATOR CARLSON: Is there somebody in your position now? [LB884]

ELLEN HELLERICH: Yes, there is. [LB884]

SENATOR CARLSON: Okay. But it's one person. Is that Department of Ed? [LB884]

ELLEN HELLERICH: No, it's with the Nebraska Agriculture Awareness. [LB884]

SENATOR CARLSON: Okay. [LB884]

ELLEN HELLERICH: It's a foundation that funds and manages the Agriculture in the Classroom program. [LB884]

SENATOR CARLSON: In your experience putting together these materials for the classroom, what did you feel like your acceptance was in various schools in the state? [LB884]

ELLEN HELLERICH: Once they saw the materials that were developed and they also saw that they were connected to the state standards, that's the key because we don't want them to think that we're talking about a separate subject because there's just not enough time in the day to do that. So it needs to be connected to those standards and we're talking about, as Senator Sullivan mentioned, that in every content subject area. [LB884]

SENATOR CARLSON: So once they took enough time to understand, then the acceptance wasn't a problem? [LB884]

ELLEN HELLERICH: That's correct. [LB884]

SENATOR CARLSON: Okay. Okay. Senator Bloomfield. [LB884]

SENATOR BLOOMFIELD: Thank you, Senator Carlson. Again, not so much as a question as a comment, these beliefs that you described about the bushels and everything are not helped by our TV commercials that show people picking a bushel of tomatoes, carrying it over and sitting it on the truck and hauling it to the soup making place. We see that on TV continually of different products that are picked and hand-delivered in a small basket or a small container to the factory. And the kids see that and that's what they think. [LB884]

ELLEN HELLERICH: Yeah, well, you know, and just a comment about that. There are, like our markets and those kinds of things, so there are different ways to grow food, and

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I think it would be important that we show all of that when we're talking about it. But the mainstream of where we get our food is from the farmers and ranchers that grow it for us. Does that make sense? Yeah, I'm not disagreeing with you, but... [LB884]

SENATOR BLOOMFIELD: Nor was I disagreeing with you. I was just referring to those TV commercials... [LB884]

ELLEN HELLERICH: Yes, I agree with you. [LB884]

SENATOR BLOOMFIELD: ...that I know play in Chicago and elsewhere that show all that food being carried in one little bucket at a time to Campbell's or some other soup-making place. [LB884]

ELLEN HELLERICH: Right. Well, it's just like I said, that they're looking at agriculture what it was like 60 years ago. [LB884]

SENATOR BLOOMFIELD: Or 100. [LB884]

ELLEN HELLERICH: And we can't feed people with one basket of food. [LB884]

SENATOR CARLSON: Thank you. Senator Brasch. [LB884]

SENATOR BRASCH: Thank you, Chairman. And thank you, Ms. Hellerich, for your testimony today and sharing with us your experience and your work in Ag in the Classroom. As I listened to Senator Sullivan's introduction of this, I believe more and more information is moving away from our students on farming, our farms, the role they play. At one point the county fairs and the state fairs had an education element in bringing all children closer to the value and importance of agriculture. I know the county fairs and state fairs are trying to keep their gates open. And do you believe that by starting in the classroom that they will seek more information? That, you know, we need to look at...and I realize this is the task force looking at numerous ways to increase literacy, but... [LB884]

ELLEN HELLERICH: Well, I think anytime you understand a subject area that you would have an interest...more of an interest in pursuing to expand that knowledge. So I think you're right on that that would help them maybe want to think about doing something like that. [LB884]

SENATOR BRASCH: It sounds good. And then I'm wondering, too, sometimes schools have career days or Mom and Dad come talk to the class or shadowing. Did students bring their farming parents in to explain agriculture and its role at any point? Is there a focus on ag day currently in our school system? [LB884]

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ELLEN HELLERICH: Okay. One of the things that the Nebraska Agriculture in the Classroom program has is called an ag pen pal program. And right now we have 200...whoops, I shouldn't say we, I'm retired, sorry. (Laugh) Right now there are 280 families that are writing to 280 classrooms. And so those farmers or ranchers, a lot of times will visit their classrooms and bring things from their farm or ranch to show those students what it's all about, what they do. Some of them bring journals in. I get up at 5:30 and I must feed the livestock every day, even on Christmas, and that surprised most of those children because they thought, well, you could just forget them for that day. So we feel that that's a good way to have those students understand and actually see a producer. They don't understand what is a farmer, what is a rancher look like. [LB884]

SENATOR BRASCH: Very good. Thank you. [LB884]

SENATOR CARLSON: Okay. Thank you. Senator Russ Karpisek joined us from Wilber, so he's here. Any other questions? Okay. Thank you for your testimony. Next proponent. Welcome. [LB884]

DEBBIE BORG: (Exhibit 7) Good afternoon, Senator Carlson and members of the Ag Committee. For the record, my name is Debbie Borg, D-e-b-b-i-e B-o-r-g, and I am from Dixon County in northeast Nebraska where I farm with my husband and serve as a soy educator through the Nebraska Soybean Board. I am here today on behalf of the Nebraska Soybean Association. We are an organization that would like to go on record in support of LB884, and we thank Senator Sullivan for bringing forward this legislation. I want to take a few minutes to share some examples I have had as a soy educator, examples that show me now, more than ever, educating our children about agriculture is so important. Over the past seven years I have spoken to many fourth graders in northeast Nebraska. One year I spoke to three different fourth grade classes at O'Neill, 67 kids in total, which as you may know is located in a rural area, and not one of those children lived on a farm where they grew corn and soybeans. Additionally, I had the opportunity last year to share the soybean story with about 600 fourth grade students in Kearney for a Life on the Farm field trip. About halfway through the day I started asking the students if I looked like the farmer they thought they were going to meet that day. There was always a resounding, no. Then I would ask, well, what did you think a farmer would look like? And the answers ranged from, well, I thought you'd wear overalls and a straw hat to I thought you would be dirty and have hay in your mouth. The one that really made my jaw drop, that one student who said, I thought you'd have a pitchfork. Now I understand where those ideas come from, but I was surprised in central Nebraska. So experiences like these have taught me that we have a long way to go in educating our students about agriculture, not just how we grow food to feed families in Nebraska, but also about caring for the land, modern livestock practices, and so forth. I was saddened to see that the Nebraska social studies book printed in 2005 has our fourth graders learning that "some day we might put gasohol in our cars." I asked

