

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

[]

FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-sixth day of the One Hundred Sixth Legislature, First Session. Our chaplain for today is Pastor Jim Haack of the Beautiful Savior Lutheran Church in La Vista, Nebraska, Senator Arch's district. Please rise.

PASTOR HAACK: (Prayer offered.)

FOLEY: Thank you, Pastor. I call to order the forty-sixth day of the One Hundred Sixth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

CLERK: I have a quorum present, Mr. President.

FOLEY: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections.

FOLEY: Thank you, sir. Are there any messages, reports, or announcements?

CLERK: Mr. President, your Committee on Agriculture reports LB227 to General File with amendments. The registered lobbyist report as required by rule and agency reports acknowledgment that are on file on the legislative Web site. That's all that I have, Mr. President.

FOLEY: Thank you, Mr. Clerk. Members, we're going to move into Final Reading, and I'll need you to be at your desk, please, for Final Reading. Members, please proceed to your desk for Final Reading. Speaker Scheer, you're recognized.

SCHEER: Thank you, Mr. President. First, this morning, as was noted earlier in the prayer, we have sad news in relationship to the passing of Kitty. She was a remarkable woman. She took literally 1,000 good, young, college kids and turned them into better people, better adults. Her

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

impact will be felt for years. I wanted to give all of you a little information that just exactly how much of Kitty's life was spent in the Legislature. Kitty began as a page in December of 1968. In 1972, she was designated as the page in charge. In 1977, she was designated as the page supervisor. She worked for the Legislature for over 50 years. She supervised approximately 1,250 young adults in those 50 years. She was a supervisor, a mentor, and a friend to most of them. She was involved in their lives and was proud of their life accomplishments and left certainly a legacy in their minds and those pages that were under her tutelage are a legacy to her. She thought of all of her people and her pages and she lived vicariously through their lives and through our achievements. She will be missed by all. I would just ask that we will take a moment, and if you could please either remember Kitty in prayer or in thought and respect. Thank you very much. As I had done last year, and so I will refresh memories, and for those that are here this year for the first time, on Fridays are the last day of the weeks, I will give you an idea of which of the priority bills we will be looking at in the upcoming week. I have sort of done that hit or miss more with larger bills that I think are of interest while we're still in hearings, but now that we are having our-- with priority bills I do schedule those, and they are not necessarily in any specific order, so I like to give everybody a heads up of what we are going to be looking at in the next week to ten days. We will be passing these lists out, but I want to refresh those that were here earlier and those that are new, they are not necessarily listed in any specific order as far as when they will be heard. It is just giving you an idea of the bills that will be coming up. So for those that are listening, I know I will try to give the numbers somewhat slowly as those that are listening on TV sometimes try to write the numbers down so that they as well can look them up and know what is coming up. So for those that are listening and for my colleagues, the bills that are in the initial list that will be a continuation of the agenda as we have it now are: LR14CA, Senator Wayne's bill; and LB600, Senator Walz's bill; LB472, Senator Dorn; LB268, Senator Friesen; LB352, Senator Morfeld; LB483, Senator Erdman; LB218, Senator Lindstrom; LB59, Senator Cavanaugh; LB514, Morfeld; LB87, Wayne; LB212, the Government; LB15, Blood; and LB637, Stinner. The other item I would like to let people know we will have a-- I won't call it a final briefing, but there will be a briefing again today at noon in 1525 in relationship to the flood damage and where we are at with that. I would encourage you all to go. We will have another one, but it will be after the federal government does declare the federal disaster. And I would suggest that you all might want to attend that one as well because that will be presenting information that will have to do with individual claims and how the

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

individuals rather than governmental entities can respond to the damage that has been done. But, again, the briefing today will be at noon. I don't suspect that it will last a long time. There will be some new information, so it probably will be somewhat short. You'll be able to attend whatever other events that you have, but I think it will be of information for all of us so that as you have a long weekend, I suspect people will be asking you questions in relationship to the flood damages in the state and the federal response and you'll get a good idea of how you will be able to respond to that. So the briefing again is 1525 at noon, and then I will schedule another one with General Bohac and Director Tuma once we do get the federal designation for the disaster. As always, I'm available back here if you have any questions. Have a great weekend, recoup, try to get your thoughts back in the right basis, and we'll see each other again then on Monday. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. (Doctor of the day introduced.) We'll now begin Final Reading. Members, please be at your desk for Final Reading. Senator Hunt, for what purpose do you rise? Thank you. LB141, Mr. Clerk.

CLERK: (Read LB141 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB141 pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

FOLEY: LB141 passes. Our next bill is LB318. Mr. Clerk.

CLERK: (Read LB318 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB318 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

FOLEY: LB318 passes. Our next bill is LB339.

CLERK: (Read LB339 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB339 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

FOLEY: LB339 passes. Our next bill is LB340.

CLERK: (Read LB340 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB340 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not present, Mr. President.

FOLEY: LB340 passes. Our next bill is LB354. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please.

CLERK: 38 ayes, 6 nays to dispense with the at-large reading.

FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: (Read title of LB354.)

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB354 pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

FOLEY: LB354 passes. Proceeding to LB354A.

CLERK: (Read LB354A on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB354A pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 44 ayes, 0 nays, 3 present and not voting, 2 excused and not voting, Mr. President.

FOLEY: LB354A passes. Next bill is LB399.

CLERK: (Read LB399 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB399 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 44 ayes, 2 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

FOLEY: LB399 passes. Next bill is LB443.

CLERK: (Read LB443 on Final Reading.)

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB443 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 32 ayes, 9 nays, 6 present and not voting, 2 excused and not voting, Mr. President.

FOLEY: LB443 passes. Our next bill is LB463.

CLERK: (Read LB463 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB463 pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 47 ayes, 0 nay, 2 excused and not voting, Mr. President.

FOLEY: LB463 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following legislative bills: LB141, LB318, LB339, LB340, LB354, LB354A, LB399, LB443 and LB463. Items for the record, please.

CLERK: Thank you, Mr. President. Committee on Transportation chaired by Senator Friesen reports LB550 and LB641 to General File with amendments. Senator Kolterman would like to print an amendment to LB34. That's all I had, Mr. President. Thank you.

FOLEY: Thank you, Mr. Clerk. Proceeding on the agenda. General File, 2019 Senator priority bill. Mr. Clerk.

CLERK: Mr. President, Senator Hunt offers LB169. It's a bill for an act relating to public assistance. It changes provisions and eligibility for Supplemental Nutrition Assistance Program benefits. Senator Hunt presented her bill yesterday, Mr. President. At that time she opened on her bill. Committee amendments were presented by Senator Howard, as Chair of the Health and

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

Human Services Committee. Senator Groene has an amendment pending to those committee amendments, Mr. President.

FOLEY: Thank you, Mr. Clerk. Senators Hunt, Howard, and Groene, I'll give you each a moment or two to refresh us on where we left off yesterday, then we'll move to the speaking queue. Senator Hunt.

HUNT: Thank you, Mr. Lieutenant Governor. Good morning, colleagues. Just to refresh you all about LB169, this bill would change restrictions to SNAP benefits. It advanced unanimously from Health and Human Services and I've continued to work with members of the committee and members of the body, particularly Senators Arch and Senator Geist. We met this morning to talk about a potential amendment that I'm waiting to get back from Bill Drafters. Under this amendment, the requirement for participation in a substance abuse therapy program, is replaced with participation in parole probation or post-released supervision. And we're also discussing harsher-- we're keeping the distributors in there because I know that was a big issue for a lot of people and I'm open-minded to what we need to do to move this forward. I just believe that there's a lot of reasons that we need to pass this bill. The ban really creates insurmountable barriers to people with food insecurity and this can lead not only to additional poverty but also to reincarceration and additional cost to our justice system. In our debate yesterday we heard a lot of arguments about that that I thought were really great and in that time I've continued to work with my colleagues on an amendment. But I'm waiting to get back from Bill Drafters, so thank you very much.

FOLEY: Thank you, Senator Hunt. Senator Howard, would you like a moment to refresh us on the committee amendment?

HOWARD: You know, I'll waive my time. I think Senator Hunt presented it adequately. Thank you, Mr. President.

FOLEY: Thank you, Senator Howard. Senator Groene, would you like just a moment before we get to the speaking queue?

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

GROENE: Yes, my amendment is a filibuster move, and we all know that. It changes persons to individual. I always tell the truth, always. I never defame anybody. I never attack them personally, and I did not yesterday, but, of course, slings and arrows from the son of perdition in this body here attacked me. But I'm fine with that. I can live with it. I take it as a compliment. But what bothered me was senators cheering him on, clapping. Is that your character? Is that what you believe collegiality is? To cheer on an individual who attacks another senator personally? Look up collegiality. It was an individual senator, a freshman, who actually sat and clapped. I will continue to be collegial. I will continue to stand on moral character. I will never sit coward because I'm worried that a senator won't support my bill and put a nick in what I believe is right and support bad legislation because they might not support my bill. Look at the history, study. Freshmen senators, please contact-- we have lost the body's knowledge, but some of us have some experience in the back from the last four or five years on legislation. Contact us before you vote on bad legislation out of committee. Please do that. If you want to be assured that you're voting right as somebody on the left, ask Groene if he's against it and then you know, you should probably be for it. That's common. But I'm very proud of my manner of speech, my diction, and I never attack another individual if they're from Minnesota and they talk a little different or from north Omaha, and they have a little different dialect than I do. There's no superior-- superior-- oh, I mispronounced the word --superior way to communicate in America. I have always known that you win a debate, you've won the debate when your opponent attacks you personally and cannot defend the truth that you have spoken. So remember that, when Senator Groene rises he will never attack you personally. If you believe your beliefs to be true, and I disagree, that is not a personal attack. If we have lost the ability to debate on issues and difference of opinion, and you take it personal, you should not be here. You are not mature enough to be here. Thank God, of whatever age, at least 90 percent of the senators here are mature. Let's keep it that way. Thank you.

FOLEY: Senator Groene, you're actually first in the speaking queue if you'd like to be recognized for five minutes.

