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Natural Resources Committee  
February 20, 2008

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[LB802 LB1049 LB1050 LB1094]

The Committee on Natural Resources met at 1:30 p.m. on Wednesday, February 20, 2008, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on AM1808 to LB1094, LB1049, LB1050 and LB802. Senators present: LeRoy Louden, Chairperson; Carol Hudkins, Vice Chairperson; Tom Carlson; Mark Christensen; Annette Dubas, Deb Fischer; Gail Kopplin; and Norman Wallman; Senators absent: None. []

SENATOR LOUDEN: Good afternoon. We'll start the hearing of the Natural Resources Committee. I'm Senator LeRoy Louden, chairman of the Natural Resources Committee and I'll introduce the senators that are here at the present time. To my far right is Norm Wallman from Cortland; next to he is Senator Tom Carlson from Holdrege; on my immediate right is Jody Gittins, committee counsel; to my left is Senator Carol Hudkins, vice chairman, from Malcolm, Nebraska; to her left is Senator Deb Fischer from Valentine; and to her left is Senator Mark Christensen of Imperial; on the end is Barb Koehlmoos, the committee clerk. Pages are gone right now but she is Kristen Erthum and she's from Ainsworth and she's a sophomore at Doane College. I'd ask you to check your cell phones, put them on silence so there's no disturbance and we'll go from there. Those wishing to testify on a bill should come to the front of the room when that bill is to be heard. As someone finishes testifying the next person should move immediately into the chair at the table. If you do not wish to testify but would like your name entered into the official record as being present at the hearing, there is a form by each door that you can sign. This will be part of the official record at the hearing. This year we're using a computerized transcription program and it is very important to complete the green sign-in sheets for testifiers prior to testifying. They're on the tables by the doors and need to be completed by all people wishing to testify, including senators and staff introducing bills and people being confirmed. If you are testifying on more than one bill you need to submit a form for each bill. When you come up to testify, place the form in the box by the committee clerk. Do not turn the form in before you actually testify. Please print and it is important to complete the form in its entirety. If our transcribers have questions about your testimony, they use this information to contact you. As you begin your testimony, state your name and spell it for the record even if it is an easy name. Please keep your testimony concise and try not to repeat what someone else has covered. If there are large numbers of people to testify, it may be necessary to place time limits on testimony. If you have handout material, give it to the page and she will circulate it to the committee. If you do not choose to testify you may submit comments in writing and have them read into the official record. No displays of support or opposition to a bill, vocal or otherwise, will be tolerated and if while testifying you need a drink of water, please ask the page. With that, we will begin with the first on the agenda and that's testimony on AM1808 to LB1094. Senator Carlson would ask how many are here to testify on AM1808 and LB1094. Okay. Go ahead, Senator Carlson, you may proceed. []

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SENATOR CARLSON: (Exhibits 1-6) Senator Louden and members of the committee, my name is Tom Carlson, C-a-r-l-s-o-n, representing District 38 and I'm here to briefly talk about AM1808 as well as AM1930 to LB1094. And you will recall that the testimony and discussion was really held last week, even though we have the hearing scheduled again this week on a procedural basis, and so I'll be brief in what I have to say concerning LB1094. And again briefly, to recall that last year in LB701 we authorized the NRDs in the Republican Basin to levy a local property tax on all real property and an occupation tax on irrigated acres to raise dollars to purchase surface water. We also reviewed the fact that the lawsuit that was filed by a group in the Republican Basin, hearing on that was January 24th. The judge has not yet rendered his decision on that case and the outcome of the case certainly is important as far as the basin is concerned. But part of the provision of LB701 was to allow bonding process so that farmers who sold the surface water for 2007 would have been paid in December. And as a result of the lawsuit, the insurance and financial company suspended the process of bonding and therefore, that was not done. Up-front money was not available in December to pay the farmers that had given up their water. And so the purpose of LB1094 and AM1808 is to authorize an advance of dollars to make it available hopefully, quickly to pay these farmers. And we as a Legislature have authorized the contracts. We need to make good on them. And so we're creating the Water Contingency Cash Fund to allow \$9 million to be advanced from the cash reserve for this purpose. We are not using the Natural Resources Development Fund or the Water Resources Cash Fund. If the state wins the lawsuit, the provisions of LB701 will be used to repay the state and return the dollars to the cash reserve. If the state loses the lawsuit, the state and the Legislature has several options for the repayment of this cash advance, perhaps through the occupation tax or other means as could be provided by future legislation or possibly the withholding of appropriations in future years to the Republican Basin until this amount is paid. Certainly, the plan is to repay this cash advance. So I...along with Amendment 1808 I submit to you today AM1930 which is to add the E clause to the bill. And I urge the committee to vote LB1094, AM1808, AM1930 out of committee quickly to expedite the process and that concludes my testimony today. Are there questions? [LB1094]

SENATOR LOUDEN: First, I'd like to mention that Senator Annette Dubas from Fullerton has joined the committee as a committee member. Questions for Senator Carlson? Oh, Senator Gail Kopplin from Gretna has joined the committee. Questions for Senator Carlson? Seeing none, thank you, Senator. [LB1094]

SENATOR CARLSON: Thank you. [LB1094]

SENATOR LOUDEN: First proponent for AM1808? [LB1094]

JAY REMPE: (Exhibit 7) Senator Louden, members of the committee. My name is Jay

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Rempe, J-a-y R-e-m-p-e. I'm state director of governmental relations for Nebraska Farm Bureau, here today on behalf of Nebraska Farm Bureau and several other organizations that testified last week on LB1094 and the other bill and at that time mentioned their support for AM1808. And they, just for the record, I will read the list of organizations that support AM1808 just for the record. It's the Lower Republican NRD, Frenchman Cambridge Irrigation District, Nebraska Water Resources Association, Nebraska State Irrigation Association, Nebraska Bankers Association, Middle Republican NRD and Nebraska Association of Resource Districts, all just wanted to be on the record this afternoon as supporting AM1808. Again, these are all groups that testified last week in support and I just wanted to enter that for the record and I'll have a list for the committee clerk here as well so. [LB1094]

SENATOR LOUDEN: Questions for Jay? Seeing none, thank you Jay. Next proponent for AM1808? [LB1094]

ED SCHROCK: Good afternoon, Chairman Louden. For the record my name is Ed Schrock and this has nothing to do with my position as a director on the Nebraska Public Power District board. Obviously, I still have a little interest on what goes on down here. I think the state has a credibility problem if you don't get these farmers paid in a reasonable amount of time and so I'm a proponent. I think the sooner you can do it the better. That doesn't mean the people in the Republican River Basin shouldn't ultimately pay for the bill. But if you're going to buy water from these people in the future, I know what I would say if I was a farmer. You'd better have the cash up front. So I think the state has a credibility problem if you don't do something rather fast so. I know what it's like to sit in your chair, so I'm done. [LB1094]

SENATOR LOUDEN: Any questions for Senator Schrock? Thanks, Ed. Next proponent. Seeing no proponents, oh, here comes one. [LB1094]

DUANE GANGWISH: Good afternoon, Senator Louden. My name is Duane Gangwish, that's D-u-a-n-e G-a-n-g-w-i-s-h. And I too here want to just, on behalf of Nebraska Cattlemen, support AM1808. [LB1094]

SENATOR LOUDEN: (Exhibit 8) Okay. Any questions for Duane? Seeing none, thank you Duane. Any more proponents? I have a letter of support from a Steve Henry from Frenchman Cambridge Irrigation District. With that, are there opponents to AM1808? Are those wishing to testify in neutral? Seeing none, then that would close...Senator Carlson, would you like to close? [LB1094]

SENATOR CARLSON: Thank you, Senator Louden. This will be brief as well. This has been most important and continues to be most important for Senator Christensen and me as we try to address the problems in the Republican Basin and we urge your support for this bill. I want to thank former Senator Schrock and Jay and Duane for

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coming in today as well as those that testified last week and appreciate that support. Thank you for your consideration. [LB1094]

SENATOR LOUDEN: Thank you. With that, that closes the hearing on AM1808 and from there we'll go to LB1049. Is Senator Erdman here? Do you want to go down to LB802 while he gets here or is that going to take... [LB802]

JODY GITTINS: Sure. Nope, that won't take any time at all. [LB802]

SENATOR LOUDEN: Okay. We'll go then, we'll skip over and go to LB802 while we're waiting for Senator Erdman. [LB802]

JODY GITTINS: Good afternoon, Chairman Louden, members of the... [LB802]

SENATOR LOUDEN: Okay. Let's do...okay, skip it, Jody. We'll... (laughter) Come on young man, get up here in the saddle. [LB802]

SENATOR ERDMAN: Pulled rank on committee staff, that's going to be detrimental later, I think. (Laughter) [LB802]

SENATOR LOUDEN: With that, we will start the hearing on LB1049 and Senator Erdman will introduce the bill. [LB1049]