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several teachers if they knew what gasohol was. Most could not answer. So we have students today that are being taught that we might use gasohol one day and none of them would know that gasohol is ethanol, and we already use it and have been since 2005. It doesn't even mention the word biodiesel made from soybeans. I know that the state faces many challenges fiscally, and I want to emphasize that it is not our intention to re-create the wheel with this legislation. Currently, there are some amazing programs being done in our state to work with teachers and students to share the agriculture story in our classrooms. And I want to commend the work of Tiffany Heng-Moss and Jon Pedersen at the University of Nebraska where they're working with grants from the Nebraska Soybean Board and the United Soybean Board where they're teaching teachers in Nebraska how to use ag systems as models to teach science. Their work helps incorporate life cycles, climate, soil properties into current curriculum by pairing science educators with ag scientists through a cross disciplinary and collaborative program involving CASNR and the College of Education and Human Sciences. Because of this program, agriculture is now being taught in current curriculum in around 400 K-2 Lincoln Public classrooms here in Nebraska. For some reason, agriculture has been removed or separated from the science curriculum. And we need to remind people that agriculture is science. So it is programs such as these that we want to share with the task force. Their work has been nothing short of groundbreaking in terms of ag literacy, and we would like the task force to look at ways this can be easily done on a statewide basis. Thank you for your time today, and I would be happy to answer any questions you have. And I would also...I'm going to share with you the page out of the Nebraska social studies book that references soybeans and corn. [LB884]

SENATOR CARLSON: Okay, thank you, Debbie, for your testimony. Any questions? Okay, seeing none, thank you. [LB884]

DEBBIE BORG: Thank you. [LB884]

SENATOR CARLSON: Next proponent. Welcome. [LB884]

KRISTEN EGGERLING: (Exhibit 8) Hello, Chairman Carlson and members of the Education Committee...or Agriculture Committee, excuse me. I'm usually at the Education Committee. You guys are very low-key here. (Laugh) My name is Kristen Eggerling, K-r-i-s-t-e-n E-g-g-e-r-l-i-n-g, and I am currently on the Nebraska Cattlemen Board of Directors serving as the education committee chairperson for that organization. And I'm here representing the Nebraska Cattlemen today in support of LB884. Former President Woodrow Wilson once said, "It's easier to move a cemetery than to effect a change in curriculum." But LB884 will do precisely that. By starting this study we're moving in that direction. I am a farmer and rancher from Martell, which is southwest of Lincoln, but for 14 years I did teach in Lincoln Public Schools. I taught sixth graders. And, of course, growing up on a farm I always had to add that agricultural flavor to what I was teaching in my classrooms. When I began teaching 20 years ago, I would ask

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kids, who has a connection to agriculture? Who has a grandma, grandpa, aunt, uncle, someone that you know in your family that you have a connection? And I would get maybe about half of the class would raise their hand. When I stopped teaching six years ago, if I got one or two hands to be raised, I was doing well that day. So we can see that there's a growing disconnect between agriculture and our consumers today. Very few people have knowledge of that. In fact, it's predicted that by the year 2050, 75 percent of the world's population will be urban. And in 1950 it was the complete opposite, 75 percent of the world's population at that point in time was rural. So we're kind of in a hundred years having a switch here. I also do some work with Common Ground Nebraska which is a volunteer group of women, farmers and ranchers who connect with consumers, urban consumers mainly, to help people know where their food comes from. And I have had a lot of experience meeting with groups of mothers, especially of young children, who are nearly panic-stricken over what to feed their children because they don't understand how food is produced, they don't understand what's true or untrue when it comes to a variety of issues that are in the news on a daily basis about agriculture. As a member of the Nebraska Cattlemen Board of Directors, we have for years been working towards this moment where we get some sort of a legislative piece that might help us move forward into the inclusion of agriculture literacy objectives into what students are being taught. This is a need that has been noticed by a variety of people, senators in the Legislature, Ronnie Green, Vice Chancellor Ronnie Green at the University of Nebraska, the people at...the dean at NCTA in Curtis. We've all had conversations about what to do about this issue. Even people from the Department of Education in Nebraska, Dr. Roger Breed, spoke to our group last summer at our convention and we visited about this very issue, about ag literacy. So it's very exciting to me that there is becoming more recognition of the need for this. If the Ag Literacy Task Force reaches the same conclusion that I already think it will, and that is that we're lacking desperately in the types of education that students are being exposed to when it comes to ag, agriculture, how do we do it? The first step, obviously, is the need, which this task force will identify, that we do have a need for it. Then the next step is to actually put it into place. And as a former teacher, I could certainly agree with the comments that have already been made. When you are asking teachers to teach something, you need to integrate it. You don't want to replace things that are already there. You don't want to make it to be something additional. So that's something very important to remember. I think that we also need to look at this issue as multisubject integration, not just social studies as other people have talked about. And we need this task force to assure us that, in fact, that is the case--that it is in all subject areas, and at all grade levels beyond career education, but actually getting down to that, where does your food come from. I think the education of our youth in the state is our most important job. And the education of them to our state and to agriculture and how important it is in our economy benefits us in a lot of ways. If we fail to do this, who will fill the jobs that we have in production agriculture or in other agriculture-related industries? If we fail to do this, do we really want consumers that are uninformed making food choices and affecting policy about something that they have little to no understanding

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of? Those are the questions that we have to answer. And I believe ag literacy education is the answer. [LB884]

SENATOR CARLSON: Okay. Thank you for your testimony. Any questions of Kristen? Seeing none, thank you. How many more proponents do we have to testify? Okay. Welcome. Take a deep breath and relax. [LB884]

CHEYANN LOVETT: (Exhibit 9) Well, good afternoon, Senator Carlson and members of the Agriculture Committee. For the record, my name is Cheyann Lovett, C-h-e-y-a-n-n L-o-v-e-t-t, and I am a student at Blue Hill High School. I come before you today to testify on LB884 on behalf of FFA, who would like to go on record as an organization in support of this bill. A few weeks ago I had the opportunity to visit Lincoln here at the Capitol and job shadow Pete McClymont with the Nebraska Cattlemen. At that time, I met Senator Sullivan and she told me about this bill. And I was very excited when she asked me to testify on it. And I would like to thank her for bringing such an important piece to the legislation. I want to explain there's a difference between having a vo-ag class in FFA and an FFA program in our schools and what we are seeking with this bill. Vo-ag and FFA are wonderful programs where students in the upper grades can learn more about agriculture and leadership. I am excited I have had the opportunity to participate in these classes and in FFA, because I have learned so much about agriculture that will be important to not only my future, but the world's also. Our population is to expand in the next 50 years, and it's up to my generation to learn and to excel in this industry so we can feed that world. I've become increasingly concerned when I hear stories that younger children and how uneducated they really are about agriculture. One of the women I worked with on this bill who teaches Agriculture in the Classroom shared a story with me while talking to her about this bill. It was about a little girl who said that not only...she didn't want to eat eggs because she heard that the agriculture people in the chicken business bleached them from brown to white and it wasn't natural so she wasn't going to eat them. She actually thought all eggs came out of a chicken brown. If you talk to anyone who works with children teaching in the agriculture education, these are the types of stories you will hear. In looking at population shifts in our state, it's easy to say close to half of our children in the state reside in urban areas. Most likely these students have little to no exposure of agriculture. Others have pointed out today that even children who live in rural areas have often little exposure to agriculture. This legislation provides a starting point to look at this problem. FFA appreciates your consideration and looks forward to being able to table you as you move forward in addressing agriculture literacy. Thank you and I would be happy to answer any questions you have for me. [LB884]

SENATOR CARLSON: Okay. Thank you for your testimony. Questions of the committee? What are your...what would you like to do after you're finished with school? Are you going to be in agriculture? [LB884]