GROENE: Thank you. Now, let's get on the debate, on the issues. When this came up a few years back, I helped lead a filibuster and we defeated it, and I'm going to remind everybody in this body, this is a-- to defeat this bill is being compassionate. It actually is being compassionate to



Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

people who are addicted to drugs. After two arrests, up to-- after two arrests, up to the third one, somebody who has possession of drugs, really nobody gets arrested for use of drugs. You have to have it in possession. Nobody gets arrested on the street corner because they're laying prone on the ground high on a drug. You can walk around high on marijuana on the street corner and you won't get arrested; but if you have some in your pocket, you possess it, you will get arrested. So users don't get arrested. People in possession get arrested. The third strike, we take away food stamps. Why? Why did the people who proceeded us do that? Why did the federal government acknowledge it? Because they will sell their \$500 food stamp card, SNAP if you want to call it that, for \$50 because they live for the moment. The system works. Those folks believe in the-- should be at the food pantries. Those folks should be at the soup kitchens because nobody wants to steal their bowl of soup or buy their bowl of soup. That's reality. Drug dealers, as I said they're very despicable individuals, despicable. They have more victims than anybody else in society as crime. They not only affect the users that they sell to, but they affect their family and their loved ones. They have no concern for anybody but themselves. That's logic, that's common sense, and don't tell me they're the only ones that lose their benefit. Sex offenders lose their benefits that live near a school. Sex offenders lose their benefit of privacy, which supposedly is a constitutional guarantee because they have to register. A banker or insurance agent who embezzles loses his right to ever have a license again in those occupations. That's true. An individual who drinks too much and drives, drunken driving and arrested too many times has a lifetime ban on what you, some of you would consider the right to drive. That is not an argument. Not an argument at all that we pick one individual out for their crime. There is a reason for all of those exceptions. Very good reasons in law. Oh, and do I speak too loud? Do I speak too loud? Huh, I'd like to go back in time and talk to Abe Lincoln and Daniel Webster before they had mikes. You couldn't even be a politician back there unless you could speak loud. But that's a negative attribute according to the son of provision. A negative attribute. By the way, if you think that's being mean that's actually a compliment. Look it up. Look at the 44-year history of this individual, and he fits the description. It's not an insult, but if you want to clap and cheer--

FOLEY: One minute.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

GROENE: --it reflects on your character too. This is a bad bill. Senator Hunt is well-meaning coming in here to the system, understanding that she wants to help people. This doesn't help people. This harms them. This harms them. Harms the victims, harms the drug user, harms the drug dealer because you're giving him, you're encouraging him, saying what you've done is understandable. You've destroyed lives. You've killed people. You've avoided paying income taxes with your income, but we think you need food stamps. Now as I said the other day, drug dealers aren't poor. They don't go into jail poor. They don't come out poor. They've got cash. Thank you. Please support AM804 and vote no on LB710 and LB169.

FOLEY: Thank you, Senator Groene. Senator Morfeld, you're recognized.

MORFELD: That you, Mr. President. Colleagues, I rise in support of the bill and I'll yield my time to Senator Hunt here in just a minute, but I did want to rise and I know Speaker Scheer already said a few words, but I wanted to rise to recognize Kitty for all of her service. I was a legislative page just over 10 years ago sitting right up there and Kitty was a great person to work with. You knew not to cross her. I always made sure that I was on her good side, and so I got special assignments. Everything from tracking down missing pages in the Capitol to guarding the food, pizza, and donuts in particular from senators that were meant for the pages. And I learned a lot from Kitty and I have a lot of fond memories of her, and I know many legislative pages, some of which are former senators, current senators will miss her. And, you know, the place won't be the same without her. So I really just wanted to take a minute to say a few good words about Kitty to recognize her service, and with that I'd yield my time to Senator Hunt.

FOLEY: Thank you, Senator Morfeld. Senator Hunt, 4:00.

HUNT: Thank you, Mr. President, and thank you, Senator Morfeld. Kitty will be very missed by me as well. I just filed an amendment, and I wanted to explain a little bit about what it does with this time. Under this amendment the requirement for participation in a substance abuse therapy program is replaced with participation and parole probation or post-released supervision. That was already in the committee amendment. But what this amendment does is it makes it just for possession or use convictions, not distribution. So distributors are taken out of this in this amendment. This way the terms for eligibility for food assistance for SNAP would be

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

determined on a case-by-case basis. If a judge believed that a person has a substance-abuse problem and should go to treatment for this, then they would make that one of the terms of their parole or probation. Judges almost always make drug testing in substance-abuse therapy a requirement. I've spoken to several different criminal defense attorneys, people involved in the justice system, and they have never heard of a case where that wasn't required. In fact in statute, in all cases in which the offender is guilty of a drug crime, a condition of probation has to be mandatory treatment and counseling, and so it's really giving judges some control. It's keeping the things in the bill that I think from my conversations that we all agree were important, it also brings back from the committee amendment that a person shall be ineligible for supplemental nutrition assistance program if they have had three or more felony convictions for possession or use. Yeah, so that's the amendment and I'll just continue to have some conversations about it and I thank everybody for working with me, Senator Arch and Senator Geist this morning. We spent some time talking about this and where we could come to the middle to help what we really all believe is a big problem. People who need food assistance aren't getting it after they come out of our justice system after they've been incarcerated-- formerly incarcerated people. And we all agree that this is a problem and that the way the law is applied isn't really fair and it doesn't really make a lot of sense. So I want to thank Senators Geist and Arch for talking to me this morning and coming to a place of agreement on this. Thank you, Mr. President.

FOLEY: Thank you, Senator Hunt. Senator Matt Hansen.

M. HANSEN: Thank you, Mr. President, and good morning, colleagues. Colleagues, I won't belabor the point because it sounds like there is some spirit and compromise and I appreciate all the senators that have worked with Senator Hunt on her bill which I do support. I just-- at the end of the day yesterday, we were kind of talking about the options for food that individuals had available and the kind of-- couple times the point had been raised that people aren't wanting for food because they have access to a food bank. And I worked for a nonprofit for a while that while it wasn't a food bank itself, it served as a distribution site for food banks and for other food, donations, charities of like. And so we would use our multipurpose room to help people on our side of town so they didn't have to go all the way across town to the food bank. And the notion that people aren't struggling for food because there is a charity that most of the time has enough food for people who wait in line long enough, it is an issue in our community. It is an

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

issue just hitting that minimum standard of making sure families are healthy and families are well-fed. I appreciate the nonprofit community of all organizations and denominations for stepping up, but it is something that affects our community, and having-- I think I didn't fully appreciate it until I was asked to work at those events and help out with those events and see just how consistently every week how many individuals wanted and needed to wait to have just, you know, bread and potatoes and broccoli for their family, and would wait in line for a considerable amount of time for that. So I just want that to reflect in all of us when we think about the options available for them. You know, we're depending on the good graces, and so far it seems that's been enough, but will that always be enough and is that always enough? So with that, thank you, Mr. President.

FOLEY: Thank you, Senator Matt Hansen. Senator Lowe.

LOWE: Thank you, Mr. President. Senator Hunt, I appreciate you bringing the amendment and everybody else working on it. I still believe, though, that we need to give these people a hand up, not a handout. I don't believe government is the answer for everything, especially food. You know, a hungry person will find work. Somebody who is not hungry, you can take time. It's not important that he goes out and finds work. After getting out of prison or jail, you know, if you're trying to look for that next meal, you might go out and you might get a job to find money for your food. When you get out of jail or prison and you get handed a card that has some amount of money on it, it's not so important now because now you have one of the basic essentials of life covered. It's not enough to get by for a month, or maybe it is. My son went down to Nashville, Tennessee, for an internship this summer and we told him that he could have \$100 a week for food to sustain his life down there. He understood it as \$100 a month, so he lived for three months on \$100 a month in food, and he did very well. It was ramen noodles and tomato soup that he took a spoonful of tomato soup and put with the ramen noodles to make spaghetti every night, and he'd buy one bag of meatballs, and he would cut those meatballs in half and he'd put two meatballs or four pieces of meat in his meal every day. And he lived quite well on a \$100 a month. It was a hand up not a handout that we gave our son. He learned an important lesson that people can survive on very little. So I appreciate the amendment that Senator Hunt is bringing, but I still don't agree with the premise. I believe that our country was made with people who when they were going through hard times, they found it themselves to go out and find what they

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

needed to do to sustain life and to make their life and their family's life better. So I think that's what we need to concentrate on. Is my son sorry that he had to live on \$100 a month? No. It was a great lesson. Matter of fact he still does quite a bit of that today and hardly spends any money on food. Thank you, Mr. President.

FOLEY: Thank you, Senator Lowe. Senator Erdman.

ERDMAN: Thank you, Lieutenant Governor. Good morning. I sat here yesterday and listened to the discussion and the comments that were made on the floor, and it reminds me of the way society is today. I have in the past received e-mails from people that say, why don't you kill yourself so I don't have to. And that's the way we have gotten in this society. We do not spend a lot of time talking about the issues, we spend a lot of time attacking each other. I have a very good friend who happens to be a Democrat. He and I seldom, seldom have agreed on political things, but we always agree that we're friends. We always are concerned about each other's families. We're friends. We have discussions. We have robust discussions about the issues and what our opinions are, but at the end of the day we're friends. And that's what I hope would happen here. When we do things like call people names or make fun of how they talk or what their opinion may be because of who they are, that's not part of the discussion. The discussion is about LB169. So we need to remember that as we're making the comments on the floor about what that means by not talking about the subject but talking about the individual. A wise person once said when the debate is lost, slander is a tool of the loser, and I don't want that to happen here. I didn't completely understand what Senator Hunt was saying in her amendment, so if she would answer a question or two I would appreciate that. Senator Hunt, will you yield to a question?

FOLEY: Senator Hunt, would you yield, please?

HUNT: Yes.

ERDMAN: Senator Hunt, I was trying to listen to what you said about your amendment, but before we get to that I have another question. So currently, if someone who is a drug dealer and

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

has been charged or is guilty of that, is there a requirement for them to take-- to go into rehabilitation or treatment now?

HUNT: Yeah, currently they have to have completed a state licensed or nationally accredited substance abuse treatment program.

ERDMAN: Even on the first offense?

HUNT: Um, with one or two, yep.

ERDMAN: Okay. So if they've done that once or twice and they do it and they're caught and convicted a third time, it's not working too well the treatment that they're getting, would you agree with that?

HUNT: I wouldn't know why it's not working for them.

ERDMAN: So my comment is this. If they've been through treatment once and then again twice, and now this third time we're going to do that all over again and they repeat it after the first two, chances are pretty good they're going to repeat after the third time. So I'm having a hard time understanding if we've given them two chances before and they've not changed their lifestyle, I'm wondering if a third chance is going to make a difference at all. But I'll be waiting to see your amendment. It may be something that I can look at and agree with. I hope it comes up soon so I can see that, but I appreciate answering the questions. Thank you.