SENATOR ERDMAN: Senator Louden, members of the Natural Resources Committee. Kristen, I don't have anything to hand out so you can take a break for the next group that may. Thank you, though. I'm Philip Erdman representing the 47th Legislative District, here to introduce LB1049 and soon after, LB1050. Both of these bills today deal with the governance or the organization of the Game and Parks Commission. Specifically, LB1049, I believe, makes fundamental and essential reforms to the qualifications and terms of Game and Parks commissioners. Currently, and I'll briefly go through the process in the bill, and then give you the rational justification for all of these changes. As all of you are aware, and if you're not, you haven't been here long enough, it is not uncommon for potential nominees or appointees to the commission to change their party affiliation simply to become eligible to serve on the Game and Parks Commission prior to their appointment. What we have is individuals that are looking at the statutory requirement that no more than a certain percent or majority of the members can be from the same political party. And so what they decide to do before they apply, is they switch from a Republican to an Independent and they decide to be an applicant and they are now qualified. That is not what the intent of the law was. There are two options. You can repeal that provision of law or you can actually make it effective. And so what we have chosen to do, what I have chosen to do in LB1049, is to make that effective. And the effective remedy is to ensure that the registration of that individual at the last general election is what is utilized for their appointment. That in my

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opinion, remedies the situation where an individual from one of your communities switches from a Republican to an Independent shortly after the first of a year, becomes eligible when they otherwise would not have been, and I believe better carries out the existing law than what is the current practice or at least, unfortunately the practice of some, to make themselves eligible through a loophole. So that would be the first change that's proposed in LB1049 that the party affiliation or the registration of the individual at the last general election is the registration that will be considered for their appointment. That will ensure, and again it goes back to, I think, what Virginia Smith once said, you're known by the brand that you wear. If that's the brand that you wear in a general election, then that's the brand that you should wear to be an appointee to a commission. If we're going to have a requirement that it be based on a nonpartisan basis, then we should do our best to ensure that that happens instead of the games that are currently being played. LB1049 also changes the length of a commissioner's term from five years, from one five-year term, to a four-year term. Four-year terms are consistent with many other elected and appointed offices in the state and it would ensure that the Governor would appoint all members of the commission during their term. As you are aware, commissioners are appointed to a five-year term currently which means that depending upon when those appointments come up, that there is not the consistent opportunity from the executive branch to appoint the members of that commission. Further, that's not the best rationale for it. The best one I can give you is the fact that pretty much every other elected official in the state, including a lot of appointees, are held to a four-year term and this would provide consistency with those offices. The Governor, the State Treasurer and members of the Legislature are eligible for reelection to an additional term under the term limits for their office. Under LB1049 Game and Parks commissioners would be eligible for reappointment to one consecutive term, making their position consistent with the same opportunities that you and I experience or that the Governor and the State Treasurer experience. It would, however, place a two-term lifetime term limit regardless of how the terms are served on all commissioners after the effective date of the act. Right now you can serve a term, sit out a term, serve a term, sit out a term, you can do it forever, assuming that you can get the Governor to appoint you and the Legislature can confirm you. What LB1049 does is recognizes the fact that you as an appointee and as a commissioner, have the opportunity to be reappointed. As you can well imagine, if the members of the Legislature were only allowed to serve for a four-year period at a time and had to sit out, our ability to have effective oversight of any state agency would be severely limited. We also at the same point have staff that are available to us. We have a salary that is paid to us that helps us to be able to afford the time that we spend in our office. So even with the opportunity that we have to be reappointed, or that the Governor...or excuse me, reelected or the Governor or State Treasurer have, they have additional individuals to help them as well. The best tools and the best insight that you can receive as an elected or appointed official is on-the-job training. You can learn the process. You can be affective at the process outside of it, but to truly understand how the interworkings are being done, it's appropriate and essential, I believe, to allow individuals to have the opportunity if they are going to be reappointed,

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to have the option of being reappointed to a consecutive term. The bill doesn't mandate that they be reappointed to a consecutive term. But the bill states that you have the option to be reappointed if the Governor would so choose. The Governor would still have the option or any other Governor at a later date would have the option to reappoint you at a nonconsecutive term. But regardless of how you serve those terms, you would be limited to two terms. And I believe that that provision, which is somewhat of a trade-off to the ability to be appointed consecutively, also expands the possibilities for other individuals to be appointed. I know that there are individuals that have served more than two terms. That number is probably less than two or three. It's a couple folks that I can...that I've heard of or know of. But from the standpoint of the position and this opportunity, I think it's appropriate for us to recognize that there are a lot of Nebraskans that would welcome the opportunity. I think we should give them every opportunity to be successful while they're currently serving, and that also we should recognize in the same process that those terms should be limited in such a way to provide for other individuals to be able to serve as well. These provisions coupled together, both the provisions to allow the reappointment as well as the lifetime term, provide better accountability via institutional knowledge of the commission as well as ensuring that there are opportunities for more Nebraskans to serve on this commission. Members of the Game and Parks Commission must be equipped and enabled to set appropriate policy for the commission in fulfilling their duties under law. It is imperative that the natural resources of our state, including wildlife and state parks, have appropriate oversight and leadership from the members of the commission and that they are capable of directing the administration and staff of this vital commission. LB1049 makes major improvements in accomplishing this goal. If you think about it, just in a pure practical standpoint, there are eight members that are appointed to the Game and Parks Commission. Depending upon the requirements in law whether they're actively engaged in agricultural or whether the requirement is that they actually live on a farm, generally you've realized that at any given time the most experience that you're probably going to see on the commission collectively is two years. Because when you figure the fact that you've got folks coming in and out every five years and you've got eight individuals that shuffle in and out, the ability for the commissioners who are the only administrative authority to that commission is severely limited. Some make the argument that term limits for the Nebraska Legislature severely inhibits our ability as an institution to govern. If that's the case, then I can't imagine what the application is to the current process that is at Game and Parks. It has nothing to do with the decisions that are being made there. It has nothing to do with the staff or the commissioners who are there. It's simply been a recognition of mine for a number of years that this is an area where we as a Legislature have delegated the responsibility of oversight to a commission. We should provide the appropriate opportunities and tools for those individuals to be able to effectively administer the agency. There are a number of individuals that have their own ideas about what should happen at Game and Parks. There are a number of individuals that have their own ideas about this bill. Some may support my bill. Some may not. Some have their own ideas about why this bill is here. I've heard them in the past. I

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think they're laughable. I've heard about some of the connections and I want to be clear, that this bill has been introduced because I believe it's the right public policy for the state of Nebraska. I have friends and relatives in a number of areas in the state of Nebraska. I don't carry legislation on their behalf. I also don't come and testify against or in favor of legislation for the same reasons. I believe that this is the right public policy for the state of Nebraska. If you don't believe this is the right public policy, then I'll offer you LB1050, which I will share with you has a lot of support from certain circles throughout the state that I've heard of. But again, I will leave that up to the discretion of the committee. But fundamentally, I believe that LB1049 makes great strides in preserving, protecting our wildlife and state parks as well as the responsibilities that the commission has while providing what I believe is appropriate oversight for this agency to continue to be successful as we go forward. [LB1049]

SENATOR LOUDEN: Questions for Senator Erdman? Senator Dubas. [LB1049]

SENATOR DUBAS: Thank you, Senator Louden. Thank you, Senator Erdman. Are there other commissions or boards that have these same types of parameters placed on them? [LB1049]

SENATOR ERDMAN: There are very few commissions that have the authority that this commission does. You go through the Highway Commission or others, they're in an advisory position. They don't have the affect of truly setting the policy the way that this commission does. To give you an exhaustive list, I can't tell you what's closest to. I'm simply looking at the recognition that this is how it's being done. These are ways to improve the way that things being done. But I believe that it is appropriately done to make sure that the process that's in place is recognized but ultimately that the goal that I think we all share, and that's appropriate oversight for an agency regardless of whose responsibility that is accomplished. So whether this is consistent with some other agency or not, it's hard to tell. It is somewhat unique because they are not an advisory board. They are truly setting the public policy for that entity. [LB1049]

SENATOR DUBAS: And so it's probably one of the few commissions that has that extended authority then. Would you...okay. [LB1049]

SENATOR ERDMAN: I think that's probably accurate and we can...there's only 300 page bound volumes of all the commissions that we have but this one has a lot of authority. There's a lot of expectations. There's a lot of interest and I think from the standpoint of where I'm at, I think that there needs to be some better opportunities, both for accountability of the agency as well as accountability for the commissioners. [LB1049]

SENATOR DUBAS: Thank you. [LB1049]

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SENATOR LOUDEN: Senator Carlson. [LB1049]

SENATOR CARLSON: Senator Louden. Senator Erdman, I, looking down the points here that you have, I agree with point number one. I've got a question on point number two but before I ask him, I'll share something. A couple of weeks ago I was speaking to a group and they asked me what I thought about term limits and I said, I like them, because Senator Schrock would still be here if it wasn't for that and I wouldn't be here. (laughter) He's shaking his head over there but...so then they asked, well, some people think it ought to be three terms instead of two; what do you think? I said I agree now that I'm here (laughter) but you in being consistent, you're not quite lining up with the way we are because we could serve two terms and we could be out for four years and then come back. But you've not chosen to do that. [LB1049]