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CHEYANN LOVETT: Well, my dream is to become a agricultural lobbyist, something to do with cattle, so. (Laughter) [LB884]

SENATOR CARLSON: Okay. All right. Good. Any other questions? Thank you for your testimony. Next. Welcome. [LB884]

JORDYN ATWATER: (Exhibit 10) Hello. Good afternoon, Senator Carlson and members of the Agriculture Committee. For the record, my name is Jordyn Atwater, J-o-r-d-y-n A-t-w-a-t-e-r, and I serve as the president of the FFA chapter at Blue Hill. I would like to thank you for taking time to listen to our testimony today, and I would like to also thank Senator Sullivan for bringing this legislation and sharing information about it with our class. I would like to echo the testimony of those who have testified prior, and would just like to add a few reasons why my fellow FFA members and I believe this bill is important. We think that this bill is great because it will inform students about the importance of agriculture in their everyday lives and in our economy. Having grown up on a farm, I have always had appreciation for agriculture. I have seen my father, family members, and friends work hard to produce crops to feed our world and also to make a living. I now realize that most of the students in our state do not have this kind of exposure. For example, this past summer I had the opportunity to attend Girls State. It was a great experience. We had to discuss issues that we wanted to remedy, and one of my issues pertained to agriculture. Most of the girls at Girls State came from cities or towns, and a few came from rural areas. Regardless, I was surprised to find that very few of these girls knew much about agriculture. When it came time to pick an idea for a bill, many of the ag-based ideas didn't move forward because not that many girls knew about them. I believe that if the kids were exposed to the topics earlier and understood how they fit into their everyday lives, they might have been more open to solving agriculture problems. That is another reason why I believe agriculture should be a part of statewide curriculum. If people don't know about how it really works, they probably won't care about it. You as senators saw what happened when people learned more and more about the pipeline. Some of them wanted to get involved and do something about it. Imagine what people would do if they understood more about agriculture and how it impacts their lives. Thank you again for taking time to hear testimony today. I'd be happy to answer any questions you might have. [LB884]

SENATOR CARLSON: Okay. Thank you for your testimony. Do we have questions? I'll ask you the same thing. What are your intentions? [LB884]

JORDYN ATWATER: I am planning on majoring in biochemistry and going to premed school to become a general surgeon. [LB884]

SENATOR CARLSON: So you might own some farmland some day, but... (Laughter) [LB884]

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JORDYN ATWATER: Yeah. Never know. I may retire and go back and live on a farm, raise some cattle. [LB884]

SENATOR CARLSON: Okay. All right. Thank you. Any other questions? Thank you for your testimony. [LB884]

JORDYN ATWATER: Thank you. [LB884]

SENATOR CARLSON: (Exhibits 11-13) Anyone else as a proponent? I do have letters of support from Megan Herbek of Blue Hill; Gene Ray, Blue Hill; and I think Duane Lienemann's letter was reported before. Now, we'll go to anyone testifying in opposition to the bill? Do we have anyone testifying in opposition? Welcome. [LB884]

BRIAN HALSTEAD: (Exhibit 14) Good afternoon, Senator Carlson, members of the Agriculture Committee. For the record, my name is Brian Halstead, B-r-i-a-n H-a-l-s-t-e-a-d, with the Nebraska Department of Education. We're here in opposition but let me make that abundantly clear, we are not opposed to what the bill wants to accomplish. Agricultural literacy is important to this state, it's important to this country, it's important to this world. As the letter from the state board points out to you, we're currently at the moment undergoing revisions in the standards that this Legislature in 1998 directed the state board to adopt in the language arts, mathematics, science, and social studies. In 2007, this Legislature told the state board, you need to revise those standards and you need to do that on a five-year cycle. So in 2008, we revised the English language art standards; 2009, mathematics; in 2010 we finished the science standards, and this year we're beginning with the social studies standards. As the letter from the state board indicates to you, this would be a perfect opportunity for all of the proponents here to participate in that part of the social studies standards revision. Are social studies standards the only one? No. As several of the proponents told you, this needs to be done across all of the disciplines, whether it's in the language arts, mathematics, science, or social studies. The state board felt, why create another task force? Come on over and participate in what we're doing, give us your input as to what you think needs to be done, and make sure that when we finally at the end of this year deal with the social studies standards, we've got them reflecting and incorporating what's important in agricultural literacy. Next year, we'll be back to language arts. Come on back again and talk to us about what needs to be included in the language arts standards because, I think as one of the proponents told you, this is not its own separate subject. It is...has to be incorporated across all of the standards and all of the curriculum. So with that, although I'm here in opposition, we aren't opposed to what the bill wants to accomplish. The state board just thinks there may already be a vehicle in place that you can get on board this month. The next meeting of the social studies standard revision team is February 13 and 14. And, oh, by the way, the state board meets next Monday and Tuesday in their monthly meeting, so if any of the proponents want to come to the state board to urge them to look at this, they'd be more than happy

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to listen to them. So with that, I'll end my testimony and take any questions the committee might have. [LB884]

SENATOR CARLSON: Okay. Thank you. Senator Wallman. [LB884]

SENATOR WALLMAN: Thank you, Chairman Carlson. Yeah, thanks for being here. When I went to school, we had everything about this ag in our curriculum. When did that get taken out, you know? [LB884]

BRIAN HALSTEAD: Well, Senator, I think as you're well aware, and I'm sure the Farm Bureau as well, curriculum is determined in Nebraska at the local school district level. The Department of Education does not mandate curriculum. This Legislature has said, we're not mandating curriculum. So as to how to answer that, we'd have to go back to each of the school districts to focus on what they're doing. I don't think it's been taken out of the curriculum because I think there's a number of fine examples here by people of where it's in. As to whether kids are paying attention to it or whether our world of media creates false impressions about what agriculture is, that may be the hardest part. [LB884]

SENATOR WALLMAN: But the Blue Coats do a good job, you know what I mean. But not in all the school districts have FFA. [LB884]

BRIAN HALSTEAD: That's absolutely true, Senator. [LB884]

SENATOR WALLMAN: And we are kind of regulating curriculum with our assessments, aren't we? [LB884]

BRIAN HALSTEAD: Those assessments are designed to measure the language arts standards, the science standards, the mathematics standards that we've adopted. That is what the Legislature asked us to do. And I think as some of these people indicated, in mathematics you can think of enumerable opportunities where you can incorporate agriculture into those math problems. There's no doubt about it. I've never understood why I needed to know when a train left Chicago and a train left Los Angeles, when it was going to meet in Nebraska, when I probably needed to know about...more about how much fertilizer do I need to put on 640 acres of ground and how can I do that most cost-effective. That would be a key critical thing you could put into the curriculum in Nebraska. [LB884]

SENATOR WALLMAN: Yes. Thanks. [LB884]

SENATOR CARLSON: Okay. Any other questions? Senator Karpisek. [LB884]