FOLEY: Thank you, Senators Erdman and Hunt. (Visitors introduced.) Continuing discussion of the bill. Senator Clements.

CLEMENTS: Thank you, Mr. President. I rise in opposition of the bill. I was looking at testimony regarding this bill and I found that even the Director Wallen of the Division of Children and Family Services spoke in opposition. I would like to quote from some of his testimony. He said, I'm here to testify in opposition to LB169 which amends the state statutes regarding Supplemental Nutrition Assistance Program for drug felons. He said it would allow

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

individuals with a felony conviction for the distribution or sale of a controlled substance to qualify for SNAP. Under current law, individuals are ineligible if they have received a conviction for distribution or sales or if they have fewer than three convictions for possession and have not completed treatment after conviction. In the last two years, DHHS has denied or closed an average of 658 SNAP participants related to drug felonies. Internal data shows that 75 percent of ineligible members are already part of a household receiving SNAP. While LB169 would allow more drug felons to qualify for SNAP, many would be added to households currently receiving benefits, thus increasing the monthly allotments already being issued. DHHS supports citizens striving to overcome substance abuse. Furthermore, DHHS believes current statute strikes the right balance of ensuring program integrity while giving those with substance abuse convictions a second chance. However, as the state agency, we have a duty to properly steward the tax dollars earned by the hard work of our neighbors. The department cannot support a bill with the potential consequence of using those dollars to support others who choose to sell and distribute narcotics to the children and families in the communities we serve. One thing I noticed in this bill is that it struck out an important requirement where currently it says a person with one or two felony convictions shall only be eligible to receive assistance, SNAP benefits, if he or she is participating in or has completed a state-licensed or nationally accredited substance abuse treatment program. And I think it's very important for these individuals to be participating in substance-abuse treatment. And the amendment, as I understand that's coming, still does not have that requirement in it. And I think that's extremely important that we do continue to require the participation to try to get them over the substance abuse and end the cycle that they've been in. And so, I'm still unable to support this. I appreciate the efforts to remove some of the provisions and objections, but I'm not able to support it at this time. And I would yield my time to Senator Groene, if he wants it.

GROENE: Yes.

FOLEY: Senator Groene, would you yield, please?

GROENE: Yes. How much time?

CLEMENTS: I'm yielding my time to him.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

FOLEY: Oh, I'm sorry. One minute.

GROENE: Thank you. As I said, I know a lot of history on this. That's what time in here does. We went six hours, I believe, maybe it was two years ago, on this same, very same issue, same bill, and I had brought a bill the next year that said drug testing for life. If you're going to be-- have food stamps for the rest of your life after three strikes, you take drug tests a minimum of every six months because addiction to drugs don't go away. It is always fought, and the fear of the drug test failure actually motivates people to not get back on drugs.

FOLEY: Senator, your time is up but you're next in the queue. You may continue.

GROENE: Thank you. If anybody has been noticing, I have been visiting with Senator Hunt. Things happen fast here, and we are looking at changing law, which I don't agree with sometimes in the blink of an eye on the drop of an amendment just so everybody can get along. I told Senator Hunt what I hear in her amendment is good, that the despicable drug dealers still can't get food stamps for life, and then she's worked with Senator Arch to change the probationary period so people with over three strikes on, maybe get food stamps, but I haven't read it, haven't had time. You know, my diction's so bad that it take me a while to read things and my syntax, as an individual had said, I just can't read it instantly. So I've told her we're going to try to take the filibuster here to three hours, which only about another 20-some minutes. And then we'll sit down. If the amendment is amenable to HHS, and I'm going to visit with the people who are in the field, folks, the social workers, the judges, who see this every day not those just who feel good and then we read it and it sounds good. I'm going to visit with those folks and see what their opinion is and if they're amenable to it, or they want to tweak it, and Senator Hunt and I can work together, that's what collegiality is, it's not calling people names. I will pull any attempt of a filibuster, and when it comes back, and I will tell the Speaker, and when it comes back to General File, we'll be just fine. But, folks, we can't-- this is major. This is affecting people's lives. It's not affecting if somebody will vote for our bill and they won't-- if we vote for theirs. This goes back home to the streets of Omaha and Lincoln and North Platte. This goes back to our judiciary system. It goes back to our state pens. This decision can't be made lightly with an amendment that's been dropped at the last minute. We need to think about it, we need to read it, and we need to bring it back. As I've said-- and I've talked to the Speaker, and he said he agrees--



Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

if we come and say we don't-- filibuster's over, when we bring it back to General File, and we accept the amendment, that's fine. But as right now, we cannot vote to send it to Select File. It can wait. It's a priority bill. It will come back. So, I like drug testing, pure and it's simple. Easily available. Something I'd like to look at, talk to the judges, the probation people, and see how often drug testing is. I think it's pretty common in probation with anybody involved with alcohol or drugs. Well, alcohol's a drug too. We'll look at it. But folks, I will never, ever cower, hang my head knowing that I am sitting here because I hope I got a bigger bill coming later and I want somebody to support it. I think at the end of the day, Senator Hunt and I are going to get along just fine. Like most days, Senator Chambers and I do, but we do poke each other and we're both bears, because respect comes with honesty. Respect comes with integrity. Respect comes with honoring your moral code, over all things. That is how respect is gathered or garnered-- there's my syntax again --in this body. You may like Senator Groene, and you may applaud when somebody attacks him, but that's who I am, and I have a loud voice, by the way.

FOLEY: One minute.

GROENE: This thing needs to sit. It needs to simmer for a day or two. We need to throw in an amendment or two and see if it will work. We all want people to improve their lives, we all want people to have a second chance, but giving them a second chance without effort to enable people, Al-Anon, they're biggest thing is, do not enable, don't love somebody so much you help them in their addiction. That's what this bill as written does. It helps them in their addiction. It enables them. You're not helping them. So hang in there. Put your name in the queue. Let's get it to three hours, and we'll look at things--

SCHEER: Time, Senator.

GROENE: --when it's done.

SCHEER: Thank you, Senator Groene. Senator Slama, you're recognized.

SLAMA: Thank you, Mr. President. I'd just like to start off by saying that I think Senator Hunt has done a good job in working with folks on both sides of the aisle on this amendment, and I'm

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

still reading through it as well. So I side with Senator Groene in that I'm more than willing to take this up to the three-hour mark, allow this to simmer for a bit, and have it brought back and be able to vote on this amendment, which, from what I've read thus far, is a good one. I'm wondering, would Senator Hunt yield to a question?

SCHEER: Senator Hunt, would you please yield?

HUNT: Yes, Mr. President.

SLAMA: Thank you. So on page 3 of the amendment on line 30, you have an addition that is, as authorized under 21 U.S.C. 862a(d) and within. What does that mean? What does that statute indicate?

HUNT: That is cleanup language, and that does not change the original statute.

SLAMA: Okay, thank you. That's just a clarification question that I wanted to get cleared up, but like Senator Groene mentioned, I do think I support this amendment, it's a good amendment, but I would like to know why I'm supportive of this bill. In college-- I appreciated Senator Lowe's story, spending a hundred dollars a month on food is something that I can relate to because I had to work my way through college and dealt with food insecurity throughout college, so I know what it's like to have a peanut butter sandwich every meal for a week, or ramen, because it's cheaper, and I can't cook. So I understand the problems associated with food insecurity because I've been there and done that, and I'm very sympathetic to that cause. And I'm open to this amendment and this bill. So with that, I'd like to yield the remainder of my time to Senator Groene, if he would take it.

SCHEER: Senator Groene, 2:40.

GROENE: Yes, I can ramble, I guess. In my bill in LB128 and that was-- I dropped on the same issue. Back in 2017, what we were going to do is a person with one or more felony convictions for the possession or use of a controlled substance or personal or one or two felony conviction involving the sale or distribution of controlled substance shall only be eligible to receive

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

supplement or nutritional assistance program if they would be tested every six months for the rest of their life, if they were on food stamps. But I was talking to probation a little bit and reading some of their guidelines. Their goal is not to give somebody a fish and let them eat for a day, their goal on probation is teach them to fish so they can feed themselves. That's what probation is. It's not giving them food. It's not giving them a place to live. It's trying to give them the ability to provide it for themselves. So when I was asked the other day, is food a right? Does everybody have a right to food? They don't. Not in a free-enterprise system. You have the right to purchase food. You have the right to beg on the corner for food. You have the right to be a good Christian or whatever religion you are--

SCHEER: One minute.

GROENE: Thank you.

SCHEER: One minute, Senator.

GROENE: Oh. You have a right to start a soup kitchen. You have a right to run for office and create a government program with your neighbors' tax dollars, SNAP, to feed others. The good book says you're supposed to leave some fruits out in the harvest so they can glean it. In America, you will get fed if you want to be fed. There's no barriers, unless you're a small child and your parent is addicted to drugs, and they take their EBT card, I think it's called, for a thousand bucks and supposed to feed those children for a month and they sell it for \$50 so they can have a hit of cocaine.

SCHEER: Time, Senator. Thank you, Senator Slama and Senator Groene. Senator Halloran, you're recognized.

HALLORAN: Thank you, Mr. Speaker. Colleagues, Nebraskans-- fellow Nebraskans, Senator Groene took my "give a man a fish and you feed him for a day" line, so I won't repeat that, but it does express a very important point. I have said before and it's not to make me look like a benevolent individual, but in my previous life careers, both as a farmer and as a previous restaurant career, I hired felons. Knew they were felons when I hired them. They had served their

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

time, but I was more than willing to give them a job. Was it a lifetime job? No, it wasn't. There's nothing much glamorous about either farm work or restaurant work, for that matter. It's hard work. But it did allow them to have some level of independence. And I understand Senator Hunt's passion on this, and I appreciate it and I respect it, but we really should be talking more about jobs for paroled felons. We spend way too little time doing that. I had coffee with a gentleman this morning, he's in the auto industry, and he says they cannot get technicians. They go to high schools and they talk to counselors and they let the counselors know that they have openings throughout the state for technicians, but the counselors in high schools tend to say, well, it's a two-year program in technical school, we're not all that interested. We want them to go to a four-year liberal-arts schools. So, I said, well-- and this individual said that they did have a nonprofit fund that annually has \$300,000 that they would use or direct towards training people up for a skill. So we're talking about people who now who are in a very dependent situation, who have been incarcerated for some period of time, totally dependent upon the state for room and board. It's not good room and board, but they're dependent upon it. So they get paroled, and we should be looking at how do we keep them, how do we transfer them, how do we get them to a state of being independent with a job. That's what we need to be focused on, not to continue this dependence upon a government program. I am not going to call people out on the microphone or ask them to yield for a question, but for all of those who are supporting this program, I would like to have them take a little bit of time on the mike and tell me if they've ever hired a felon in their past. Have you ever hired a felon? I could ask for a show of hands, but I'm not going to create that embarrassing situation. But if you have experienced hiring a felon, please take to the microphone and let us understand how you did that and we can quietly, silently applaud your efforts to get them independent, which is where we need to be focused. Thank you, Mr. Speaker.