SENATOR ERDMAN: And to be candid, we can...that is open for discussion. Obviously when you're putting together legislation as I have for the past five years, there are different moving parts. And logically you go through the process of determining what folks would generally think would be acceptable. One of the things I continue to hear, is that the people who get appointed to the commission are favors to the Governor because of their campaigns or other things. Just because you donate to a campaign doesn't mean you're unqualified to serve in some capacity. Obviously, that shouldn't be the only qualification but again at the same point, there are a number of individuals that would like to serve. Recognizing term limits as a potential, if you are interested in changing the number of times that they could serve, I think that would be appropriate or if you wanted to strike that all together. I would not support allowing an individual to continue to be reappointed consecutively. And if you want to follow the Legislature's model or other elected officers, the President of the United States only gets two terms in their lifetime too, so pick whichever entity you'd like but they're still serving four-year terms. So I'm open to whatever the interest of the committee is in accomplishing what I believe is a valuable policy bill. [LB1049]

SENATOR CARLSON: Okay. Thank you. [LB1049]

SENATOR LOUDEN: Senator, I was going to ask a question here on this where you have two terms. Theoretically, if someone was appointed to fill out a, like a three-year term or something like that, somebody could actually then be there for 11 years the way you have it written. [LB1049]

SENATOR ERDMAN: Which I believe is, which I believe is...I believe, and you can correct me if I'm wrong, I believe you can fulfill a term and then continue on in your own full term currently. So you could be appointed during the term of someone else but then be reappointed to your full term but I believe that's a practice now. But if we need to clarify as we do under Nebraska law for state senators that half a term counts as a full term or however you'd like to do that, again we can work out that language. [LB1049]

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SENATOR LOUDEN: Okay. That's what I was curious. Other questions for Senator Erdman? Seeing none, thank you. [LB1049]

SENATOR ERDMAN: Thank you. [LB1049]

SENATOR LOUDEN: And you wish to close because you'll be here for the next bill. [LB1049]

SENATOR ERDMAN: I will be here and if I need to close, I will. [LB1049]

SENATOR LOUDEN: Okay. First proponent for LB1049. Good afternoon, Jeff. Go ahead. [LB1049]

JEFF METZ: (Exhibit 9) Good afternoon. I'm Jeff Metz, M-e-t-z. Senator Louden and members of the committee, I'm Jeff Metz. I raise cattle and wheat in Morrill County. I also represent District 8 on the board of directors for Nebraska Farm Bureau. I'm here in behalf on Nebraska Farm Bureau in support of LB1049. Farm Bureau's member adopted policy specifically supports the provisions of LB1049 that would modify terms of the Nebraska Game and Parks Commission by shortening the terms from five to four years, but in turn allow individuals the opportunity to serve a second consecutive term on the commission. We believe it is imperative that the commission have good rural representation with people who understand the concerns of rural landowners. That thinking stems from the fact that the vast majority of the land in the state is held in private hands, meaning the vast majority of wildlife reside on private property and the commission relies heavily on private land for that wildlife habitat. We support modifying the terms for a number of reasons. Among them is that when people get on the commission who understand those rural concerns, we want to make sure there is an opportunity for them to at least have the opportunity to be reappointed. Currently we allow individuals to serve unlimited terms but just not back-to-back. Basically we have a system whereby a person is there long enough to get a good grasp on the current issues, garner some experience and expertise and then they have to sit out a term before they can serve again. We believe they should have the opportunity capitalize and utilize the experience that they're gathered. In addition, we do think it is good to cap lifetime service on the commission to two terms as proposed in the bill. It allows for more people to have an opportunity to serve which we believe is a positive change. We also would note that the bill does seek to put restrictions in place to prevent people from changing party affiliation to become eligible for appointment to a position on the commission. Farm Bureau policy supports removing political party affiliation as a consideration in making appointments altogether and we would encourage the committee consider this as a modification to the bill. In closing, overall we're supportive of LB1049 and would encourage the committee to advance this bill to General File. Thank you and if there's any questions. [LB1049]

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SENATOR LOUDEN: Any questions for Jeff? The only one I have, Jeff, is the same one I asked you last night. When you say you're from Morrill County, doggone it, tell them you're from Angora. [LB1049]

JEFF METZ: Angora. [LB1049]

SENATOR LOUDEN: (Laughter) Okay. Thanks for coming clear from Angora to testify. [LB1049]

JEFF METZ: Thank you. [LB1049]

SENATOR LOUDEN: Next proponent. [LB1049]

DUANE GANGWISH: Good afternoon, Senator Louden, members of the committee. My name is Duane Gangwish, G-a-n-g-w-i-s-h and I appear before you representing Nebraska Cattlemen. NC supports the concept of the bill. We recognize that institutional knowledge is an important part of serving any public role and we are very much in favor of that. Having said that, we would be disappointed if the consequences were to somehow decrease representation of rural Nebraska where the natural resources of the commission oversees are fundamentally located. We are confident that the bill is...addresses those issues and we, our board voted to support it so I'd happy to answer any questions. [LB1049]

SENATOR LOUDEN: Questions for Duane? Seeing none, thank you, Duane. [LB1049]

DUANE GANGWISH: Thank you. [LB1049]

SENATOR LOUDEN: Next proponent. Okay, then opponents for LB1049. [LB1049]

JOE HERROD: Good afternoon, Senator Louden, members of the commission, or the resources. I wrote out a seven line statement. I was going to get up and say that and get out of here because I got in trouble last year (laugh) so but I'm going to read that but I want to bring up one of the things that Senator Erdman, and I have a great amount of respect for Senator Erdman, and... [LB1049]

SENATOR LOUDEN: Name, Joe. [LB1049]

JOE HERROD: Oh, Joe Herrod, H-e-r-r-o-d. [LB1049]

SENATOR LOUDEN: Thank you. [LB1049]

JOE HERROD: And hand it in. The first thing about being appointed and then off and

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reappointed and appointed and reoff. There's only been three commissioners ever reappointed to my knowledge, and I've followed this for 30 years. The first one to get reappointed was Charley Wright. Charley Wright was a Democrat who supported the Democratic opponent of Kay Orr when she was elected but when it came time to name a commissioner, the name that was given to her that was the person to put on was found to have some background. And she came to the sportsmen and asked us and we said we never had a better commissioner than Charley Wright and she put Charley Wright back on the commission. The next commissioner that went, got appointed back to the commission was Randy Stinnette and that's about the same situation except that one of the situations we have with the Game Commission that needs to be addressed is that the gentlemen that was just up here, Jeff, is from Morrill County. Now next year, next January... [LB1049]

SENATOR LOUDEN: He's from Angora. [LB1049]

JOE HERROD: ...Angora, but he's still Morrill County. (laughter) Now next year, when George Hall goes off the commission, Jeff can't be appointed to the commission because he is from the county that the previous commissioner was on. And that comes from a large background of the Lincoln commissioner always...or the district in Lincoln, always being from Lincoln. So many years ago when Senator Schrock and Senator Beutler were around that went in that you had to be from a different county. Now the other thing about this next commissioner that comes from out there, is he can't live in Alliance or Chadron or Scottsbluff or Mitchell or Morrill or Dix or Potter or Ogallala or Grant or Paxton. He can't live there because he has to be a farmer or a rancher living on the ground, because there has to be two of them so when one goes off, he has to come back on. Somebody has to come back on from the farm or the ranch. That's reducing the selection to probably about 1 percent of the population. That's a situation that needs to be addressed and that's why Randy Stinnette was reappointed because Randy Stinnette was the only farmer or rancher living on the ground, a lifetime Independent, decorated Vietnam war hero, great guy, great commissioner but he lived on the ground. And so when it came time to reappoint...or to appoint somebody, they couldn't take anybody from Grand Island or Kearney or Hastings. They had to go back to the guy on the ground and that's why Randy Stinnette went back on. Now Bill Grewcock went back on and Randy Stinnette was strongly...he was a past president of the Nebraska Council of Sportsmens Club. When Bill Grewcock went back on, well, there's probably some money (laugh) involved in that situation, I don't know. But he got reappointed and he was strongly supported by sportsmen. So that's some of the things. Now the other thing that Senator Erdman said, was repeal or make effective the registration in the general electric, a general election. That's fine. We have no argument with that but I'll tell you that does not ensure what can go on because it's gone on before. One time there was a commissioner that they wanted to appoint, and I won't name names, but they were the county chairman of their political party and they couldn't change parties. They simply went back to an existing member of the commission and