SENATOR KARPISEK: Thank you, Senator Carlson. Thank you, and you could

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probably blame longtime sitting school board members for taking that out. (Laughter) Senator Wallman was one. So if we were to get on with your group, would you...how is that group made up now? [LB884]

BRIAN HALSTEAD: Right now, the social studies revision group is a number of educators in the areas of the social studies, along with higher ed. The process we're doing for social studies in April, there will be a public group brought in because, believe it or not, the Nebraska public has some endearing input on social studies, whether that be history, geography, economics, or government civics. Right now, there's a group of people on civics engagement that have been working the last three years that have been to the state board enumerable times talking about civics. In the same sense, I know Dr. Butters in economics. He's been around pointing out the need for upping economics courses and all of that, that group. The Farm Bureau, I don't think, has been to the state board lately and that's why I say, come on over. I think they'd love to hear from you. I mean, in the sense of...I'm well aware of the Farm Bureau's position on local control. So in that regard, that's not a decision we're objecting to. But at the same time... [LB884]

SENATOR KARPISEK: So you're just saying for them to come in on the public weighing-in sides. [LB884]

BRIAN HALSTEAD: Some of the educators who are working on this may need to talk to some of these educators who develop the curriculum. We need to have them part of the discussion. Because if we can incorporate it into the standards, that's what drives alignment of the curriculum in our schools. And in the sense of I don't know that this committee or they're looking for a separate set of agriculture standards, I don't think that's what the intent of the bill is, but clearly every one of those subjects in your reading, what do you read about to develop those strategies of comprehension and literacy? Can you incorporate stories about Nebraska and the importance of agriculture? Absolutely. And some of this, again, might be, it's training for teachers. [LB884]

SENATOR KARPISEK: Very good. Thank you. Thank you, Senator Carlson. [LB884]

SENATOR CARLSON: Senator Larson. [LB884]

SENATOR LARSON: Thank you for coming in. So would you be opposed if...I know we had a letter from Speaker Flood recommending a legislative resolution to create this task force. Would you be opposed if we had a resolution to put ag members on to your...the board...or to at least be part of the whole process to ensure that... [LB884]

BRIAN HALSTEAD: In the sense of, if there are people who want to participate in our social studies standards revision as they just exist now, absolutely. Let us know who

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you are. Donlynn Rice is our leadership councilperson overseeing curriculum and instruction. Absolutely, let her know. When we put together that public panel who is going to look at this in April, let us know who you are because that would be a great point for public participation in it. I'm not going to guarantee it's going to be all ag people because let me tell you, we've got those people who are big on civics and governmental involvement. Glad to see we're going to have a lobbyist. [LB884]

SENATOR LARSON: I know, but if the Legislature were to mandate it, that so many have to through a resolution or anything like that. You'd be...essentially you're saying that's all right. [LB884]

BRIAN HALSTEAD: Well, if you...the problem I would have with that is then I'm going to have the civics people wanting legislation to mandate and that's the whole problem when you start parsing this out into the pieces. I think that was what the proponent is saying. You can't do this as its own separate area, this has to be incorporated across it all. I think the state board would be more than happy to have people from ag education working on the social studies revision. I can't tell you who is all on it right now, but there might actually be some people who have ag backgrounds working on that. I don't know the membership of that, but it's certainly something we'd look at in the sense of since we started in December...that's when we started with the beginning of the social studies revision. It's still in its early stages. So in that regard, if there are members of this Legislature think we should put on it, let us know about it. I can't guarantee you they all will get on it, but in that regard I don't think there's anybody at the Department that's opposed to what this group is trying to get done. Agriculture is important to Nebraska. Whether you live in Omaha and you work for ConAgra, whether you're like my brother who works for a division of the DuPont Corporation in the Pioneer Research Station in York that researches hybrids for corn, it's all integral to Nebraska's well-being. [LB884]

SENATOR CARLSON: Senator Brasch. [LB884]

SENATOR BRASCH: Thank you, Chairman, and thank you for your testimony here. I'm not sure if...what I'm hearing is, you are currently working on state standards now. [LB884]

BRIAN HALSTEAD: In social studies, that is the standards that we're currently starting work on. [LB884]

SENATOR BRASCH: And what the task force is trying to do is a discovery of providing students with an understanding. They want to define the role so the task force is not just in time for what you're doing at social studies. They would like to meet to make, design white papers, or a report or something to bring forward to the Department of Education. [LB884]

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BRIAN HALSTEAD: And again, if that's where the Legislature wants to go, we were just thinking with the budget cuts we've all been through and all of the things we've been dealing with, we thought, come on over and participate in this. If it doesn't satisfy them, this Legislature will be back next session. It may be something that needs to be addressed. But at the same time, I know there's people who want their interest looked at and I don't disagree with that. But at the same time, if we're going to have enumerable task force after task force after task force, here's a process that's in place. The social study standards will be revised by the end of this year. You can have an input right now on that piece. Next year, language arts will be back up again. You can get involved in that process and create that instead of waiting for a white paper that gives you suggestions. That was the only position the state board had with this. [LB884]

SENATOR BRASCH: I think that's the only difference, I believe, and perhaps Senator Sullivan will clarify in her closing, but... [LB884]

BRIAN HALSTEAD: Absolutely. [LB884]

SENATOR BRASCH: ...I think they're looking just for a period of limited time and sunset where they can do some discovery research, try to do a gap analysis of what they see in place today as to what should be there, so. Thank you for your testimony. [LB884]

BRIAN HALSTEAD: You're welcome. [LB884]

SENATOR CARLSON: Thank you. Any other questions? Okay, I'm going to put you on the spot a little bit. [LB884]

BRIAN HALSTEAD: Okay. [LB884]

SENATOR CARLSON: Maybe. (Laughter) Part of this discussion that we're even having...and I'm giving you an opinion now. This comes about because we're realizing over the last several years that there are groups in our country that want to destroy agriculture. And that's a fact. Now I'm not...they have different motives, but the end result would be to do everything they can to destroy agriculture, as we know it in Nebraska. And you understand, I can tell by the way you talk, that agriculture is our number one industry and it is so very, very important that we think it's critical that we educate our citizens a little bit better in terms of what agriculture means to Nebraska and what it means to each person as an individual. Is this any kind of discussion that you've had in the Department of Ed? [LB884]

BRIAN HALSTEAD: I think... [LB884]

SENATOR CARLSON: And I don't blame you if you haven't, because... [LB884]