SCHEER: Thank you, Senator Halloran. Senator Lowe, you're recognized.

LOWE: Thank you, Mr. President. During this time that I wasn't speaking, and now I decided to go back to my local newspaper and look up in the classifieds. And what I found was a page full of-- and this is a Wednesday paper, so it's not the big paper for the job interviews or job applications or the ads for jobs are in, but this is just the Wednesday paper. And I didn't look at management skills, I didn't qualify those. I didn't look at over-the-road drivers ads because they may have a tough time getting it because of their past, but what I did look at was jobs that a

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

convicted felon could probably be hired at. There were three in the agriculture industry. There were three-- at least three in the grocery industry. There was one in lawn service, and soon there will be more. There's one custodian. There were just two in the restaurant industry, but I know there's more. And there was one in construction. That's today. There are 11 positions in this one paper that a convicted felon would have a good chance of getting because people are looking for people to hire. You know, two years ago I had a bill that would-- took away some of the qualifications for auto dealership license, for a salesman license, so that convicted felons could sell cars. So I do have sympathy for the felons, but my sympathy is the same that I would give to my sons if they would want free food all the time, and they are old enough now to work. I'm glad for them to come over and have dinner with us, but don't move your family in with us, don't make it my responsibility to feed you all the time, because you are now a grown man, and you can work. If you are getting out of jail or prison, you are either a grown man or a grown woman. You need to take some responsibility with your life. It is not these pages' responsibility to feed you. It is not the senators on this floor, it is not the working men and women of our communities to feed you. It's a personal responsibility. I do have sympathy, and I will give you a hand up, not a handout. Handouts are for the people who are no longer able to work, or the working mothers that can't quite make it because they have children at home. So let's give these people a hand up, not a handout, and this bill is a handout, in my mind. Thank you, Mr. President.

SCHEER: Thank you, Senator Lowe. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. Colleagues, I have tried my hardest to stay out of this debate. I pushed my light a couple times yesterday and turned it back off, but it's just interesting that this body picks and choose when they want to stand on moral grounds, when they want to say certain felons should get or should not get certain things. So, Senator Halloran, yes, I do hire felons. Yes, I do background checks. Yes, there are some jobs that they cannot go on, like at Offutt Air Force Base where we're at, but we still submit their names, and if they get denied, they get denied, and I am proud to hire felons. I'll even go a step farther that this year I introduced a bill that's in Revenue, so maybe Senator Groene will get it out of Revenue for me, LB84, that would allow employers to get 60 percent of wages of a new-hire felon who's out of prison or off the paper within two years. So we can help them achieve, but my understanding, I don't have the votes to get that out of Revenue, but any tax package I'm pretty sure that comes our of Revenue

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

to gain my support will have to have something in there. I find it interesting because in 2016, 2017, I mean, the year I came here, we passed a bill authored by Senator Groene that allowed felons to have swords and crossbows, but we won't allow them to make sure for a period of time they cannot feed their family. Why is this important? Because most people don't even understand the legal system as it relates to being charged with possession or even charged with intent to deliver. The distributors everybody's so worried about, well, let me tell you who a distributor is under Nebraska law, Senator Groene. Under Nebraska law, a kid at the high school or college level who has a joint and gives it to another kid, that is distribution under Nebraska law. It does not require a sale. It does not require money or goods or anything to be exchanged, but to simply give somebody illegal drugs. So, yes, that college kid who is passing around a joint can be charged with a felony intent to deliver, distribute. So let's talk about other felonies. We had an interesting hearing yesterday on residue. I'll bet you people don't know what a residue felony charge is. A residue felony charge is something that's in an ashtray, baggie, or a empty pipe that may contain a substance that a cop believes is meth, weed, or another illegal narcotic. Many times in these cases they can't even test because it's that small of amount. They can't even test it. But yet people are being charged and convicted of a residue felony, over and over. And let me tell you how possession works. There's a long case line of history of what's called "constructive possession". Yes, Senator Groene, if you have somebody ride in your car, and they have some illegal narcotics on you, everybody in the car is charged, whether you know it or not. And typically what happens, they plead out. And, again, you have a felony on your record. You have a possession charge on your record. And, again, if you're smoking a joint in the car, you pass it to your friend, you are committing a felony because you are distributing--

SCHEER: One minute.

WAYNE: --according to Nebraska law. I have a lot more to say, so I'm going to push my button again, because we just are being too inconsistent, but I did promise Senator Hunt I would yield the rest of my time to her.

SCHEER: Senator Hunt, 45 seconds.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

HUNT: Thank you, Senator Wayne, for making those great points. Colleagues, I've got 35 votes on this. I've been really kind to Senator Groene in addressing his concerns. I've been really kind in coming to the middle and addressing some concerns of my conservative colleagues, and that's against my nature because I feel very strongly about this bill, but I've worked in good faith with people who had reasonable concerns. And I would like this to get to a vote so the people of Nebraska can see where we think about this-- this compromise amendment that we worked on in good faith.

SCHEER: Time, Senator.

HUNT: Thank you.

SCHEER: Thank you, Senator Wayne and Senator Hunt. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. Speaker. I appreciate Senator Hunt bringing this amendment. I had a chance to read that amendment. I asked her a question off the mike that if people now are convicted the first time, if they have to take rehab, and she said, yes, it was in the probation statute or regulations, and I appreciate that. But as you think about that a second, if I tell my son, son, I want you to do a certain thing, and I'm going to count to three, and then you're going to get the consequences, and I count to three and nothing happens, and the next time that happens, I say, son, you'd better do what I said or I'm going to count to three, and the same result, nothing happens. So the example is, they've taken rehab once, and nothing changed. And they take rehab twice, and nothing changed. And they reoffend a third time, what do you think the chances are of them changing the third time if they didn't change the first two? I have a friend who tells me a story of one time one of his kids-- children had fallen on hard times, financially, and needed help. Came to the family and asked for help, and the mother said, I'll drive you to the homeless shelter. Her lifestyle changed is because no one was enabling her anymore. I have several examples where people enabled young people to continue the lifestyle that they now have and the result was not good. So once in a while we have to make tough decisions that doesn't look at the time like it's in the best interest of the person who is being affected, but in the end it will be. And Senator Lowe mentioned that he's a compassionate person. And I agree that he is, as much as I know of Senator Lowe. I would consider myself in that same category. But I believe we need

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

to give people a hand up and not a handout. Where I live and the people that I represent, the majority don't look to the government for solutions. The majority, most often, think government can be part of the problem. But the further east we go, it appears that that attitude is not the same, or that opinion is not the same. And as you look at the population shift, as it has happened over time, Lancaster, Douglas, and Sarpy County, it looks as though they've gained 42,000 more residents than they had ten years ago. Rural Nebraska, which means every county except those three, have lost about 52,000 residents, 10,000 have probably moved to Arizona, Florida, Kansas, Wyoming, Missouri, somewhere where the taxes are cheaper. But the point is, as we continue to shift the population to the east, we in the west of rural Nebraska become less relevant. And I understand it's one person, one vote, and if you have 70 percent of the population that lives in three counties, good luck for the rest of you. And so I don't understand sometimes why we think that government is always the solution, but that's the way it is. But--

SCHEER: One minute.

ERDMAN: Thank you. I haven't seen that this amendment is probably all that it needs to be, and I'm not sure exactly what it needs to be, but I'm not at all in favor of giving people food stamps or SNAP benefits to enable them to continue in the lifestyle that they are now in. Thank you.

SCHEER: Thank you, Senator Erdman. Mr. Clerk, for items.

ASSISTANT CLERK: Thank you, Mr. President. Amendments to be printed, Senator Hunt to LB169. New A bill, LB483A, introduced by Senator Erdman. (Read LB483A by title for the first time.) That's all I have, Mr. President.

SCHEER: Thank you, Mr. Clerk. Reaching our allotted time on LB169, we will move now to LB243. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB243 introduced by Senator Gragert. (Read title.) This bill was introduced January 14, referred to the Agriculture Committee. That committee placed the bill on General File with committee amendments.



Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

SCHEER: Thank you, Mr. Clerk. Senator Gragert, you're welcome to open on LB243.

GRAGERT: Thank you, Mr. President and members of the Legislature. The purpose of LB243 is to promote more widespread use of healthy soil practices among farm and ranch landowners and operators in Nebraska in order to improve the health, yield, and profitability of the soil, increase its carbon sequestration capacity, and improve water quality. LB243 was advanced from the Agriculture Committee on a 7-0 vote with committee amendments. No one testified against the bill at the public hearing, and I have designated LB243 as my priority bill this session. Although I designated LB243 as my priority bill, my focus recently has been on the flooding situation in the 40th District, as well as other areas of the state. Godspeed to all Nebraskans. LB243 proposes to create a Healthy Soil Task Force. As amended by the committee amendments, the task force is to consist of the director of the Department of Agriculture or his designee and the following members appointed by the Governor: two representatives from the NRD, two academic experts in agriculture and natural resources, six representatives from production agriculture; two representatives from agribusiness, and two representatives from the environmental organization. The Chair of the Agriculture and Natural Resources Committee shall serve as nonvoting members. Of the six representatives from production agriculture, at least two are to be using healthy-soil practices and all are to have experience regarding methods of incorporating healthy-soil stewardship practices into working agricultural operations, and for optimizing environmental services provided through such practices. The Healthy Soils Task Force is to develop a comprehensive, healthy-soil initiative as well as develop an action plan to carry out the initiative using specified standards as measures to improve soil health in developing the action plan. The task force shall examine how to provide farmers with research, education, technical assistance, and demonstration projects, examine options for financial incentives to improve soil health, and examine the contribution of livestock to soil health. Furthermore, the task force is to identify goals and time lines for improvement of soil health through voluntary partnership among agriculture producers and relevant state and local agencies and other public and private entities. Finally, the task force is to review the new farm bill and identify opportunities to leverage funding under the Regional Conservation Partnership Program of the USDA and other conservation programs. The task force shall submit their action plan as well as their findings and recommendations to the Governor and the Agriculture Committee by January 1, 2021. The task force will terminate at that time. The General Fund fiscal impact is eliminated with the