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had them change parties and then everything was fine again. So this, this isn't, this isn't the solution here. The other thing is that, does it really matter in natural resources whether they're Democrats or Republicans? I don't think so. This part of that law went in back when the Legislature was partisan. When it was two-house and partisan and it's been there ever since. And if the Legislature's nonpartisan, then why should, why do we worry that much about that particular situation so that covers those two things. There's only been three ever reappointed and they've only been reappointed once and I know the story on all three. Now the next thing about Senator Erdman's bill, the one year, the one four year instead of five. It's been five years forever and it seems to work and it...and when I have some comments on natural resources and management of wildlife there's some good reasons to carry over into a next Governor's term without tying, you know, so that every Governor can totally reappoint that whole thing. There's some things in the history of wildlife that go back to the 1887 and Theodore Roosevelt and things that I can relate to that can come up. But it's not a big deal. The fact about it is, is that I think when you get a good commissioner, five years is a good term for them. A lot of the really good ones, like Tom Plummer, hung around for another five years and did a lot of work. He can't be reappointed. I wish he could but he's moved to Lincoln. But the problem I see, is if this is really a thing handed out to people that are favored by the Governor, then we're never going to have anybody but four-year commissioners. We're not going to have the five years. We're going to lose a year of that experience. I can't imagine if this is a really great political plum to hand out, that you would, that you would reappoint somebody. I mean, I don't know. But if you did reappoint somebody, then you'd have to reappoint everybody because otherwise you'd say, why, I made a mistake. I shouldn't have...I'm not going to reappoint this guy or this guy didn't do a good job and this guy did and I don't see a Governor doing that either so I think we're either going to go to four years or eight years with this thing so I'd like to see it stay with five and leave that go, and I'd like to leave the political party thing alone. And the reason I don't want to leave it alone is exactly what happened last year when Senator Hansen wanted to change the board of directors of the Nebraska Environmental Trust to the same situation that the Game Commission has. Because wanted more representation out there in western Nebraska and I knew, as soon as that came up, my brain had been dead for a while and so I kind of...anyway I realized that we had to testify against that bill because that brings up the old thing that Senator Schrock and Senator Beutler made an agreement on many years ago that they'd leave this thing alone because it was constantly fought over whether it was going to be one man, one vote or it was going to be a district representation. And I think if LB1049 gets out on the floor and gets discussed, you could end up with a board just like the Environmental Trust. You could end up with three commissioners from each congressional district and then where would rural Nebraska be? And if LB1049 comes up and they start to see, hey, ag gets two representatives living on the ground and one not, well, what about parks, what about hiker, biker trails, what about boating, what about all these other interests? So I think, that yes, there's a lot of things that could be done but to put this bill out on the floor I think opens, and I used the term last year, Pandora's box (laugh) and that's what I

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meant by that. You put it out on the floor and it could cause problems so. Oh, can I read my statement then? (laugh) Which I intended to only read and shut up and get out of here but that will never work. The Sportsmen's Council opposes LB1049 and supports the present statutes relate, regulating Nebraska Game and Parks Commission. We feel any changes must be evaluated as to the possibility that considering small changes could result in drastic changes. Such changes could threaten rural Nebraska's and agriculture's representation on the commission. Wildlife is a predominant aspect of rural life and agriculture is the host. Wildlife is in good hands in Nebraska because of commissioners who live with it and supply the food, water and habitat. Please leave well enough alone and do not advance LB1049. [LB1049]

SENATOR LOUDEN: Okay. Thank you, Joe. Questions? When you talk about that four, five years, you'd actually, you're saying then it'll either be five or eight years because you figure that there will always be a reappointment if you had a four year term... [LB1049]

JOE HERROD: No, I figure there won't be any reappointments because if it's a plum that you give away, you're going to give it away every four years. You're not going to only do it once. You're going to favor two people. One every four years. And you know, I think most Governors in this state, well, I assume that the current Governor is going to get reelected, etcetera, I don't know. But you know, it's not a big deal. It's not a big enough deal to threaten the whole structure with. [LB1049]

SENATOR LOUDEN: The other question that we've been getting is, on these five-year terms that about the time they learn the ropes, why then they're off of there and they feel that there's some agency people that are lasting longer than the commissioners are, and that they're more or less outlasting the commissioners so they get to do things, kind of they're on way. What's your opinion on that? [LB1049]

JOE HERROD: I think that there's some commissioners that hit that...hit the ground running and I know a couple of them that have and I think this next group of commissioners is going to be great. I'll tell you there's other commissioners that come in there I've never seen them at a Duck's Unlimited dinner. I've never seen them at a Pheasants Forever event. They're not head of, they're not a part of anything that I ever see with the commission at all. We had one appointee that at his first meeting couldn't even find the building. Those are bad. We have some appointments but for the most part, they hit...the ones that hit the ground running five years are pretty well up on it. Four years...I think that it all will go back to four and then that's a detriment because I just...if you're handing out a plum, you're going to hand it out every...twice, you're not going to limit yourself to a reappointment. It could be argued. You know, it's arguable both ways but five years has always worked. In five years, out five years and once in the last 50 appointments three guys have come back and they all came with agriculture and sportsmen support. They were lobbied to get back on there for good reasons, at

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least two of them were. [LB1049]

SENATOR LOUDEN: Other questions for Joe? Seeing none, thank you for your testimony, Joe. [LB1049]

JOE HERROD: Thank you for the opportunity. [LB1049]

SENATOR LOUDEN: Next opponent for LB1049? [LB1049]

ED SCHROCK: Senator Louden, members of the Natural Resources Committee, for the record my name is Ed Schrock. I'm here today on behalf of the South Platte Chamber of Commerce. At their board meeting in, a couple of weeks ago in Arapahoe which I did not attend, they passed a resolution opposing this bill. Of course, I have a little history on that. I'm the reluctant chairman of the legislative committee for the South Platte Chamber. I didn't lobby for the job. I'm not sure that they're so much opposed to the first part of the bill which has to do with the political parties. Probably my personal thoughts on that is it really doesn't matter what party you belong to as long as you're concerned about the habitat and the natural resources of this state. But they are concerned about serving two terms on the board. For whatever reason, serving a term on the Nebraska Game and Parks Commission is the most sought-after appointment in the state of Nebraska. And that might sound a little strange. But I think Governors will tell you that. It is the most sought-after appointment in the state of Nebraska and it looks to me like it should be passed around. I'm the one that's responsible for the fact that you have to be from a different county because I think the PR should be spread around. One of the things these commissioners are, are PR for the Nebraska's natural resources and if you have somebody serving from the same county all the time, that kind of defeats the purpose. Now that's not true if you're from Lancaster or Douglas County because they are a, they are a district unto themselves. But the other six districts, when you're appointed, you have to be from a different county than the previous commissioner was from. I think that was put in there for a good reason. A lot of time you get a commissioner from a county and people see that, will think I want that job the next time around. Has to be from a different spot. If you look at the geographical districts they pretty well, outside of Lancaster County and Douglas County, they pretty well represent an equal area of the state. In other words, the Sandhills has a lot more representation than they do people. I think it should be passed around. I think South Platte Chamber thinks it should be passed around. We have nothing against somebody serving two five-year terms but not consecutively. I also think if you have a change in the Governor, there's going to be a lot of pressure on him from the incumbent to serve another term. I think the Governor should be free to put on there who he wants to be. So if you're elected Governor and you've got four appointments to Game and Parks and they're all wanting their second term, that's putting a lot of pressure on the Governor "unnecessarily" to appoint somebody who's been on there. And I think that should be taken out of the political process. Five years, four years, the terms are staggered. How many people

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have you had come in front of you in the past 14 months to be appointed to the Game and Parks? It's not like they're all elected one year. They're staggered. Usually they have two or three appointments...usually they have one or two appointments every year and in the course of five years you get through all eight of them. I'm not terribly concerned about when this bill gets to the floor what may happen. There's always going to be somebody up there from Lincoln and Omaha that wants one person, one vote. We dealt with that when I was here. But we think that the Game and Parks is more than one person, one vote. It represents resources. So there's probably bigger fish to fry, you know. Senator Erdman may have opened up a can of worms but that's not all bad. We can go fishing. At least we have bait, but South Platte Chamber did oppose this bill. I'm just the messenger so don't shoot the messenger. By the way, Senator Carlson, term limits didn't take me out. Enough is enough, I was ready to leave and I'm enjoying life outside the Legislature. [LB1049]

SENATOR LOUDEN: Questions for Senator Schrock? Ed, I have one. How did George Hall get appointed after Connie Lapaseotes was done? Because they were both from Morrill County, weren't they? [LB1049]

ED SCHROCK: The provisions of the change of the county had not taken effect at that time. I think Jody would confirm that. [LB1049]

SENATOR LOUDEN: Okay. That has just been something recently then? [LB1049]

ED SCHROCK: That took effect just a couple of years ago. [LB1049]

SENATOR LOUDEN: I see. Okay. Thank you. Other questions for Ed? Senator Christensen. [LB1049]

SENATOR CHRISTENSEN: Senator, have you ever had any constituents come up to you? I know I've had some that wanted to apply for the job before that come up and said that they were recommended to donate to the... [LB1049]

ED SCHROCK: No, but if you want to serve on the Game and Parks Commission, I would suggest you donate (laughter) and donate to the right candidate, you know. I've been known to donate to losers so. [LB1049]

SENATOR CHRISTENSEN: (Laugh) So it can be politicalized then? [LB1049]

ED SCHROCK: And it seems like the people that represent Dawson and, or Douglas and Lancaster County usually are people of strong financial means. [LB1049]

SENATOR CHRISTENSEN: Because I've heard that complaint. [LB1049]