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BRIAN HALSTEAD: In the sense of focusing on the topic of agriculture and groups who are looking to oppose it, I don't think specifically at the department that has been our focus. Our focus is on educating kids every day they're in school. And in the sense that has some attention waned from agriculture as we've moved to a more urbanized society, I think you've heard the examples of that. Now, whether that's in our schools they aren't doing as much as they used to, or it's because we're overwhelmed by the media surrounding us in the six hours we're not in school, because keeping in mind that's about how long every day kids are in school, six to seven hours, and then the media onslaught we get whether it's from advertising or whatever in that regard. I mean, I was sitting here listening to the testimony and remembering when we visited a farm when I was in York back in the 1960s, and one of my classmates thought that chocolate milk came from brown cows, and he grew up in York. That is not an urban area. So we do have misperceptions that get created, brown eggs and all that. In the sense of, I think our staff has certainly been working in the curriculum areas and I think well aware. Yesterday, Senator Sullivan had a hearing in the Education Committee about career academies. And although Senator Ashford presented it with one of his proponents who wanted to re-create Tech High School in Omaha, hopefully, the committee learned there are a large number of career academies going on throughout the state. Farming is one of them. Agriculture is one of the career academies that is out there and it works in a lot of schools. And it keeps kids engaged in school. Those are the things that we've been looking at. The Department has been working on career academies for the last four or five years trying to tie them into the community colleges, into the university, into the state colleges. So, that's probably a long answer to your question in the sense of have we been paying attention to the particular groups you might identify who are opposed to agriculture? Probably not. We've been trying to focus on educating the kids. [LB884]

SENATOR CARLSON: And if that...if it isn't something that's consciously pursued, then things slide in under the door, and they slide into the curriculum, and we don't realize they're there, and all of a sudden we say, what happened? And so, all this is aimed toward really trying to reverse any of that and educate our people so that they really do appreciate how they get fed every day. [LB884]

BRIAN HALSTEAD: Sometimes it may not be the kids we need to educate, it might be the adults we need to go back and reeducate because we may sometimes create our own miss and misperceptions as we go about our lives. [LB884]

SENATOR CARLSON: All right. Thanks for your response. Any other questions?  
Senator Bloomfield. [LB884]

SENATOR BLOOMFIELD: Thank you, Senator Carlson. You stated early on that the curriculum was chosen by the local schools. Am I correct in that? [LB884]

BRIAN HALSTEAD: The policy of this state has been that curriculum is developed in the

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schools districts. It's not developed on the sixth floor of the State Office Building. That's correct. [LB884]

SENATOR BLOOMFIELD: Okay. If a school district decided they wanted to present more of this ag-based curriculum, are the books available for them to do so? [LB884]

BRIAN HALSTEAD: Oh, I think there's a whole litany of materials that are out there. Somebody referenced a 2005 book or whatever. I don't know the book. I think you would find if you go into the classrooms today, textbooks are almost archive items. It's now literal media, multimedia, Internet-based, pulling it that way instead of waiting for Harcourt Brace to publish their textbooks, which will take them two years, which are largely defined by the standards that Texas and California has because that's where they sell most of their textbooks. [LB884]

SENATOR BLOOMFIELD: Let me rephrase that from books, and is the material available? [LB884]

BRIAN HALSTEAD: Oh, I think the material is out there and I think these groups have pointed out how they've made materials available to it. As to how well teachers find it, how well they know it exists, that may be something we need to work on. [LB884]

SENATOR BLOOMFIELD: Okay. Thank you. [LB884]

BRIAN HALSTEAD: Sure. [LB884]

SENATOR CARLSON: Senator Brasch. [LB884]

SENATOR BRASCH: Thank you. Just listening to your testimony here, thank you, and I can appreciate the great challenge the Department of Education faces. Right now, we're trying to encourage common-sense appreciation for our food in our industry. You can lead a horse to water but you can't make it drink necessarily. And I know that you're under great pressure from the federal government, there's core subjects, you know, testing. It's not a simple task that you face. I see the wonderful FFA group that's here. We have 4-H groups. We have...get back to our fairs, our county fairs. Education in an ag state, definitely we need to promote and create a greater awareness for agriculture food and nutrition and the role it plays. And, you know, as our students graduate, they want to live on the farm as surgeons and continue to come back home. But, you know, your role again, I think this task force has a great mission and I don't know if the Department of Agriculture is here as a proponent or is testifying, but to step forward as an opponent, I think, is courageous, but well-stated in what your role is specifically. And you are working on state standards and that's not an option. That's something that must be accomplished. So again, thank you. [LB884]

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BRIAN HALSTEAD: Well, and I think that goes...just because I'm sitting here in the opponent part of it doesn't mean we're opposed to what's wanting to be accomplished by the bill, and the state board takes the standards very seriously. There was a big discussion back in 2007 and 2008 in this Legislature as to whether the department was going to go the correct decision with standards and assessment. They have taken that job very seriously. Senator Sullivan can tell you about that because when she's on the Education Committee, they've got bills down there now to deal with accountability based on all of that. It is a serious subject and the state board takes it very seriously. So, just because it says opposed, it isn't opposed to what this bill wants to accomplish. Their opposition more about come on over and join with us to see if we can't work together instead of having competing forces working on the same thing, I would say. [LB884]

SENATOR BRASCH: Very good. Thank you. [LB884]

SENATOR CARLSON: Okay. Any further questions? Okay, thank you for your testimony. [LB884]

BRIAN HALSTEAD: Thank you. And since I rarely appear before the Ag Committee, I want to thank you very much for your graciousness. And I don't know that we'll be back this session from the Department of Ed, but if you need something, let us know. [LB884]

SENATOR CARLSON: Okay. Thank you. Anyone else in opposition? Do we have anyone testifying in a neutral position? Seeing none, Senator Sullivan, you're recognized to close. [LB884]

SENATOR SULLIVAN: Thank you very much, Senator Carlson. And I appreciate your attentiveness and I appreciate everyone who has come to testify today. To respond a little bit more to, Senator, your comment about the interests being served, take a little bit of a twist on that. You know, if you look at it from the standpoint of who is...what are the interests and who are the interests being served by this, well, you can look at some of the advocacy groups that I think are watching this and would see it as a benefit all the way from the Nebraska Cattlemen, Pork Producers, Soybean Board, Farm Bureau, Corn Growers, and, of course, farmers themselves in general. Educational interests, certainly the students would be served. But as Mr. Halstead referred to, too, parents, school boards, administrators, so I think that there are a variety of interests that would be ultimately served by this. And at the end of the day it is truly the young person who will, and is today's consumer. With all due respect to the Department of Education, I respect their stance on this. I think it was indicated that when it comes to revisions and reviews of standards, their plate's really full. They not only have to cover the gambit, then they also have to answer to a number of special interests. And, you know, regarding, Senator, your comment about whether or not we'd want to mandate some agricultural participation on the board, the review board, that's probably not the way to go, which is why I think that's the beauty of this task force. I don't view it as superseding

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or doing something redundant to what the standards review board is doing. Rather, a complement to it that they are focusing specifically on agricultural literacy, not trying to come up with their own standards, not coming up with their own curriculum, simply reviewing the standards and curriculum and offering some suggestions and recommendations. And I see no harm in doing that and I think that it's a complement and it would be a help to the department in that regard. So again, I thank you for your attention to this. I'll be more than happy to answer any questions and we'll go forward. [LB884]

SENATOR CARLSON: Okay. Thank you. Any questions? Senator Harr. [LB884]

SENATOR HARR: Just quickly, Senator Sullivan. Thank you, Senator Carlson. To sum up what you're saying, you're representing the hardworking middle-class and not the special interests? (Laughter) [LB884]

SENATOR SULLIVAN: Yes, absolutely. [LB884]