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

committee amendment, which will utilize up to 10,000 from the Fertilizer and Soil Conditioners Administrative Fund to defray the cost and care by the Department of Agriculture relating to the creation of the task force. Having worked with the Natural Resources Conservation Service for over 30 years, I have a deep interest in the soil health and water quality. Healthy soils are fundamental for healthy and sustained food production. I feel that improving the health of Nebraska's soil is the most efficient way for agriculture producers to increase crop and forage productivity and profitability while also protecting the environment. Healthy soils will increase crop resilience to drought, reduce soil erosion, result in high per-acre crop yields, increase water retention, thereby reducing downstream flooding, enhance water quality and increase carbon sequestration of the soils. The USDA Natural Resources Conservation Service has identified four soil principles-- soil health principles. One, disturb soil as little as possible. Two, grow as many species of plants through rotation or a diverse mixture of cover crops. Three, keep living plants growing in the soil as much of the year as possible. And, four, keep the soil surface covered with residue at all times. Many healthy-soil practices are widely known such as deep-soil testing, nutrient management, cover crops, no-till, and irrigation water-management. The task force will study why there isn't more widespread use of healthy-soil practices and will develop methods aimed at increasing their use. The most recent ag census showed that approximately 2 percent of Nebraska cropland growing a cover crop. No-till was being used about 50 percent of the cropland. My intent behind this legislation is not-- I repeat, not-- to create new mandates for the agriculture sector but to make more information available on the advantages of improved soil health to demonstrate the economic and environmental benefits of healthy soil management practices. Currently, the significant cost of chemical inputs to obtain the high-crop yields is being met with low commodity prices and has created a real hardship for Nebraska farmers. Furthermore, frequency and intensity of extreme weather appears to be increasing creating greater economic risk and uncertainty. A number of other states have initiated formal soil health programs. Nebraska ranks 4th nationally in the number of acres of farmland and has more irrigated acres than any other state. It is time for Nebraska to get on board. Thank you.

SCHEER: Thank you, Senator Gragert. As the Clerk noted, there is a committee amendment from the Agriculture Committee. As Vice Chair of the committee, Senator Brandt, you're welcome to introduce the AM640.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

BRANDT: Thank you, Speaker Scheer. The committee amendment would adjust the membership on the Healthy Soils Task Force created by the underlying bill. It inserts some procedural instruction for getting the task force up and running and modifies tasks assigned to the task force and identifies a cash fund to be utilized to support the work of the task force. Note that AM640 is a white copy amendment. The amendment strikes the original sections and becomes the bill. I will endeavor to describe what is different in the bill from the introduced version. First, the committee changes the membership on the task force by adding an additional producer for a total of six and adds that the two members be persons incorporating healthy-soil stewardship practices. The amendment also adds one additional environmental-group representative and guidance that the Governor seek to appoint persons with expertise in incorporating soil-stewardship practices in working agricultural operations and in understanding of environmental services of soil stewardship. The amendment provides explicitly for the reimbursement of actual and necessary expenses. The amendment provides that the Governor complete appointments within 60 days of the effective date of the bill and that the committee hold an organizational meeting by September 1st and select a chairperson at that time. The emergency clause is added to facilitate this time frame. The task force would meet as necessary at the call of the chairman. As in the original bill, the task force is assigned to the Department of Agriculture for administrative support, and provides that the additional support to facilitate the task force may be requested from federal or state agencies. The committee amendment expands upon the original bill by identifying USDA agencies and other public and private organizations the task force may consult to assist it in its work. The amendment assigns two new tasks to the task force found in new subsections C and D of Section 3. These include, first, to identify realistic goals in times for improvement of soil held through voluntary partnerships between growers enrolled in public and private entities. Secondly, to review provisions of the recently enacted farm bill and USDA's implementing regulations to identify opportunities for leveraging state, local, or private funds for purposes of encouraging or enabling soil-stewardship practices. Lastly, the amendment authorizes the department to utilize the fertilizers in Soil Conditioners Cash Fund to defray expenses incurred to support the task force. I would move adoption of the committee amendment.

SCHEER: Thank you, Senator Brandt. Mr. Clerk, for a motion.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

ASSISTANT CLERK: Mr. President, Senator Gragert would move to amend the committee amendments with AM789.

SCHEER: Senator Gragert, you're welcome to open on AM789.

GRAGERT: Thank you, Mr. President. AM789 is a technical amendment that does two things. First, the committee amendment states that the task force should review the new farm bill and identify opportunities to leverage funding and this information shall be included in the annual report. However, LB243 only requires one report that is due by January 1, 2021. Therefore, the reference to annual report shall be stricken-- should be stricken. Second, the intent of the committee amendments were to use no more than \$10,000 in total from the Fertilizer and Soil Conditioner Administrative Fund, as this would be more-- that this would more than cover the expenses projected on the fiscal note until the task force is terminated on January 1, 2021. It is not intended to use \$10,000 from the fund each year, consequently AM789 strikes "each fiscal year". The total projected expenses for both years range from 4,750 to 6,750 as stated in the fiscal note. I encourage your green vote on AM789 to committee amendments, AM640. Thank you.

SCHEER: Thank you, Senator Gragert. Moving to discussion, those waiting in the queue to speak: Senators McCollister, DeBoer, and Hughes and others. Senator McCollister, you're recognized.

McCOLLISTER: Thank you, Mr. Speaker, and good morning, colleagues. I was involved with this bill early on, and it's a darn good bill, and I salute Senator Gragert for producing a good bill that we can certainly move forward on. As you look at the bill, you'll see there's wide involvement by the entire agricultural sector that includes the Department of Agriculture, the NRDs, the academics from, I would guess, East Campus, environmental groups, and five production farm persons. So I think there's good representation on this committee, and I think they'll do good work. I think it also helps us find sustainable agriculture. As a city person, I'm certainly not one to talk about that, but I would recognize and contend that sustainable agriculture is the way we need to go. It's going to help the environment with the work that they're going to do, the environment will be helped, which is also a very good thing, and I would hope

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

that it, overall, will improve the ag economy. And lastly, groundwater quality will be improved. So it's an all-around good bill. I would encourage you to vote for the amendments and support LB243. Thank you, Mr. Speaker.

SCHEER: Thank you, Senator McCollister. Senator DeBoer, you're recognized.

DeBOER: Thank you, Mr. President. I also rise in support of this bill and its amendments. Because of the family business that my family co-owned as I was growing up, I would be remiss if I did not stand up and speak in favor of this bill. I, in fact, went to an expert, and talked to my dad about this type of body and whether there was anything that was currently in place right now, and he told me that there is not currently anything like this that is covering the Nebraska area. And he said that it would be a very good thing to have something like this, in addition to my own decision that way as well. I think it's very important to keep Nebraska's soils producing at their best yields while also looking after our groundwater and keeping our ag economy strong, so I rise in strong support of this bill. Thank you, Mr. President.

SCHEER: Thank you, Senator DeBoer. Senator Hughes, you're recognized.

HUGHES: Thank you, Mr. President. Good morning, colleagues. I have some heartburn with this bill, and Senator Gragert and I have had a discussion about this, so I guess I would like to see if Senator Gragert would yield to some questions so we could talk back through that again.

SCHEER: Senator Gragert, would you please yield?

GRAGERT: Definitely.

HUGHES: Very good. Thank you, Senator Gragert. So in the conversations that you and I have had about this bill, my concerns are whether or not it's really needed, whether this is just another task force that makes people feel good that they're doing something. You know, my contention is that, as a farmer myself, I'm already doing this. You know, I am the best steward of the soil because that is my livelihood. You know, I'm not out there putting on too much fertilizer because it costs too much. I'm not out there abusing my soil causing erosion because that is my

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

livelihood. So, I guess I would like you to kind of address my assertions and, you know, why you think this task force is necessary, please.

GRAGERT: Yeah, thank you for the opportunity. The potential for this task force is the coordination and communication of information already out there. There is a need for better promotion of this education and research data. You know, research and education are constantly evolving, improving with technology. And, you know, with the precision farming, you say you do a lot of conservation practices already, and, as I stated, 50 percent of producers are utilizing no-till, but only 2 percent of the farm ground is covered in cover crops. So it's easy to bring on board when you get new change, and with soil health, the top 25 percent of the producers, and then the other 25 percent follow the innovators, the 20-- but now and currently what I'm really interested in, what this task force, I hope, will zero in on are the other 50 percent of the producers that may not have that education and/or have heard the latest research on some of these conservation practices such as irrigation water management, nutrient management, and the use of cover crops itself.

HUGHES: Thank you, thank you, Senator Gragert. I appreciate your enthusiasm on this bill, but the point is-- and you said it yourself, this information is available out there. You know, producers have access to this information. So why is creating this task force going to make it any better for those individuals? You know the comment you can lead a horse to water, but you can't make them drink. If this information is out there and available now, what about this task force is going to make that better, more-- what's going to make them read it?

GRAGERT: Because this task force will be made up of many subject-matter experts in their area. The soil scientists, the agronomist, the economist. We're going to have subject-matter experts, and not only these-- those types of experts, but experts with being able to promote these conservation practices, which I feel after standing for 30 years at the National Resources Conservation Service and having producers come in to me and saying, well, I wish I would have known that. I wish I would have known there was financial-incentive payments. I wish I would have known a little more about how to get into cover crops, these types of things.

SCHEER: One minute.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

GRAGERT: So there's a real need, even though the information is out there, to bring this information to a one-stop shop, if you will, instead of it being scattered throughout, and each entity thinking they're doing their good part, which they are, but it's not reaching the individuals it needs to reach at this point.

HUGHES: Okay. Thank you, Senator Gragert. Well, you know, I-- the difference between where you're from in the northeast part of the state and the difference where I'm from in the southeast part of the state, you know, we have limited rainfall, so cover crops don't really do us that much good out there. You know, we have to conserve every drop of moisture we can, and if you're raising an additional crop as a cover crop, if it's in a wet year, it's great. I-- you know, we've got guys trying it out there, and I'm certainly watching them, but if you get in a dry year, and you've planted--

SCHEER: Time, Senators.

HUGHES: Thank you, Mr. Speaker.

