## TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

February 16, 2005 LB 150

different. Why did you go the route you're going now and not the same route as the other checkoff programs in the state?

SENATOR KREMER: That's a tough question. I guess this is in continuity to the way it's been structured now. I think that there's real concern that the state agencies will be up for challenge, too. One thing that's been challenged in a lot of the checkoffs--and I think almost all checkoffs are set up differently. The Soybean Board is set up differently, the Wheat Board is set up differently, some of them. And maybe they should all come back and be the same thing. Some of the challenges are--and they withstand the challenges if they are a speech...a government speech. I think the fruit industry had a challenge, and that it was set up in a way that it was government speech. And now it seems to me it's almost opposite. When it's producer speech and producer money, why shouldn't they But if it's government speech, it's okay. But it's really set up this way because just to be of continuity of the way it's going right now. I would agree with you that I would rather see a mandatory checkoff. I think as soon as we start to have a voluntary, you're going to have, how do you know it's not going to be the large producer get the refunds, and carry...and then the smaller producers? In case...I'm using your time. I'm sorry.

SENATOR SCHROCK: That's fine.

SENATOR KREMER: In the case of the mushroom checkoff, it was challenged by a large producer. I know there are not many mushroom producers. And they wanted to take all their money and provide...and direct it toward their own little product, and let everybody else fall by the way. This seems like it's more challenged by the smaller people, think they're getting eaten up by the larger ones. But the large operations contribute based on the proportion of number feed...cattle they feed, and they base...and the outcome, if there's benefits, well, they benefit more, but they also contribute more. And I think it would be...make sense. And hopefully, that...if this goes down, maybe in two years we could get something back on the federal level where all states are the same and it's coordinated in a way that...and maybe this would just go on for two years then, until