SENATOR HARR: Thank you. (Laughter) [LB884]

SENATOR CARLSON: Any other questions? I'm going to ask one because on page 3 it talks about no compensation but there is a \$3,000 fiscal note. Do you want to comment on that? [LB884]

SENATOR SULLIVAN: Well, you know, I think that that's up to speculation because, first of all, we don't know for certain the exact individuals who might be on this task force, where they might be located, if they would even choose to put that in on their mileage if it would require them to drive into Lincoln. Don't know exactly how the task force might operate. Maybe they can do some of this via e-mail and phone calls, so I would think that at the very maximum, it might be \$3,000, but I certainly don't think it would be any more than that. [LB884]

SENATOR CARLSON: Okay. Thank you. Any other questions? Thank you, Senator Sullivan. And with that, we close the hearing on LB884 and thank you for coming. And we'll get ready to open our next hearing. Senator Larson, let's just wait a minute, maybe. Okay, Senator Larson, we'll open our hearing on LB915. Senator Larson. [LB884]

SENATOR LARSON: Thank you, Senator Carlson, members of the Ag Committee. My name is Senator Tyson Larson, T-y-s-o-n L-a-r-s-o-n, representing Legislative District 40, occupies much of northeast and north central Nebraska. Today, I'm introducing LB915. LB915 has two main components. It amends the statutes relating to reporting animal abuse and creates a new criminal offense of obtaining employment at an agricultural facility with intent to disrupt the normal operations of the facility. Animal

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activist groups have routinely used images of neglected, abused, and mistreated animals in their fund-raising campaigns. For example, HSUS has a budget of \$125 million a year, which is raised largely from private donations resulting from their television commercials featuring images of these abused animals. Many other groups do this as well. Animal activist groups often obtain these images, retain them for weeks or months, edit them, and finally show them publicly, often without reporting the instances to authorities until they release the footage. In the past couple of months, a large egg-producing company in Minnesota has been targeted by a video taken at their facilities by an undercover operative in the company's egg farms over a three-month period. A turkey farm in North Carolina was recently targeted. These videos had been edited substantially before being released to the public. My intent is to make sure that members of these groups are responsible to report these instances instead of using them for their own gain. And I just got an e-mail that HSUS just released another one of a farm down in Oklahoma in which they did the same thing. In trying to obtain these videos or to stop business operations by destroying property or causing other damage, animal activist groups often infiltrate a farm or other agricultural business with employees who are undercover agents of the group. This type of conduct has occurred increasing...with increasing regularity across the nation. In addition to the previous examples of video surveillance, in one case from just three weeks ago, a fleet of 14 cattle trucks in California was set on fire by members of an animal activist group resulting in considerable loss of property. It is also important to make sure that people are not falsely obtaining employment at Nebraska businesses for the sole purpose of pursuing their own agenda. An employer should be able to have faith in his or her employees when they are hired. The changes that I have proposed to the animal abuse reporting statutes will help curb these behaviors. The bill expands the requirement to report all animal abuse...report animal abuse to all people, just not certain employees, for animals as defined in Chapter 28 and livestock as defined in Chapter 54. The bill also tightens up the requirements regarding the report itself by shortening the time to report to 12 hours and by requiring anyone making a report to turn over any documentation including video, audio, or video evidence. The bill also significantly enhances the penalty for failing to report. The vast majority of Nebraskans treat their animals well. Farmers and ranchers use accepted practices and it is in their best interest to have healthy productive animals. But if there is an instance of abuse or neglect, these changes ensure that the act is stopped and the perpetrator is charged but that any information gathered about this instance will be used for the purposes not to further animal activist propaganda. The new criminal offense included in LB915 also addresses these concerns. The bill criminalizes obtaining employment at any animal facility with the intent to disrupt normal operations of the facility. Animal facilities is defined broadly to encompass the production, market, educational, and exhibition facilities as well as facilities used in the transport of animals. Examples of disruption could include destroying property owned by the facility, hampering or misusing technology used by the facility, killing or injuring an animal, obstructing the movement of animals, failing to accomplish important work responsibilities in order to record other

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employees' actions, tampering with feed or medical care, or inciting another employee to abuse or neglect animals. Disrupting the normal operations of the business is not defined in this bill, but I am willing to include more specific language detailing my intent and addressing concerns about the vagueness of the language. The measures included in LB915 can stop some of the unacceptable tactics of animal activist groups and encourage safe production of an animal welfare at the same time. [LB915]

SENATOR CARLSON: Okay. Thank you, Senator Larson. Any questions before our testimonies? We'll probably...oh, excuse me. Senator Lathrop. [LB915]

SENATOR LATHROP: What you're driving at would be the prohibition against taking a job with a production facility with the intent to disrupt it? Is that...? [LB915]

SENATOR LARSON: Yeah, essentially. And my language is vague in the bill and I realize that it would take a little bit of an amendment to tighten that up because it's tough to prove...in my bill currently it would be tough to prove because it is a little vague. But, essentially, if Joe Smith was to...wanted to take a job with the intent to disrupt or if they could prove the intent, then, yes, that would be another crime. [LB915]

SENATOR LATHROP: Okay. And what is a "disruption"? [LB915]

SENATOR LARSON: And that is where the bill is a little vague and we... [LB915]

SENATOR LATHROP: Okay, let me ask a couple of questions then. If I took a job at a... [LB915]

SENATOR LARSON: And I commented in the opening what disruptions could be. [LB915]

SENATOR LATHROP: No, I appreciate that. If I took a job at a chicken or a turkey processing place where they bring in the animals and they kill them and then clean them and turn them into chickens so they get in the grocery. (Laughter) [LB915]

SENATOR LARSON: Chicken to eat. [LB915]

SENATOR LATHROP: Food, something that shows up in the meat counter. [LB915]

SENATOR LARSON: They already are chickens, but yeah. [LB915]

SENATOR LATHROP: And I see something that's going on and I take a picture of it and give it to somebody who is opposed to killing animals, does that fall within the purview of what you're trying to prohibit or...? [LB915]

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SENATOR LARSON: You know, right now, the language in my bill currently is extremely vague and I commented on how that needs to be fixed. I recognize that that needs to be fixed, but it's something of that nature. You know, I don't know if that falls within and maybe that's something we, as a committee, need to address a little more, in a little more detail. [LB915]

SENATOR LATHROP: Okay. If we begin the process of tightening up your language so that it's not vague, what are you driving at? If somebody sets fire to a truck or a trailer full of cattle, we already have laws that make that against the law, right, arson, and...? [LB915]

SENATOR LARSON: Yeah, I think what we're driving at is a lot of times, as I commented, a lot of times employees, there's been documented history that they're either destroying property or there's been times that they're setting up situations to make it appear that there's animal abuse. And you're correct, there are statutes right now that can be tried but this is just something else that we could, you know, put on top of that that they had the intent to begin with to come and disrupt operations. Not only are they destroying the property, but there was straight malicious intent to do this, to begin with. [LB915]

SENATOR LATHROP: Okay. [LB915]