SCHEER: Thank you, Senator Hughes and Senator Gragert. (Visitors introduced.) Returning to floor discussion. Those waiting in the queue: Senator Bolz, Erdman, Halloran, and others. Senator Bolz, you're recognized.

BOLZ: Thank you, Mr. President. I appreciate the discussion on healthy soils. Certainly, agriculture is an important industry in the state. I'm not rising to discuss the subject matter, rather the funding stream, and even though this is a pretty small amount, I think it's important that we talk about the process of funding bills as they work through this floor, especially as we have some difficult decisions to make in the Appropriations Committee. So this bill, as introduced, had a small fiscal note. Nonetheless, it had a General Fund impact. And so my understanding is that the amendment from the Agriculture Committee, instead of using General Funds, would propose using a cash fund. And if Senator Gragert would yield to a question, I would like to ask a few questions about that cash fund.

SCHEER: Senator Gragert, would you please yield?

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

GRAGERT: Okay, I believe--

BOLZ: Senator-- sorry, Senator Gragert, will you yield to a question?

GRAGERT: Oh, certainly.

BOLZ: Very good. Okay, so can you please describe the cash fund which you are utilizing for this purpose?

GRAGERT: Yeah, this cash fund is coming from the new created Fertilizer and-- a fund that is already there.

BOLZ: Okay. And can you tell me what the allowable purposes of that fund are?

GRAGERT: What the \$10,000 would be allowed for is for the--

BOLZ: No, I'm sorry, Senator Gragert, the fund from which you are transferring these dollars, what are the allowable purposes from that cash fund?

GRAGERT: Just for the task force to come together to basically pay, you know, their mileage and that stuff for the meetings they may hold.

BOLZ: Let me try to ask that question one more time, Senator Gragert. You're transferring dollars from one fund to a new purpose for your task force, and that's okay, I'm not questioning the purposes of the task force. What I'm asking you is the dollars were accumulated in a cash fund for a purpose that is established by the Legislature. Are those purposes in line with your bill? What are the purposes that the funds in the cash fund may be used for?

GRAGERT: Okay, thank you. Yes, they are-- this task force is in line with the Fertilizer and Soil Conditioner Administrative Fund, and, you know, really, we won't even be taking away from the actual principal of this fund. The monies, the interest it makes will more than cover the \$10,000.



Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

BOLZ: Okay, and the Soil Conditioner Cash Fund, what are the purposes for which that cash fund are to be used?

GRAGERT: They currently receive revenue from inspection fees paid. Okay, they're used for-- is used to defray the department's expenses in administering the Nebraska Fertilizer and Soil Conditioner Act. So--

BOLZ: Okay. I appreciate that. I think the questions that we need to ask when we're talking about deferring General Fund expenditures with cash funds are, is the transfer an appropriate use of those dollars? And is the cash fund sound and sufficient and have enough dollars in it such that a transfer will be okay without undermining the original uses and purposes of the fund? And it sounds as though you've done your homework, Senator Gragert, and that that's an appropriate use of the fund and that the fund is financially sustainable. But I do think as we move bills through this body, it's important for us to slow down and take a beat and make sure, A, that if there's a General Fund expenditure we understand what that means, we understand what that means in contrast to other priorities in the Appropriations Committee, paying for the utilities of the university, keeping up with provider rates, paying the homestead exemption, all of those things.

SCHEER: One minute.

BOLZ: And that if we are transferring money from a cash fund it's an appropriate purpose, and those cash funds are sustainable. So with that dialogue, you've answered my questions, put my mind at ease regarding this financial impact. I appreciate the work on the bill, and certainly if the folks who represent agriculture interests in this body think this is important, I do as well. Thank you, Mr. President.

SCHEER: Thank you, Senator Bolz and Senator Gragert. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. Speaker. Good morning, again. Senator Gragert and I had a conversation a couple nights ago about this bill, and as he stated that night, he said it's an

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

educational bill to bring to the forefront to people's minds what it is to have healthy soil. I appreciate that. Senator Gragert, would you yield to a question?

SCHEER: Senator Gragert, would you please yield?

GRAGERT: Yes, please.

ERDMAN: Senator, following up on Senator Bolz's line of questioning, how is the money put in the Agricultural Fertilizer Fund that you're going to take this cash out of, how does that money get if there?

GRAGERT: That is a fund that I understand is already there. It's just being renamed to this fund.

ERDMAN: But the funds have to be renewed in that agency or that account, so if people pay fertilizer tax on their fertilizer, how does that fund get replenished?

GRAGERT: I'm getting some help and I appreciate it, but the money gets put there by inspection fees and facility registration fees and license fees.

ERDMAN: Okay. So it's not what you would call taxes but it is someone's fee for regulating that industry, would that be a fair assumption?

GRAGERT: Yes, for Fertilizer and Soil Conditioners Administrative Fund.

ERDMAN: Okay. So how much is it-- did Senator Bolz ask you, how much is in there? Do you know how much is in that fund?

GRAGERT: There's \$275,000 in that fund.

ERDMAN: Okay. And is that fund fully appropriated to where there-- is there room for you to take \$10,000 out to do this?

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

GRAGERT: Yes, there is. And like I said earlier, the monies-- okay, the ending balance in that fund-- I'm being corrected here --is \$483,352.

ERDMAN: Oh, very good.

GRAGERT: So, once again, we won't be even using any of the principal of this fund. It will just be the interest on this fund.

ERDMAN: Very good. Thank you. You've answered my question. One of the things that I've seen in the committee statement that I thought was peculiar is the people that came in in support, the Interfaith group that's against-- that is for global warning, the Catholic Conference, and several others. It's kind of peculiar that they would have an interest in this bill. That's what it is. You can't distinguish who comes in to testify, I understand that. I want to bring to your attention something that's not exactly about this bill but it is very relevant today. Senator Gragert made mention in his opening comments about the flooding and the disaster and the problems we have. I introduced a bill earlier this year in front of Revenue Committee. The number is LB482. LB482 is a bill that has been called the destruction of property bill. What that bill would do is if you have a destruction of your property any time during the year up till October 1, you would be-- it would be available to you that your property tax would be prorated to the date of destruction and then would begin when the property is reconstructed and is back into your use. So in light of what's happened in the last couple of weeks with the disaster of the flooding and the blizzards and the property that's been lost, if LB482 would be in place, those residents who lost their homes and those businesses who lost their buildings, their property tax would stop on the day of destruction and it would pick up again--

FOLEY: One minute.

ERDMAN: Thank you. --it would pick up again once it's been reconstructed. And we hear from the people who receive the taxes how that would be a negative for them, but we seldom talk about the people who pay the taxes. And consequently, that's what this bill would do. It would alleviate those taxes next year in 2020 because we pay taxes in arrears. And some have said, well, how would the county, the city, and all those people who collect tax dollars recover if you

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

take away some of their valuation? Well, the question you have to answer is who stands a chance of getting FEMA help, NEMA help, more than cities or counties? And answer the question, how much FEMA and NEMA help are the homeowners going to get? The answer is slim and none. So, consequently, this bill would give us an opportunity to actually make government be part of a solution for a change. And I have talked to some of the people in Revenue Committee and I hope that bill gets out because it's a commonsense bill that would make a lot of sense to a lot of people who have been affected by the floods and disasters that have happened.

FOLEY: That's time.

ERDMAN: Thank you.

FOLEY: Thank you, Senator Erdman. (Visitors introduced.) Continuing discussion on the bill. Senator Halloran.

HALLORAN: Thank you, Mr. President. My apologies to the members of the Legislature and the especially to Senator Gragert for misjudging my time. I was across the Rotunda visiting with the leadership group we just applauded and so that was an error on my part. But it does show the importance of having a very competent Vice Chair and Senator Brandt, thank you for jumping in on that. As a Chair of the Agriculture Committee, I'm a proponent of Senator Gragert's efforts. There is a preponderance of information out there on cover crops and soil health. But this is a coordinating effort to have that information better communicated than it has been and to be able to have in effect a clearinghouse of information on a very important issue dealing with healthy soil. Thank you, Mr. President.

FOLEY: Thank you, Senator Halloran. Senator Hughes.

HUGHES: Thank you, Mr. President. Senator Gragert, would you yield to a question?

FOLEY: Senator Gragert, would you yield, please?

GRAGERT: Definitely.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

HUGHES: I noticed in the bill where the Department of Agriculture, the head of the Department of Agriculture or his designee could be part of this task force, but yet the Chairman of the Natural Resources Committee, the Chairman of the Agriculture Committee did not have that option. Would that be something that you would be willing to look at between General and Select if we would write an amendment to allow Chairman of Natural Resources and Chairman of Ag or their designees be part of this task force?

GRAGERT: Definitely. I would go along with that wholeheartedly.

HUGHES: Okay. Thank you very much. You know, as an ag producer, and I said I had heartburn with this bill. You know, I think it's just redundancy. The information is out there and the issues of cover crops, that's the latest and greatest issue that agriculture is looking at now. And it does-- I mean, it does show in certain areas where it does definitely improve your soil health, improves the tilth, improves infiltration, improves the organic matter. You know, all of those things that anybody who is in agriculture understands. But one size does not fit all in Nebraska. They talk about the difference in environment and climate conditions east to west or west to east, excuse me, from Scottsbluff to Falls City is as great as it is from Omaha to the East Coast. You know, the difference in elevation makes a huge difference. The difference in rainfall makes all the difference in the world. But back to my original point, you know this information in this bill is available now. It's out there. It's in the farm magazines. Anybody who is still involved in agriculture is on top of this because the margins are so extremely thin that you better be or you're going to go out of business. And creating another bureaucracy or task force, to me it is just justifying the existence of university professors and NRCS personnel and everybody else we put on there to have another meeting. And I'm sorry, Senator Gragert, if that offends you, but any of us who have been engaged in agriculture and gone to those meetings to make sure that we are as profitable as possible because that's what we do in agriculture. We're in it to make money. You know, that's our job. We're in it to feed the world. And that's getting more and more difficult all the time and taking advantage of all the tools that we have available to us, technology, whether it's GPS guidance, or the latest university techniques, that's what we have to do. We're already doing that and creating this task force as another layer of making people feel good and they're justifying their jobs is absolutely unnecessary. Thank you, Mr. President.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

FOLEY: Thank you, Senator Hughes. Senator Clements.

CLEMENTS: Thank you, Mr. President. I'm also wondering about this bill and the need for it. Would Senator Gragert yield to a question?