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ED SCHROCK: It's not so much that way in the rural area. When they changed the commission from seven to eight commissioners and I was a part of that deal, I mean, Mr. Dugan (phonetic) talked about Senator Beutler and I. We haggle over this a lot. I wanted one more farmer on the commission and we didn't maybe word it quite right but right now two have to live on the farm and the third one has to get most of their income from agriculture. So essentially you have three farmers on the commission. Well that kind of leaves out Lancaster and Douglas Counties so the other six commissioners, at least half of them have to be farmers. And I think that's appropriate when you consider where the resource comes from. Do I think there's a danger of that being discussed when it's on the floor, yes. Do I think that's a reason not to advance it, probably not. Find a different reason than that not to advance the bill. I just think, if I were the Governor and I would just be sworn in and one of the first things I had to confront was, do I reappoint this person to the commission and you're going to get a lot of pressure to do that or can I pick my own person, I would want that Governor to feel free like they could pick their own person. And beings it does seem to be such a political plum and I've never figured out because I'm not sure I would care to serve on the Game and Parks Commission. It means it does...is such a political plum I think it's good to pass it around. Whether the system is right or wrong, it doesn't seem to be broken. If it isn't broken don't fix it. [LB1049]

SENATOR CHRISTENSEN: Okay. [LB1049]

ED SCHROCK: And all due respect to Senator Erdman here, I am... [LB1049]

SENATOR LOUDEN: Senator Carlson. [LB1049]

SENATOR CARLSON: Senator Louden. Ed, it seems to me like from some comments you made that maybe the bill is more appealing to what you want than the way it currently is because you like the idea of it being passed around. Well, it's going to be passed around every four years instead of five. I don't think I agree that an incoming Governor would feel the pressure of reappointment. If that kind of pressure gets to him, we've elected the wrong person. [LB1049]

ED SCHROCK: Senator Carlson, I've been around politics a little longer than you. Yes, there will be a lot of pressure on the Governor to reappoint somebody. Even if the Governor, the new Governor is from a different party you can't believe the pressure that will be there. It is there, believe me and it'll be strong. Because especially if you have a rich person in the job, they'll be...there could be some after-election donations even made to make that happen and that's shenanigans I don't like to see. I'd like to see the Game and Parks Commission as far removed from politics as possible and I think reappointing does just the opposite. So I respectfully disagree with you there. [LB1049]

SENATOR CARLSON: Okay. [LB1049]

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SENATOR LOUDEN: Other questions for Ed? Thank you, Ed, for testifying. [LB1049]

ED SCHROCK: It's kind of nice to be back. I kind of feel a little bit at home here.  
(Laughter) [LB1049]

SENATOR LOUDEN: Well, good, we want you to feel at home. [LB1049]

ED SCHROCK: You know, I went on the...this is aside, I went on to the floor this morning. Senator Langemeier invited me in and Pat O'Donnell apparently informed the Sergeant of Arms that I am not welcome inside the glass because I'm a part of the executive branch because I serve on the NPPD board. That's a new one to me.  
[LB1049]

SENATOR LOUDEN: Hey. [LB1049]

ED SCHROCK: So, if you want to talk to me you'll have to come out to the Rotunda.  
(Laughter) [LB1049]

SENATOR LOUDEN: That's what you get for getting those high dollar jobs. (Laughter)  
[LB1049]

ED SCHROCK: In a lot of ways, it's a better job than what you have. (Laughter)  
[LB1049]

SENATOR LOUDEN: (Exhibit 10) Next opponent to LB1049. Anyone testifying in the neutral? We got some letters here. Wes Sheets has a letter of opposition from the Izaak Walton League and that's it, okay. And Senator Erdman, you wish to close? [LB1049]

SENATOR ERDMAN: I do. The fun part about being around here long enough is that you get to hear new arguments on the same bills, so glad we had that opportunity today. At one side, and again Joe and I have worked together on a number of issues, I've worked with him on projects that were important to him. We candidly disagree on this topic and that's fine. You can't come up and oppose a bill with all the problems you like and then say, don't do anything. Because then, are they really problems? You can't go through the litany of reasons that the problem with George Hall's appointment is that other people can't apply and then say, don't do anything. At least not in my perspective if you're actually interested in a solution. The county requirement restriction is, as Senator Schrock pointed out, was added as a part of a process, the partisan requirement. It was an existing law. This bill doesn't seek to change those things. Could have changed those things, they would have come in and opposed that as they have in the past. Governor Nelson was reelected, Governor Johanns was reelected. Whether or not there's appointments, I think Senator Carlson you're right on. If we can't elect adults

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to be Governor, expect them to act like adults then we've elected the wrong adult. And from the standpoint of the pressure to appoint the right people, I think doing the right thing is the right thing. And if it means reappointing somebody, I think you should have that opportunity to do it. If it means not reappointing somebody, then deal with it. The reality is that elections are the result of the will of the people and the important part of that process is enabling those individuals that have been elected to be successful. And this is the only way that we have insight or oversight into this commission. This bill is unrelated to Senator Hansen's bill and Senator Schrock and Senator Beutler, although they are still here in spirit, are not here in the Legislature anymore. It is up to us to decide whether or not we believe that what they put in place is right, and to be honest with you, most of what they put in place is being retained. We're simply changing the process. We're not throwing it out. Is it a plum, is it not? My argument is, is that it shouldn't be. The argument that this somehow makes it more attractive for individuals or that you'll somehow not avoid that, the reality is if you get away from awarding it to individuals because of an election and you start recognizing the fact that the right people need to be reappointed or appointed, you move away from that process. I'd love to go to a...I'd love to go fishing with Senator Schrock. I can only imagine whether we would go to Canada or other places but maybe I could have arranged for an opportunity for him to go fishing instead of being here today. (laughter) [LB1049]

ED SCHROCK: I would have taken you up on it. (Laughter) [LB1049]

SENATOR ERDMAN: But he was here so if the argument is if we have bigger fish to fry, obviously we don't because we're here before the committee and those that are here to testify against the bill believe that what they have created is right. I candidly disagree. Mr. Herrod actually said last year that passing this bill opens up a can of worms. I was here. I recall that vividly. If the bill is advanced, which I hope the committee will do, I control the bill. If the bill goes in a direction that I don't support, the bill will not be continued. If Mr. Herrod and others would like to use their friends on the floor of the Legislature to help scuttle the bill, that's their right. I have every intention of understanding that aspect should this bill go forward, but I wouldn't be here presently you the bill if I didn't feel that it was appropriate oversight, and a solution to what I believe is necessary in our process. And that is to have the people who are appointed have the ability, the authority and the leadership to hold the entity accountable for which they've been positioned. I'm a state senator. I have responsibility for all of these agencies in some form and more directly some than others. But from the standpoint of serving in that commission, there's no orientation. It doesn't surprise me that the individual couldn't find the office. That has nothing to do with whether or not they know anything about wildlife. That just means that they're not part of the inner circle. And that's not all bad either. Because as an individual who wasn't part of the inner circle that got elected to the Nebraska Legislature, I think the people of the 47th District made the right decision. I think we elect the people based on their qualifications not based on whether they pay dues to the Ducks Unlimited group, the Farm Bureau, the Cattlemen,

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whoever. We should be focusing on making sure we're appointing the best people and if the best people deserve to be reappointed they should have that opportunity. [LB1049]

SENATOR LOUDEN: Questions? Senator Christensen. [LB1049]

SENATOR CHRISTENSEN: Thank you, Chairman Louden. Senator Erdman, just listening here, not trying to change your bill, just wanted a thought. If you went to a six-year term and no renewals, would that add more experience that you want and get rid of some of the other problems? [LB1049]

SENATOR ERDMAN: You could. Likely though they'll come in and argue that's not appropriate either but I'm not wed to the solution that's before you. I'm interested in finding a solution that I believe more appropriately recognizes or at least ensures accountability. The potential that an individual may or may not be reappointed also provides accountability for that appointee. Contrary to the arguments against the bill, the arguments in favor of that scenario is this. I'm serving at the pleasure of the Governor. I'm serving at the pleasure of the Governor because of my abilities. The Governor has selected me to serve in that capacity because of the experience and knowledge that I bring. At the same point, once you're appointed, there is no accountability back to the Governor at all. In fact there's no accountability to anyone. You serve on a commission. Congratulations. We hope that you attend the meetings. We hope that you go out and visit with your constituents. We hope that you go out and understand the issues affecting your region as well as the state when it comes to wildlife, when it comes to natural resources, when it comes to effective management and oversight of the Game and Parks or the parks division. Those things we would all hope would happen. Again the leverage that one has against us is an election or is the individuals you elect are the right individuals. Whether or not they get to serve for six years, eight years, twelve years, forty-seven years is somewhat immaterial because you've still got to appoint the right people. But whether you go beyond or not, again it comes back to the idea that you lose some of that accountability or potential accountability that may be there if an individual has the chance of being reappointed. There's no guarantee they get reappointed. I'm amazed to hear that people are concerned about the Governor. Governors I've talked to support the bill. I don't see they think it's a problem. But I think there's room, Senator Christensen, to work out the details of the bill as long as the goal is better accountability because I'm interested in ensuring that as the Legislature goes through this transition, that we have individuals in the commissions that we have delegated authority to, to be able to maintain a high level of accountability in the event that you don't have senators that have been here for 12 years to help with that process. [LB1049]

SENATOR CHRISTENSEN: Thank you. [LB1049]

SENATOR LOUDEN: Okay. Thank you, Senator Erdman. So with that, we'll close the

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hearing on LB1049 and open the hearing on LB1050. [LB1049]