SENATOR CARLSON: Okay. Senator Bloomfield. [LB915]

SENATOR BLOOMFIELD: If I might, I want to...want this to go more to Senator Lathrop, probably, for cross-conversation. There's a...we have an egg-producing facility in the district up there. They are required, if a chicken is injured badly or can't be taken care of properly, to gas that chicken before they put it into the shredder that grinds it up to get rid of it. There was a case a while back where two people went in, one of them grabbed the chicken with his back to the camera, flew it...threw it alive into the shredder and took the picture...with the other one taking the picture, and said, look at here, they're grinding these live chickens. That's an attempt to interrupt. [LB915]

SENATOR LATHROP: Okay. [LB915]

SENATOR CARLSON: Okay. Senator Brasch. [LB915]

SENATOR BRASCH: Thank you, Chairman. What I'm wondering is if what your intent here is to prohibit someone from having dual employment, they're employed by opposition or they're a member of an organization or association, that they're not truly seeking long-term employment but long enough to... [LB915]

SENATOR LARSON: I think that would go towards the intent in proving the case that

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they had the intent to disrupt operations and something of an employment or a history with an animal activist group would definitely go to the attempt of proving it. Now, I don't know if we can say that you can't have dual employment. That's not the case, but if they did in the past, that could definitely be used possibly by lawyers to show intent. [LB915]

SENATOR BRASCH: Could an employer have a conflict of interest form they sign before they take employment saying that, what happens here stays here? [LB915]

SENATOR LARSON: I'm not a lawyer and I don't know if that's legal or not, but it's, obviously, an interesting idea. [LB915]

SENATOR CARLSON: Any other questions? Yep, Senator Lathrop, go ahead. [LB915]

SENATOR LATHROP: Well, yeah, it's kind of an interesting...it's an interesting subject because you would assume that if somebody was an animal rights activist that their purpose in being at a place like that is not to treat the animals more humanely, right, but to show that somebody is not treating them humanely? And I don't know if you're going to...if somebody throws a live chicken in the shredder and takes a picture of it, then they've probably done something that will get themselves in trouble. [LB915]

SENATOR LARSON: Exactly. And like I said, this is just something else...because obviously they will get in trouble with that. Another example is, I remember that they stuck a pitchfork in a cow's butt region and took pictures of it and made that look like animal...it's now, obviously, they can get their own...they can get charges for that but the essential, this is a... [LB915]

SENATOR LATHROP: And what's the concern--that they will then run that on TV... [LB915]

SENATOR LARSON: They do run that on TV or take pictures and how terrible it is. [LB915]

SENATOR LATHROP: ...and talk about how terrible it is to eat animals? [LB915]

SENATOR LARSON: And, you know, the main part of the bill is...you know, that's part of it and the other of it is, you know, 99 percent of our farmers and ranchers are doing it the right way. And there, you know, there's a certain few that are going in and I think PETA was commenting in an article in the Chicago Tribune this week that they don't want to have to turn in the animal abuse right away, they want to develop it over 30 days, which essentially, in my estimation, just allows the animal abuse to continue on and allows them to build up. Once you know there's animal abuse, like I said, 99.9 percent of farmers and ranchers would want that reported right away so that the actual offense stops and they don't get painted with everybody else...or those people that

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aren't doing it the right way. They're getting painted as doing it the wrong way. [LB915]

SENATOR LATHROP: Okay. I see Alan Peterson here. It strikes me that we're talking about some speech issues. Really, if it's...if I go in and I take a job and I'm working at the egg plant in Wayne, or wherever it's at, and they're throwing chickens live into the grinder and everybody agrees that's not the right way to do, you gas them, and somebody takes a picture, that practice probably ought to be exposed, right? [LB915]

SENATOR LARSON: Yeah. [LB915]

SENATOR LATHROP: And if somebody is phoneying up a picture, and trying to make it look like the reality, stabbing a cow in the rear end with a pitchfork, and that isn't what is happening, don't we just wait for the truth to come out? [LB915]

SENATOR LARSON: And these pictures...by no means we're not saying that these pictures or these cases can't be exposed or brought to the public. They just...they have to turn them into...with authorities. By no means, I mean, obviously, the court system will do with it as they please and I mean, you deal with evidence, and how that all...I mean that will all come back at you. We're not saying that they, you know, they can't (inaudible). We just want it turned in right away so we can address the problem at the root. [LB915]

SENATOR LATHROP: Okay. [LB915]

SENATOR CARLSON: Okay. Senator Harr. [LB915]

SENATOR HARR: Thank you, Senator Carlson, and thank you, Senator Larson, for bringing this bill. I think it has a good intent and I appreciate that you realize it needs some work. I'm afraid there's mission creep on this. And what I'm... [LB915]

SENATOR LARSON: There's what? [LB915]

SENATOR HARR: Mission creep. Have you ever heard that term before where we expand the mission beyond its original intent? And I feel as though that might be what's happening with this bill. It has a great intent but we're casting it wide, the net too widely. And for instance, I have a problem where you and I see child abuse. We don't have a duty to report it, but if someone sees animal abuse, you have a duty to report it. The fact that we treat our farm animals with more respect than our children, I don't know what that says about us with the society if this bill were to pass. [LB915]

SENATOR LARSON: Maybe that's something the Legislature should address. [LB915]

SENATOR HARR: And maybe it is, and maybe it is. You're right. But I just...I appreciate

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you bringing this bill. I appreciate the conversation, but I do think maybe we have mission creep here, so. Thank you very much. [LB915]

SENATOR CARLSON: Okay. Any other questions? And you'll be here to close, so thank you, Senator Larson. Okay. We're ready for proponents of the bill. Does anyone want to testify as a proponent? Seeing none, do we have any opponents? Welcome. [LB915]

ALAN PETERSON: (Exhibit 1) Hello. Good afternoon. Senator Carlson and members of Agriculture Committee, I am Alan Peterson, A-l-a-n P-e-t-e-r-s-o-n, and I'm an attorney and registered representative of the ACLU Nebraska. That's an organization devoted, really, only to trying to protect and preserve the Bill of Rights for Nebraskans. We're not the national ACLU, we're the local. And we do our best in the Legislature to spot issues where we think there's an encroachment or danger of damage to people's rights, usually the first ten amendments, plus the due process clause in the Fourteenth, and equal protection in the Fourteenth. What's wrong with this bill? Why am I here? There are two closely related problems and Senator Larson acknowledged that there needs to be a definition of "disruption." That's the key problem, I think, in the bill. There is no definition of it and for someone to be charged with a major felony as this bill calls for, because they had a "intent to disrupt at the time they took the job," without a definition of what "disrupt" means, is pretty dangerous. I recognize and acknowledge and appreciate the effort to combat the genuine terroristic acts that a number of organizations have even boasted about. I'm not specifically talking about the U.S. Humane Society, but there are a couple of other organizations, one of them called The Animal Liberation Front, and I know there are a couple of more, who literally advise even violence to get their way with respect to ending, particularly, animal agriculture. Not here to defend them in any way. But to have a bill that doesn't define the crime closely enough, doesn't let people who might get caught or accused know in advance where the line is of what they can and cannot do. And, of course, making it a major felony, I think it's a Class III in the bill, means we're talking five years in prison as a possibility. The technicality for a lawyer, I laid out the law as to the problem of both vagueness of a criminal law under the Fourteenth Amendment and the cases on that both federally and in Nebraska and also a little bit of law on the problem of overbreadth, and perhaps that's what Senator Harr meant a moment ago when he referred to mission creep, or Senator Lathrop's questions might have pointed toward. The overbreadth under the First Amendment means that because of the way a criminal law is worded, it might be taken to forbid activity that is protected as free speech or free press or freedom of association. Those are all in the First Amendment. And because it's such a big penalty, they're not going to even want to come close to the line, especially if they can't even see the line. And I want to be fair. Senator Larson, I think the motive of this bill is excellent, but I think it needs major clarifying as to what is and what is not covered. I did get a chance briefly to speak with him and gave him a copy of the little memo I prepared. But I think the answer, if the Legislature wants to pass this bill, perhaps not with quite that heavy a penalty, so much