FOLEY: Senator Gragert, would you yield, please?

GRAGERT: Most definitely.

CLEMENTS: Just the basic question is what problem is this solving?

GRAGERT: This problem is solving the actual coordination and communication of the information that's out there that is not getting to the individuals at this point that need the information.

CLEMENTS: All right. Thank you. One other question or maybe a comment. I was looking at the University of Nebraska Extension Web site and they have lots of farm management reports and they have a network of offices around the state. But I don't see them, they didn't testify. I don't see them as one of the board members. Is there a reason why you're not using some of their services?

GRAGERT: This is what this task force is going to do and this is what I envision, and I hope that this task force will do, is bring the NRD, the NRCS, the university, the many producers that, like in my opening, that are using these conservation practices, to be able to use demonstration plots on their piece of ground to-- I've attended a number of meetings and you can use your smartphone and call up all this information, but I want to tell you back in my district, not all the producers are running around with smartphones to see where information they could get. They collect and they take in more information by showing them, you know, demonstrating. And I would like to see demonstration plots on individuals that are using conservation practices and let's don't just get caught up in cover crops. There is a number of conservation practices that, like I mentioned, and the two most important ones being deep soil testing and nutrient management to get started with. Cover crops are just one of many conservation practices that producers, if

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

they have heard about them, they don't fully understand them. And what this task force will be able to do is use the university and use the university in a way to promote these conservation practices more than just hearing about them, but getting down into the weeds on them, if you will.

CLEMENTS: Thank you. I'm glad to hear that you do intend to use some of the university resources because they do have experts. One other question I had, there were many proponents who are not directly in agriculture, but I noticed that Farm Bureau did not testify. Have you talked to Farm Bureau? They're a statewide farm organization.

GRAGERT: Yeah, I've talked to Farm Bureau. I want to tell you something. The potential for this bill and the people that have the greatest-- to get the greatest thing out of this bill is the ones that are actually pushing back. And I understand why the push back is, is because a lot of producers don't want government in their business. And that's fine. I totally respect that. But this bill is not about mandates. It's not about regulating. It's not about anything other than to bring this information together to help individuals that don't have the smartphone or would like to gather this information in a different way, help them to realize and be able to experience all these conservation practices and incentive monies out there to be able to help them to experiment with these conservation practices at this time.

CLEMENTS: Well, thank you. So you don't see this as a study in order to bring in some kind of legislation to mandate--

FOLEY: One minute.

CLEMENTS: --to farmers what they have to do?

GRAGERT: Not at all. I've worked with the Natural Resources Conservation Service for 30 years and, yes, it was on the federal level. And I want to tell you when the feds come in, you're probably looking at some mandates, but if we work to be pro-active at water quality especially, it's a passion of mine, water quality. But we need-- I shouldn't have to mandate and I'm not gonna mandate and/or regulate anyone in this bill and/or any other bill that I may support

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

because I feel we can get a lot more accomplished by working together on this. If I told you, you had bad water, would I have to mandate that for you to do something, to want to educate yourself and then do something about it, to clean it up for yourself?

CLEMENTS: No, I don't think so.

GRAGERT: I just don't see it.

CLEMENTS: I appreciate your comments. Those were just questions that I hadn't seen addressed and was curious about that.

GRAGERT: Thank you. I appreciate the opportunity.

FOLEY: Thank you, Senator Clements and Senator Gragert. (Visitors introduced.) Continuing discussion. Senator Dorn.

DORN: Thank you, Mr. President. And thank you, body. I stand today in support of this bill. Different areas of the state have different needs. They have different qualities of soil. As Senator Hughes spoke out in his area something that may work in eastern Nebraska may not work out in western Nebraska 'cause of variation in rainfall and a lot of other things. On our farm, we do use cover crops. It's amazing how, particularly when we have winters like this, springs like this, when we have the moisture we have, the value that we do get out of a cover crop and the soil savings that we do have. Some of these things which Senator Gragert just talked about, we need to be pro-active. We need to do things so that we don't have the federal government coming in and mandating things. One of those things we can do is to set up a group like this and look at different ways that we maybe can implement, we can work at other things to improve our soil health. We want to leave our soil for the next generation and generation after that in better condition that we have. Most farmers have that philosophy. And if we can do something like this to help with that, help with that process, I'm for this one, I'm for this bill and we will be supporting it.

FOLEY: Thank you, Senator Dorn. Senator Brandt.



Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

BRANDT: Thank you, Mr. President. I rise in support of this bill and all the amendments and I would like to thank Senator Gragert for bringing this. I serve on the Ag Committee and as such, we had 20 testifiers in support, zero opponents, and two neutral testifiers. This bill enjoyed a very positive response in committee hearings. Several points I'd like to make with the recent flooding, this type of work is more important than ever. This bill is about preserving one of our state's most important assets, topsoil. \$10,000 is a very small price to pay for what we will receive in return. And with that, I would yield the rest of my time to Senator Gragert if he would use it.

FOLEY: Thank you, Senator Brandt. Senator Gragert, 4:15.

GRAGERT: Thank you. Yeah, just wanting to clarify some of the questions that are being brought out and we're getting keyed in on cover crops and that's not the intent of this bill at all. Cover crops are one of the ways to increase soil health. You know, I take everything that I do and especially new change, and what I've worked with in the military and my natural resource career, but new change, I take it on a crawl, walk, run issue so we don't get ahead of ourselves. And you know, soil health isn't a new concept. Soil health started back in 1985 with the farm bill and with the sodbuster and swampbuster provisions. So this concept of soil health is way beyond the crawl, walk. We should be running at this time. And this with this task force we'll be looking at is why more widespread use of certain conservation practices aren't being utilized to their full potential. I understand, and there are many farmers, ranchers out there using different kinds of conservation practices. But those practices through the years, and I commend the use of all these farmers with the use of these practices, but those farmers were using conservation practices like no-till more in the context of saving the soil, not building the soil, or with the primary purpose of building the soil, soil health. So along with no-till, and also another question or I'm hearing is that we don't need this. Well, we do need-- this isn't redundancy. If there's 50 percent of the people, farmers, producers out there that haven't heard about the different types of conservation practices. And I'm fully aware that this task force is not going to come up with a cookie sheet recipe for follow this, and you're gonna have the healthiest soils in the state. Each individual, after they get this information and they're able to utilize this information will still have to come up with their own individual management plan. So yeah, I'm not looking at-- I don't have any aspirations of this task force coming up with a-- if you do this on your land, it will be --you'll be

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

good to go. Each individual has different soil types, different parts of the state from 16 inches of rain annually to our part of the state up in Knox County it will get 26 inches of rain annually. So I'm fully aware of that and I'm not actually the one gonna be on the task force. I would--

FOLEY: One minute.

GRAGERT: --more than happily be on the task force and-- thank you, Mr. President-- but I do have some knowledge to bring to the task force and if so be it, I'd gladly serve on this task force. Thank you.

FOLEY: Thank you, Senator Gragert. Senator Lowe.

LOWE: Thank you, Mr. President. I am not a farmer. I do own farm ground, but I am not a farmer, but I do know soil health is very important to growing our crops and to keeping our soil where it belongs and not down a river somewhere. So I appreciate what Senator Gragert is doing and, but I'm just not sure if we need another agency looking at things. I think we need some collaboration across the state, so I appreciate it. For that, I'd like to yield the rest of my time to Senator Hughes if he would like it.

FOLEY: Thank you, Senator Lowe. Senator Hughes, 4:15.

HUGHES: Thank you, Senator Lowe, I appreciate it. So would Senator Dorn take some questions?

FOLEY: Senator Dorn, would you take some questions, please?

DORN: Oh, sorry. Yes.

HUGHES: Thank you, Senator Dorn. So when you spoke a moment ago, you talked about you are implementing these practices on your farm of cover crops and no-till to reduce erosion. Is that correct?

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

DORN: Yes, we are.

HUGHES: How long have you been doing that?

DORN: Oh, we've been no-tilling probably approximately 40 years. We started doing cover crops really in the last five to eight years. We try to do approximately half our acres in cover crops, except for this last year when it rained too much, we couldn't get them in.

HUGHES: So how did you know to do that? Where did you get that information?

DORN: Visiting with other people. Our county extension agent, the no-till part, our county extension agent was the one that really in southeast Nebraska, him and another extension agent really started promoting that years ago before everybody wanted to do it. They were at one time considered people that you didn't want to visit with about it because you knew they were going to promote it. Now I think in our county, I know more than 35 percent is no-till. But it might be higher than that and through the years, I think most farmers have definitely seen the reason why to do it.

HUGHES: Thank you. So the way that this type of technology spreads through the country, would you agree with this statement that it is probably more by neighbor watching neighbor of, you have those fellow farmers who are innovators that try things and if it works for them, then the neighbors start experimenting with it as well and eventually it does cover a majority of the acres? Would you agree with that statement?

DORN: That is definitely one of the ways. I don't know if that's the only way. There are a lot of other ways. But that is definitely one of the ways that it does happen is neighbor watching another neighbor and if it's successful for them, then you start asking questions and see if that works on your farm.

HUGHES: Okay. Thank you, Senator Dorn. I appreciate that information very much. This is back to my original point that we're creating another task force that is redundant. The amount of information that we have access to in agriculture is phenomenal, if you will just listen to it. And

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

the majority of farmers today are listening to it, or otherwise they are out of business. You know, there is no question about it. It does make you more money. In our operation, you know, the first, we generally sit down with our employees the first half an hour every morning and we spend probably the first 15 minutes talking about technology. Not only guidance, but what one of us read in a farm magazine and what John, you know, the Joneses are doing down the road to the south and what the Andersons are doing to the road to the north, watching the crops that they're planting, the techniques that they're using. But just made a short list of the information sources that are available if you want them. When it comes to soil erosion, the NRDs, our Natural Resources Districts, are working very hard to control soil erosion and also improve our water quality. You know, in areas of the state where we have nitrates, they're the ones doing the testing now. They are the ones helping the farmers, you know if you're in a high nitrate area, you are limited on how much nitrogen you can put on your field and you're limited on when you can put nitrogen on your field. There are things already in place to mitigate these factors. The soil erosion part of it, no-till has been a huge advantage. We've been doing that on our farm for probably 20 years. And it makes a huge difference in our profitability--

FOLEY: That's time.

HUGHES: --and our productivity.

FOLEY: That's time, Senator.

HUGHES: Thank you, Mr. Chairman.

FOLEY: Thank you, Senator Hughes. Senator Bostelman.