SENATOR ERDMAN: Mr. Chairman, members of the committee. I'm still Philip Erdman and for now, I still represent the 47th Legislative District, which Angora is a part of, proudly. (Laughter) I'm here to introduce LB1050. Of course, there are other communities like Sunol and places that nobody knows of either that are in the district as well, that would feel slighted by not being mentioned but since Mr. Metz was here, I thought I would recognize that. LB1050 makes...if LB1049 makes fundamental change, LB1050 makes wholesale change. LB1050 makes the Game and Parks Commission an agency under the Governor with the director of Game and Parks Commission appointed by the Governor. This agency would retain the name of the Game and Parks Commission and the commissioners currently serving on the commission would become members of the Game and Parks Commission Advisory Board. Members of the Game and Parks Commission Advisory Board would provide direction and input to the commission in fulfilling their duties under law in the same way that many other agencies, any other commissions advise other agencies. This bill also replaces the current statutory references to the secretary of the Game and Parks Commission with references to the director of the Game and Parks Commission, grants authority to the agency to promulgate rules and regulations and harmonizes other statutes to be consistent with the changes. Again, I believe proper oversight is essential for agencies and commissions to operate effectively and appropriately, within their duties provided under law, to the benefit of all Nebraskans. The proposal before you is a substantial diversion of where we are in current practice. However, LB1050 more closely mirrors a Department of Roads model than it does a Game and Parks Commission model. You have members that are appointed to a commission which is the highway commission. They make recommendations to the agency for roads funding, road projects and other areas. They're simply advisory in nature. The Governor has the ability under this bill to appoint the director, has that direct link as he does or he or she does, with almost every other state agency that are under the state of Nebraska as opposed to other political subdivisions that operate independently. I imagine this bill will be less popular to some than the previous bill. However, I will tell you, just in all candor, I've had more people that I had no idea even cared about the Game and Parks Commission tell me that they would rather see them be a code agency than what they are. I don't know what to read into that. My interest or my knowledge of their concerns probably don't go to the level or the specificity that they have, but I've introduced both of these bills as an opportunity for the Legislature to decide what appropriate oversight is for this agency. And I will work with the committee on this bill or other bills to see where that discussion may lead. [LB1050]

SENATOR LOUDEN: Okay. Questions for Senator Erdman? Thank you, Senator, and I presume you wish to close on this one. [LB1050]

SENATOR ERDMAN: I'll reserve the right. Thank you, sir. [LB1050]

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SENATOR LOUDEN: First proponent for LB1050. [LB1050]

JEFF METZ: (Exhibit 11) Hi again, I'm Jeff Metz, M-e-t-z, still live in Angora, raise cattle and wheat, and I'm here on behalf of the Nebraska Farm Bureau. And we support LB1050, legislation that would modify the agency status of the Nebraska Game and Parks Commission. Nebraska Farm Bureau has a longstanding policy that supports placing the Game and Parks Commission under direct authority of the Governor. Farm Bureau policy also supports modifying current practice to allow the Governor to appoint the director of the commission. Our member adopted policy on this topic stems largely from the belief that the commission should have an oversight structure similar to other state agencies that the statutory and regulatory powers which can impact agricultural producers and the way they conduct business on their private property. With the exception of a few minor changes, LB1050 does not change the fundamental responsibilities of the commission but does change the oversight of the agency which we believe, by it's nature, will only enhance the agency's accountability to the people of the state of Nebraska. Given the many responsibilities placed on the commission, ranging from wildlife and habitat conservation, threatened endangered species protection, establishment of hunting seasons, to maintenance and establishment of outdoor parks and recreation, it makes sense for these responsibilities and this agency to be elevated to the same level of other agencies under the Governor's authority. In addition, we believe the transition from commissioners to advisory board members makes sense in the scope of the change in the oversight proposed. This approach is not unlike that currently employed by the Nebraska Department of Environmental Quality with the citizen body, Environmental Quality Council. We also support the modifications to the terms of the advisory board members as similarly outlined in LB1049. Finally, we also support the proposed change in LB1050 to require hearings, rather than public input meetings, be held when the commission seeks to implement conservation programs designed to reestablish threatened, endangered or nonexisting species through release into the wild. In closing, we're supportive of LB1050 as a means to ensure the commission is held more accountable for decisions and actions that affect the general public welfare and we encourage the committee to advance this bill. Thank you. [LB1050]

SENATOR LOUDEN: Questions for Jeff? Seeing none, you got off easy this time, Jeff. [LB1050]

JEFF METZ: Thank you. [LB1050]

SENATOR LOUDEN: First or next proponent for LB1050. Seeing no proponents, first opponent for LB1050. [LB1050]

JOE HERROD: Thank you, Senator Louden. My name is Joe Herrod, H-e-r-r-o-d. I'm

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here representing the Nebraska Council of Sportsmens Clubs. Senator Erdman had the chance to close and I would say as a rural Senator who I very much admire, he's the same age as most of my kids and their spouses, and I have the utmost respect for him and if anybody was going to take a bill like LB1049 on to the floor, seeing as he's from rural Nebraska and he's from ag, I'd trust him to handle it. And you know, so, I guess, I'm probably commenting a little out of order but on LB1049 I don't see that if he was handling it, go ahead I'd trust him with it, (laugh) but I don't want to see him try to handle LB1050. (Laughter) I have a statement to read and then I'll shut up and be open to questions. The Sportsmen's Council opposes LB1050 and supports the present structure of the Nebraska Game and Parks Commission. In the late 1800's, wildlife had practically disappeared from America. This was due to policies to control native Americans, settlers needing food and widespread market hunting. In 1887 Theodore Roosevelt and other visionaries founded the Boone and Crocket Club. They were concerned about hunting privileges, wildlife populations, and future generations. They worked for the establishment of hunting seasons, bag limits and abolishment of market hunting practices. Some of their accomplishments have been the Lacey Act originally enacted against the transportation of illegally taken game across state lines. The federal duck stamp program, the National Park Service, the National Forest Service, national wildlife refuges, the Pittman-Robertson Act, state wildlife commissions and agencies. The Nebraska Game and Parks Commission is an agency in the spirits of the philosophies of Theodore Roosevelt. He knew that wildlife and natural resources belonged in the hands of sportsmen and professional managers, not in the direct and total control of politicians. His writings and policies reflect that. Nebraska sportsmen are adamantly opposed to the code agency concept incorporated into LB1050. [LB1050]

SENATOR LOUDEN: Questions for Joe? Senator Fischer. [LB1050]

SENATOR FISCHER: Thank you, Chairman Louden. Thank you, Mr. Herrod for being here today. Why are you opposed to this bill? [LB1050]

JOE HERROD: Well, I... [LB1050]

SENATOR FISCHER: I know you just read that but I... [LB1050]

JOE HERROD: Well... [LB1050]

SENATOR FISCHER: I really didn't hear a reason why you... [LB1050]

JOE HERROD: I know, I know, I, I...in the last bill when you weren't here, I started off with a seven or eight page thing and that's all I wanted to say and then I got started. And you know the question, I don't want to get started again but I'll tell you what. Putting this wildlife agencies into a code agency and it's hard to say in here, it's been an absolute disaster in every state that it's happened for wildlife. Not saying that it's hurt

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parks but it... [LB1050]

SENATOR FISCHER: Can I ask you what other states... [LB1050]

JOE HERROD: Iowa, New Jersey, Connecticut, Pennsylvania, New York. There's so much, if you... [LB1050]

SENATOR FISCHER: Mr. Herrod, are other states then similar to us in having an independent agency? [LB1050]

JOE HERROD: Yes. Yes. All, if you go back to the turn of the century when this really got started, all of the states...you know, there's model bills that come to you, they're set up by, you know what I'm talking about, I have a hard time putting it into words. But those kind of things went around at the turn of the century and there were model agencies. It was a model idea of taking wildlife out of the hands of politics and putting it into commissions where there was, you know, and that's what went on in Nebraska, it's still there, and other states have gone away from it. [LB1050]

SENATOR FISCHER: But that, Mr. Herrod that's over a hundred years ago. Do you really believe that the Governor and the state of Nebraska, by having the Game and Parks become a code agency, is all of a sudden going to completely change policies and destroy wildlife in the state? [LB1050]

JOE HERROD: No, but I don't believe that in Nebraska it would probably happen but the opportunity is removed for it to happen when you have a commission of good commissioners that are not responsible and I can give you an example of some things that have gone on and could go on. In one state, and I didn't expect the question quite like that, but in one state they put the Game and Parks Commission what was wildlife, they put it, and it was an eastern state, and I could find out but they put it into the Department of Environmental Control. And they took all of the, what we used to call game wardens and we now call conservation officers, CO's, they took all of the CO's and they turned them into monitoring environmental situations and wildlife just disappeared. There was another state, and this could happen in Nebraska, and you know, say that somebody...we often hear on the floor of the Legislature, Senator Chambers wants to make all of the parks free, make them free to everybody. And we know that, you know, we feel, most of us feel that the users should pay. Well, if somebody, if a Governor comes in and gets elected on the basis that he's going to make all of the parks free and then he doesn't support an appropriation to maintain them, all of those things are available. In Nebraska, our Game and Parks is 81 percent user and license fee supported. Nineteen percent is the only appropriation and all of that goes to parks. And I think, you know, what Senator Schrock said, you know, if it's not broke, don't fix it. We have no...I don't see a great amount of landowner complaints right now in Nebraska other than the deer populations and we have some really strong