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heavier even than not reporting child abuse, which is a misdemeanor for those who have to report it, but I think the answer is just to look to the federal law. There's something called the Animal Enterprise Terrorism Act passed in 2006. And it was a modification and I think improvement of the previous law. And it forbids interfering with an animal enterprise and has similar definitions of what we're talking about and similar targets. But it defines the kind of interference that can be punished and it's damage to personal or real property of either the entity or anybody connected with it, including customers or whatever, or putting them in fear of serious personal injury or anybody connected with them, a spouse or family, etcetera, by threats, intimidation, and so forth, or by actual damage. Those are what it means in the federal law. Why not use that if we're going to go this route? I think, however, that law is so close to this one, the only difference is you would need a little bit of interstate commerce, a phone call...my time is up. [LB915]

SENATOR CARLSON: Go ahead and finish your thought. [LB915]

ALAN PETERSON: All right. Under the federal law you have to prove some little form of interstate commerce to make it attach and it can be a phone call or travel between states in order to accomplish this illegal purpose. So you end up with, well then, why do we need this law? Well, you could cover strictly intrastate if you couldn't prove this form of interstate commerce. All you need is a long distance call or some travel or using the mails, however. So I'm not sure there's a need. If there is a need for this, then the bill needs to be rewritten quite a bit to clarify what's covered. [LB915]

SENATOR CARLSON: Okay. Thank you for your testimony. Questions? Okay, Senator Lathrop. [LB915]

SENATOR LATHROP: Maybe just a comment. Well, you know, I always appreciate having you show up because it's good for the committees, I think. You're in Judiciary a lot and worked on the pipeline as well, and I think it's very helpful for us to have somebody with a scholarly insight into the constitution as opposed to sometimes when we get on the floor and speculate. So thanks for coming. [LB915]

ALAN PETERSON: Thanks. You bet. You know I try not to wing it and I try not to exaggerate on this stuff because I'm not an expert on all of it, but I'm pretty sure that what I've said is true on this one. [LB915]

SENATOR LATHROP: Okay. Thanks, Alan. [LB915]

SENATOR CARLSON: I'll just make one comment. I appreciate your reference to the Animal Liberation Front because they are a bad bunch and they may...they may have been the one responsible for blowing up these 14 trucks that is very, very serious. [LB915]

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ALAN PETERSON: Absolutely. I agree. [LB915]

SENATOR CARLSON: Okay. Thank you. [LB915]

ALAN PETERSON: Thank you so much. [LB915]

SENATOR CARLSON: Any other testifier in opposition? Anyone in a neutral capacity? Welcome. [LB915]

JACK CHELOHA: Good afternoon, Senator Carlson and members of the Agriculture Committee. My name is Jack Cheloha, first name is spelled J-a-c-k, last name is spelled C-h-e-l-o-h-a, and I'm the registered lobbyist for the city of Omaha, and I thank you for the opportunity to testify in front of your committee today. It's a rarity for me as a representative from the city of Omaha to get to testify here so I appreciate the chance today. I was asked over the lunch hour...it was kind of a short-term call, but by the Omaha Police Department to come in and talk a little bit about this bill. First of all, we don't have any underlying concerns as to what the bill is trying to do in terms of policy and the ongoing struggle or tug of war, if you will, between the agriculture interests and other people who, you know, shroud themselves in the animal rights activists or whatever. So that's why I'm testifying in the neutral capacity. We just had concerns relative to the bill on enforcement. The city of Omaha is the largest law enforcement agency in the state. One of the points I wanted to make has already been brought out that we had concerns relative to the Class IV felony. What that does for us in terms of operation is it raises our protocols, obviously, in terms of investigation and trying to solve crimes, etcetera. Felonies are treated with a higher standard and urgency than a misdemeanor would be or even an infraction. And so by raising it to that level it's going to heighten our staffing and manpower and how we have to react to these items. Likewise, it was pointed out that failing to report child abuse is a misdemeanor now, whereas, this would be a felony. We wanted to talk a little bit or make the point, there is the underlying act, which has already been on the book for a long time, and you talk about reasonable suspicion. The thing the police wanted to point out, in order for us to make an arrest we have to have probable cause that the law was broken. And so, on one hand, we're setting a standard for the citizen in terms of if they have observed an underlying crime, but then for us to move forward with the rest we have to have probable cause. So that was a concern that I wanted to raise as well. Finally, the last point that they wanted to talk about briefly was the 12-hour time frame. We thought that depending on how the bill is received and presented, if it becomes law to the public, that ultimately, you know, sometimes there could be some abuse or people may feel inclined that they had to report on a neighbor where there was some misunderstanding on some treatment of livestock, and the time frame would require this reporting and we thought that...not that reporting to police is a bad thing, but we thought that it might lead to a significant increase in the amount that are reported. So for those reasons, we have

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concerns. We've shared some of them with Senator Tyson (sic). We'd be happy to work with him or the committee on what our concerns might be if you decide to go forward, but thank you for letting me say my piece. I appreciate it. Thank you. [LB915]

SENATOR CARLSON: Okay. Thank you for your testimony. Any questions of the committee? Okay, seeing none, thank you. [LB915]

JACK CHELOHA: Thank you. [LB915]

SENATOR CARLSON: Anyone else in a neutral position? Okay, seeing none, Senator Larson. [LB915]

SENATOR LARSON: Thank you. And just to be real quick, as I said in my opening, happy to define the vagueness. I did talk to Mr. Peterson before the hearing and he expressed his concerns and I was already on the way to addressing those concerns in terms of the vagueness to make sure that this is as constitutionally sound as possible. And happy to work with Mr. Cheloha and the city of Omaha and the charges because moving it from a felony to a misdemeanor because they do understand that it does trigger different investigations, so happy to work with both groups. [LB915]

SENATOR CARLSON: Okay. Thank you. Any questions of the committee? Seeing none, thank you. (See also Exhibit 2.) And with that, we close the hearing on LB915, so thank you for coming. And, committee, we are done for the day. [LB915]