BOSTELMAN: Thank you, Mr. President. Good morning, everyone. I want to take a few minutes this morning before we get to the end of the day and talk a little bit about flood relief in my district and my area. Things that are happening and I want to get some information out there because I'm starting to receive e-mails or phone calls. Our emergency managers are getting phone calls and that, just general information that people need right now. There is a lot of relief out there for individuals to tap into. In Saunders County, obviously in all three counties, your

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

emergency managers are your first contact. Get ahold of them, ask them for assistance, otherwise go online and there's a lot of resources. I've been looking right here, just clicking on flood relief in your county and it will pull up the locations. But I want to talk about three right now, specifically if you're in Saunders County and you're in the southern part of Saunders County around Ashland, if you go to the Riverview Community Church, 32nd and Boyd Street, that's a location that is receiving items for victims, individuals who are in the flood plains that's been affected by the flood. They have a lot of items there. They're receiving donations. If you have something you'd like to give, please bring it to the church there and they will distribute it out. I'm not for sure on their hours, so I would call them. I think Michelle Sight is the contact person. If you could contact Michelle, they'll help you out there if you're in Saunders County. If you're in the northern part of Saunders County, North Bend High School is a place that you can contact. At North Bend, they're collecting materials. They're also organizing help. So they're organizing people to come out and help you clean up at your property where you're at. So that is a good location for you to contact for materials and/or physical-- you know, people to come out and help you clean up. Another location in Butler County will be the Butler County Event Center at the fairgrounds. My wife is up there helping as well. That facility, they have a lot of material there. Nonperishable foods, water, clothing, baby items. They're looking-- all of these locations are looking for shovels, brooms, mops. If you need cleaning supplies, there's buckets there, they're pre-made of cleaning supplies to come into your home if you're flooded to clean those areas up. They're also taking donations, monetary donations, I think, at those locations as well that you can-- eventually will be able to have opportunities to request those funds. Another place I would suggest people contact-- I'm sorry, the David City, I know they're open from 8 to 8 today, 8 to 8 tomorrow, I think in Saturday, and then Sunday it's 10 to 6. So please take advantage of these locations that are in your areas, in your communities. It doesn't matter if you live in that county or not, if you have a need, go seek these places out 'cause they want to help. People are bringing in materials there for you to use. Please come and take advantage of that. If you're a veteran and you're a American Legion member, also there's some financial opportunities there to receive some funding there through a program they have. There will be an application through your county veteran service officer which to apply. That will be something that will be coming up, as well as my understanding the sons of American Legion and others are forming groups with individuals who will come out and help you do cleanup. So those are important things right now that these are organizations and locations that if you need help, if you need some help getting

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

cleaned up, if you need materials to clean up, if you need to talk to somebody, those are areas right now, I would suggest you get ahold of and you go to. I know they all have a lot of material there. Donations really, shovels, and those type of things is what they need.

FOLEY: One minute.

BOSTELMAN: Thank you, Mr. President. If you're in Schuyler, there is just a huge effort that's going on in Schuyler right now on cleanup and taking care of the people. Really you just need to contact the individuals there in Schuyler. They've been providing hot meals and those type of things for people. The first responders, emergency managers, all those involved, the volunteers that's helping, it's just a great outpouring of assistance to people. You just need to go and ask. That opportunity, those people are there to help you and I would just encourage you all to go reach out in those areas and get that assistance, get that help that would help you out to get things cleaned up and move on through your day and get your property, your home, whatever it might be, cleaned up and livable again. If you have those needs, please go to those three areas. Again, that's Riverview Community Church in Ashland, the North Bend High School, and the Butler County at the fairgrounds. Thank you, Mr. President.

FOLEY: Thank you, Senator Bostelman. (Visitors introduced.) Continuing discussion. Senator Hughes, this is your third opportunity.

HUGHES: Thank you, Mr. President. Good morning, colleagues. I guess I want to kind of finish on and wrap up here on the thread that I was going about. I sat and made just a quick, very quick list of all the resources that are available for this information. We talked about the NRD and the thing that they do on water testing and soil erosion. The University of Nebraska, and the extension service does a very good job of-- we've got demonstration farms located throughout the state where they put on field days and show that this latest technology. The NRCS that Senator Gragert has worked for, for 30 years, they're a very good resource. There's also financial aid available to plant cover crops and do those types of things. Probably more importantly is private industry. These are the people that are on the ground that are wanting to go make sure that farmers are successful because we are their customers. And those are the seed corn companies, the fertilizer companies, and the chemical companies. Those are the individuals that

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

are most interested in getting this information out to us that we can take advantage of the latest seed variety that will boost our yields or the fertilizer that is more efficient that we have to put less on as we go through the field. And the tremendous strides that have been made in the chemical industry of the targeting of specific weeds and not harming, you know, the plants that we're trying to make a living at. So I'm pretty good at reading the tea leaves from the back of this body and I can understand, you know, pretty good idea how the vote is going to go. But I just wanted to make sure that I had opportunity to express my heartburn with this bill of creating a task force that really is not necessary. If it does pass, I have visited with Senator Gragert to have an amendment that would allow a designee for the Chairman of Natural Resources and Agriculture if they fill that spot, they could do it themselves or they could appoint someone from their committee. So with that, thank you, Mr. President.

FOLEY: Thank you, Senator Hughes. Senator Groene.

GROENE: Thank you, Mr. President. I stand in support of LB243. I, myself, have been in this line of agriculture my entire life, from managing plants to sales of specialized equipment and a no-till industry. I know all the chemicals and I've seen the history. And I've seen the growth, the conservation tillage. Sometimes it moves too slow. I'll give you an example. We had strip-till and I was deeply involved with its innovation and it spread. But it took a drought. A very bad drought in the west to push it forward and either you-- even with irrigation either you raised nothing or you raised a crop when you combined no-till conservation tillage with tillage. Those types of technologies need to move faster across the state and I can see Senator Gragert's effort here to combine all that information, take out the biases of the chemical companies and certain NRDs for programs 'cause programs can vary so much between districts. It's a good way to congregate information now with modern technology. They could create-- recommend creating a Web site where flood control. There's a lot of farmers going to wake up with all this damage and say, maybe I need to change my ways. I lost a lot of topsoil with the erosion. How do I get the river bottom back into shape with the tons of sand on top of it? Quick information, coordinated doesn't hurt anything. As far as adding Senator Hughes's idea which is fine, but my experience on the Education Committee, every single time we add a representative from the Legislature or from the Governor's Office on to a commissioner or a committee, we get a letter from the Speaker who says, watch out. You are a conflict of powers because you're mixing executive and

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

legislative and the people together on a commission. So if you do do that, you can do it and there's certain ways with nonvoting members, but I would make sure you write it right and talk to the Speaker before you do it. But I stand in full support of LB243. The timing is good with the erosion and flood control and what we're going to have on prime river bottom land to recondition it. So thank you and I applaud Senator Gragert for bringing LB243.

FOLEY: Thank you, Senator Groene. Senator Gragert, you're recognized to close on AM789.

GRAGERT: Thank you, Mr. President. This bill has the potential to be a triple winner. A winner for the producer, a winner for the consumer, and a winner for the environment. What farmers have done in the past to protect natural resources is commendable. While they have been using economic practices that are better for the soil for decades, but, more in the context of soil loss, both wind and water erosion rather than how to make the soil healthy. Through my years of flying a helicopter, I have learned never be afraid to ask for help and never, never be afraid to offer help. This bill will do nothing more than organize, coordinate, and communicate valuable information that will help individuals in many different ways. I encourage you to vote green on the amendments and LB243. Thank you.

FOLEY: Thank you, Senator Gragert. Members, you've heard the discussion on AM789. The question for the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 39 ayes, 0 nays on the adoption of the amendment to the committee amendments.

FOLEY: AM789 is adopted. Senator Halloran, you're recognized to close on the committee amendment.

HALLORAN: I would just encourage the body to adopt AM640 and to adopt LB243. It's a good bill. It's a timely bill with the floods we've experienced. We need to be looking more closely at this. Thank you.



Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

FOLEY: Thank you, Senator Halloran. The question for the body is the adoption of AM640, Agriculture Committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 38 ayes, 0 nays on the adoption of the committee amendments.

FOLEY: The committee amendments are adopted. Any further discussion on LB243 as amended? I see none. Senator Gragert, you're recognized to close on the advance of the bill.

GRAGERT: Thank you, Mr. President. I guess I already did my close, so I have nothing further to say, but hope you take this forward. Thank you.

FOLEY: Thank you, Senator Gragert. The question for the body is the advance of LB243 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 39 ayes, 1 nay on the advancement of the bill.

FOLEY: LB243 advances. Speaker Scheer, you're recognized.

SCHEER: Thank you, Mr. President. Just to refresh everyone's memory, there is a briefing at 1525 at noon. If we get done there a little earlier, I'm sure we can get started a little earlier. Just for those that are listening, the briefing is for senators and staff and press. So again, senator, staff and press, briefing, 1525-- the floods. The floods-- I imagine General Bohac and Director Tuma will both be there again. So, thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. Items for the record, please.

ASSISTANT CLERK: Mr. President, committee reports. The Committee on Transportation reports LB138 and LB356 both to General File with committee amendments attached. New resolution. LR55 by Senator Kolterman recognizes Tim Teegerstrom for his years of service to the Polk County Rural Public Power District. Amendment to be printed to LB169 from Senator

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Floor Debate  
March 21, 2019

---

Hunt. The bills that were read on Final Reading this morning have been presented to the Governor at 11:30 a.m. (Re LB141, LB318, LB339, LB340, LB354, LB354A, LB399, LB443, and LB463.) Communication from the Governor. (Read re LB8, LB16, LB29, LB48, LB112, LB112A, LB116, LB124, LB125, LB127, LB139, LB145, LB156, LB160, LB195, LB224, LB284, LB302, LB319, LB384, LB486, LB575, LB660, LB660A, and LB699.) Announcement that the Government Committee will be holding an Executive Session this afternoon following the adjournment of the committee hearing in Room 1507. Series of name adds: Senator Murman, Gragert, Briese, Brandt and Lowe to LB15; Senator Williams to LB352; and Senator Slama to LB584.

And finally, Mr. President, a priority motion. Senator Murman would move to adjourn until Monday, March 25, 2019, at 9:00 a.m.

FOLEY: Members, you heard the motion to adjourn. Those in favor say aye. Those opposed say nay. We are adjourned.