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measures coming up to work on that. And one of the problems, and the deer population relates to the coyote population. We have mange in the coyotes. We don't have a lot of coyotes, we're not getting the fawns eaten. We have a lot of things going on but we're not getting landowner complaints for the most part other than the deer population. We're not getting sportsmen's complaints. There's fish to catch, there's game to eat. We're not asking for a lot of money. Nineteen percent of the budget is appropriation. I think we have a good system going and I just don't see changing, trying to change it in a quick legislative session. [LB1050]

SENATOR FISCHER: Well, I appreciate your passion on this. This proposal's been before the Legislature a number of times, I believe. This isn't the first time at least that I've heard the discussion on it and I think it's worth discussing. There are a number of code agencies, the Department of Motor Vehicles for one, that is funded on cash through vehicle registration. So I don't think with Game and Parks only having 19 percent of its funding coming from the state general fund budget, that would be a reason to keep it basically an independent agency because DMV is not and there are other examples out there too. But I do appreciate your passion on it. Thank you. [LB1050]

JOE HERROD: Well, I would like to say something further. I will say that, while right now some landowners have some problems with the Game and Parks Commission's involving endangered species which is beyond their control, it comes from the federal government, and there's water issues and everything else. I would say that if this discussion went further in going into a code agency, the possibility would strongly exist because of the makeup of the Legislature with the number of senators and some of the philosophies, that I would see that if we turned into a board of advisors, there would probably be three from each congressional district, and I don't think that would serve agricultural or wildlife or sportsmen very well so. [LB1050]

SENATOR LOUDEN: Other questions for Joe? Seeing none, thank you for your testimony, Joe. [LB1050]

JOE HERROD: Thanks. [LB1050]

SENATOR LOUDEN: Next opponent to LB1050. [LB1050]

ED SCHROCK: Senator Loudon, members of the Natural Resource Committee, for the record, my name is Ed Schrock, and I wouldn't be here if it were not for the South Platte Chamber of Commerce. I think it's rather sad when former lawmakers come down here and try and dictate policy so, but here I am. This one, I believe, is more onerous than LB1049. I do think it puts too much politics into our natural resources. And I've been on the opposite end of Game and Parks issues when we've talked about natural flows and pallid sturgeon and everything else. I'm more on the agricultural side but I do think in the

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end, this could maybe hurt agriculture. I don't know that but I do think it makes it more political. One thing about the two-term issue is that you have a Governor who can tell commissioners if you don't vote this way, I won't reappoint you. And I just think it gets very political and if there's one thing we want to keep out of the political, political theater, it's our natural resources. It's our Game and Parks issues. And so I'm here on behalf of the South Platte Chamber. I'm a Farm Bureau member. I have no problem with them testifying in favor of this bill. I'm not going to drop my membership or anything like that. They're a great organization but we just happen to disagree on this one. And I'm going to go home and not worry about this or the one before but that's a nice thing about not being here, out of sight, out of mind. Having said that, it's good to see you. [LB1050]

SENATOR LOUDEN: Questions for Ed? Senator Carlson. [LB1050]

SENATOR CARLSON: Senator Louden. Ed, I don't know if this is a appropriate question or not but South Platte means something to me too so I'll ask you. Who brought it up at South Platte, you or somebody else, and if it was somebody else, who? [LB1050]

ED SCHROCK: Do you know the answer to that, Tom? [LB1050]

SENATOR CARLSON: No, I don't know. [LB1050]

ED SCHROCK: You're not supposed to ask the question if you don't know the answer. [LB1050]

SENATOR CARLSON: Well, okay. (Laughter) [LB1050]

ED SCHROCK: But I can tell you that, I can tell you it was James Ziebarth brought it up. [LB1050]

SENATOR CARLSON: Okay. Thank you. [LB1050]

ED SCHROCK: But I think they were all in pretty much agreement with what... [LB1050]

SENATOR LOUDEN: Other questions for Senator Schrock? Seeing none, thank you, Ed. [LB1050]

ED SCHROCK: Have a good day. [LB1050]

TOM PLUMMER: Chairman Louden, members of the committee, for the record, my name is Tom Plummer, P-l-u-m-m-e-r, and I'm from Ogallala, Nebraska. Joe Herrod pointed out that I live in Lincoln. I have a home in Lincoln but Keith County and Ogallala is my primary residence. I vote there, I pay taxes there, and if I eat, it comes from

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farmland I own there and I spend the majority of my time in western Nebraska. In this particular case, Senator Erdman is my senate representative. I appreciate all the hard work that he does in the Legislature, and in past issues he's helped me from time to time which I appreciate but on this particular issue, I'm on opposite sides with him. I served on the Nebraska Game and Parks Commission from 1994 to 1999. My concern on the downside of any code agency under the Governor is the potential for disruption of the ongoing agencies program designed for the protection and enhancement of our state's natural resources. In a code agency, it isn't unheard of for the directors, assistant directors, and even division administrators, who have been replaced by an incoming administration. Individual natural resource programs often take long periods of time. For example, while serving on the commission, I put together a committee of local citizens from Ogalalla, Keith County, and we partnered with the Nebraska Game and Parks Commission to build the Lake McConaughy Visitor/Water Interpretive Center, a project of \$2.5 million. After raising those funds, the same group undertook the establishment of the Nebraska Water Center Foundation for the express purpose of helping the commission fund the interpretive center. We have in excess of \$200,000 in that fund today. My experience with the commission has been ongoing for the past 14 years. These kind of projects take decades and longer to see positive results and that takes a commitment to long-term programs not to mention dedicated long-term employees, administrators, to accomplish these programs. My concern is the loss of this continuity in a code agency. Some of the points of the commission, among state agencies the way it is today, the commission has a very low employee turnover rate which makes it more stable. The University of Nebraska conducts the Nebraska annual social indicator survey. This is a random, general population survey of some 2,000 people across Nebraska. It includes a lot of different agencies besides the Nebraska Game and Parks Commission. Let me share with you just a few of the results of that survey over the last two or three years. The question on the survey, was Nebraska Game and Parks Commission does a good job managing state's fish, wildlife and parks resources? The answers were, strongly agree or agree, 94.4 percent approval. Nebraska Game and Parks maintains credibility with Legislature, the Governor, local, state and federal agencies, strongly agree and agree, 96.2 percent approval. Nebraska Game and Parks Commission employees are professionals and courteous, strongly agree and agree, 97.3 percent of the people that were surveyed. Satisfaction with operation of parks and state recreation areas, 95.3 percent approval rating. Satisfaction with recreational fishing management, very satisfied, satisfied, 93 percent. All of these remain in the above 90 percentile over the past several years. Finally, ladies and gentlemen of the...the commission receives as Joe pointed out, 18.3 percent of its funding from the general fund appropriation and the balance is generated with fee structures from the sale of park entry permits, licenses, etcetera. But the balance of it is gained with grants, federal matching grants, private and public partnerships and other programs. Their success in raising private donations and contributions across the state has been outstanding as a government agency. This integrity could be lost in a code agency because they do represent a lot of dollars. As I told you, we've raised nearly \$3 million and I think that

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comes from the integrity of the administrators, the staff, and the commissioners. And if we disrupt that relationship and go to a code agency, I'm afraid that integrity is going to be lost. I thank you for your time and welcome any questions. [LB1050]

SENATOR LOUDEN: Okay. Questions for Tom? Seeing none, thank you for your testimony. [LB1050]

TOM PLUMMER: Thank you. [LB1050]

SENATOR LOUDEN: Next opponent to LB1050. [LB1050]

DREW LARSEN: Good afternoon, my name is Drew Larsen, L-a-r-s-e-n, and I'm a regional wildlife biologist with Pheasants Forever here representing Pheasants Forever. One of the things over many years, our organization has been able to, under the current system, the current structure, been able to partner with the Nebraska Game and Parks Commission and we feel we've done a lot of great things in the landscape for wildlife and conservation. And we feel that, under the proposed bill, that this will inhibit our ability, or the Nebraska Game and Parks Commission's ability, to form unique partnerships with other nongovernmental organizations like Pheasants Forever out there. Other thing that we have concerns on is that we feel that under the current structure that the representation is much better throughout the state for people who have vested interest in our fish and wildlife and natural resources. [LB1050]

SENATOR LOUDEN: Okay. Questions for Drew? What is it you say you work for? [LB1050]

DREW LARSEN: Pheasants Forever. [LB1050]

SENATOR LOUDEN: Pheasants Forever, okay. Senator Fischer. [LB1050]

SENATOR FISCHER: Thank you, Chairman Louden. Nice to see you, Drew. [LB1050]

DREW LARSEN: Nice to see you. [LB1050]

SENATOR FISCHER: Thank you for being here. It was mentioned earlier about Iowa, their game and parks, whatever it's called there, being a code agency. Do you know anything about that? [LB1050]

DREW LARSEN: A little bit. I have counterparts that work over there. I can't tell you...I did come from Missouri. I worked four years for the Missouri Department of.... [LB1050]

SENATOR FISCHER: Is Missouri then a...is it a code agency in Missouri? [LB1050]

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DREW LARSEN: Yes, it is. [LB1050]

SENATOR FISCHER: Did Pheasants Forever have a hard time working with the game and parks in Missouri because they're code agency? [LB1050]

DREW LARSEN: Yes, they...we're not near as big there but I can tell you that, you know, my experience in Missouri is that they did not have the unique partnerships with other NGOs like the Game and Parks Commission does and were unable to do good things on the ground. [LB1050]

SENATOR FISCHER: When you say unique partnerships, are you saying things work easier here in Nebraska, maybe less red tape, less public input possibly? [LB1050]

DREW LARSEN: I think there's actually more public input under our current system that we have now and I think you're right too, there is less red tape and that the Game and Parks Commission has the ability to work with NGOs out there to do what's best for our resource in Nebraska. [LB1050]

SENATOR FISCHER: How do you have more public input here in Nebraska? [LB1050]

DREW LARSEN: Well, I feel that when you, with the commission under our current structure, where the commission has the ability to, I guess, has ability to direct and make law that with eight commissioners that they better represent throughout the state as opposed to just our Governor or I guess would be our director under the proposed bill, being able to make those decisions. [LB1050]

SENATOR FISCHER: Okay. Thank you. [LB1050]

SENATOR LOUDEN: Other questions? Senator Wallman. [LB1050]

SENATOR WALLMAN: Thank you, Senator Louden. Thank you, yes, why do you think, you know, I've dealt with Missouri and the wildlife habitat and I felt I got better cooperation with them than I did with our own Game and Parks. [LB1050]

DREW LARSEN: Well, don't get me wrong. Missouri Department of Conservation is a model organization, model department, you know, with their sales tax initiative and things like that but I did not see while I was there the partnerships with NGOs to help put more projects, more habitat on the ground as I see here in Nebraska. [LB1050]

SENATOR WALLMAN: Okay. Thank you. [LB1050]

SENATOR LOUDEN: Other questions? I have a question. Then when you say you have a better working relationship here in Nebraska, now are you hatching more pheasants

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or releasing pheasants or you talking about habitat or what are you talking about? Because where I live, we don't have very few pheasants anymore at all so I'm wondering where they forever went. (Laughter) [LB1050]

DREW LARSEN: That's a good question. Well, if you look at the data actually, you know, last year we took a little decrease I think mainly due to the ice storms that came through last winter in central Nebraska. But if you look at some of the historical data and road count service and things like that, we've seen increases over the last, you know, probably five years. In the last couple of years, we've seen some increases anyway so I don't know where exactly you live, Senator, but there are pheasants out there. [LB1050]

SENATOR LOUDEN: Where has the increase been at? [LB1050]

DREW LARSEN: Southwestern Nebraska has done real well the last few years. [LB1050]

SENATOR LOUDEN: You mean now, when you say southwest, you mean the Imperial area or the Sidney area? [LB1050]

DREW LARSEN: I mean the Imperial area. [LB1050]

SENATOR LOUDEN: Okay. That's southern Nebraska. Western Nebraska is on out, Kimball and Sidney. (Laughter) Okay. Thanks. Anymore questions for Drew? Thank you for your testimony. [LB1050]

DREW LARSEN: Thank you. [LB1050]

SENATOR LOUDEN: Other opponents for LB1050? [LB1050]

KEN WINSTON: Good afternoon, Chairman Loudon, members of the Natural Resources Committee, my name is Ken Winston, W-i-n-s-t-o-n. I'm appearing on behalf of the Nebraska Chapter of the Sierra Club in opposition to LB1050 and I guess I'm just going to reiterate briefly some of the things that have already been said and then have one comment that's slightly different. Natural resource issues are often very controversial and it's our position that because of that fact, some independence from the political process is very important. As was previously indicated, long-term planning is very important in terms of Game and Parks process because of the fact that it takes years to develop a park and it may take years to develop habitat. Tourism, hunting and fishing are important benefits economically to the state, particularly for rural areas, and the new Governor could come in and change policies and throw things, change the direction, and we believe that would be unwise. And finally, the one comment that is different from what anyone else has said is, I guess, I've seen personally some issues where the Governor got involved in natural resources issues to the detriment of the

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state, and I'd like to refer to the low-level nuclear waste issue in which a Governor got involved in that issue and the federal district court specifically ruled that his involvement was unwise and as a result, the state ended up owing \$150 million. This kind of political influence, having a commission insulates, doesn't...insulates the process from that kind of meddling and would prevent that kind of thing from happening and so, for those reasons, we would ask that this bill not be advanced. [LB1050]

SENATOR LOUDEN: Okay. Questions for Ken? Ken, I have a question. What does that nuclear waste repository have to do with pheasants forever because that was altogether a different deal. That was a case where somebody probably had some land to sell and it ended up clear up in Boyd County. I mean we're talking about the natural resources in the state so how do you tie those two together? I mean, yeah, I understand you try to put it that Governor Nelson got mixed up in that but about everything that goes on the Governor gets mixed up in, in the state of Nebraska so I didn't quite follow your line of reasoning, I guess, if there was such a thing. [LB1050]

KEN WINSTON: Well, I apologize for...if there was a lack of clarity. And I don't think I said anything about pheasants, that's a little bit out of my line of expertise. [LB1050]

SENATOR LOUDEN: Well, that's what were talking about. [LB1050]

KEN WINSTON: But basically the idea was, that was a natural resources issue. I mean that was, the DEQ was involved with determining whether to license or not license the facility and supposedly DEQ had the entire authority to make that determination. Now, there were, at least according to the findings and we can agree or disagree with the findings of the U.S. District Court, but the U.S. District Court found that the Governor injected himself into that process and therefore that that was an improper action on the behalf of, on the part of the administration and therefore, found the state liable for its actions in relation to that decision. Whether, as I said, we can agree or disagree with the court's reasoning and whether that was wise or not, but specifically in that instance the court found that the Governor's involvement in that issue was the determining factor. [LB1050]

SENATOR LOUDEN: Okay. Thank you. Senator Carlson. [LB1050]

SENATOR CARLSON: Senator Louden. Ken, I want to follow up a little bit on that. I'm not here to defend Governor Nelson, Senator Nelson, but how could a Governor not be involved in something like that? [LB1050]

KEN WINSTON: Well, that's a good question and that's a...I mean, I could describe reasons why I think that a Governor should be involved in issues like that but the court found that he should not have been and so, so for that reason, it ended up being a matter in which the state was found liable because the court found that he injected his

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own opinions into the matter. Rightly or wrongly, and as I said, we can agree or disagree with whether he should have been involved with it or not, and agree or disagree with the court's reasoning but that's what the court found. So, and I guess I just think it's something that we need to, when we're thinking about these things, what are the long-term ramifications? Are we setting ourselves up for another situation where the Governor might insert himself or herself into a situation where another federal district court would say, you shouldn't have done that. [LB1050]

SENATOR CARLSON: Okay. Thank you. [LB1050]

SENATOR LOUDEN: Other questions? Senator Fischer. [LB1050]

SENATOR FISCHER: Thank you, Chairman Louden. Hi, Ken, nice to see you. [LB1050]

KEN WINSTON: Good to see you. [LB1050]

SENATOR FISCHER: You made the comment that Game and Parks should not become a code agency because the issues they deal with are long-term and they can be controversial. With that logic, we shouldn't have very many code agencies then. I have a strong interest in natural resources, I live on the land, I also have a strong interest in roads. If roads aren't long-term and controversial in this state, I don't know what is. And I believe roads are more long-term than many natural resource issues that the Game and Parks Commission deals with but yet roads is a code agency in this state, and I just wondered at your definition of what should and shouldn't be a code agency. [LB1050]

KEN WINSTON: Well, I'm going to concede to you on your expertise about the Department of Roads because I know very little about the Department of Roads so you can...I mean, you might be able to convince me that the Department of Roads should be a commission, I don't know, but...(Laughter) [LB1050]

SENATOR FISCHER: I don't, no, I believe in accountability, Ken. (Laughter) [LB1050]

KEN WINSTON: And I do too, Senator, so... [LB1050]

SENATOR FISCHER: I just don't understand, we've had a number of opponents come up and I just don't understand the fear in what's going to happen if Game and Parks becomes a code agency. In my opinion, there would be more accountability and more accountability to the public. Our Pheasants Forever gentleman mentioned the NGOs and how they work well with the department and I think that's wonderful. I think that's wonderful but that NGOs don't necessarily represent the public as a whole. They represent a group that is interested in joining Pheasants Forever, as my family. A group that is interested in joining Ducks Unlimited, as my family. A group that's interested in

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any number of organizations and yes, those people are part of the public but it's also a group that's gotten together. So I'm thinking its, you know, yes, maybe Game and Parks its easier to work with one specific group but they get to choose the group. Where is the accountability in that? That they, you know, I happen to agree with, you know, great if they work with your group with Pheasants Forever, whatever, but they get to choose the group and who do they answer to, the public? [LB1050]

KEN WINSTON: Well, I support accountability too and, I guess, I'm, in some ways, I guess I'd be glad to visit more with members of the committee about specific things that where I'd like to see more accountability. And so, if people feel that some, an agency or organization or governmental entity is not being accountable, then I think that's a matter of concern. But I do think that there are provisions for accountability. I mean, the Governor does appoint these people and so I think there is some...I mean, that provides accountability and also they represent certain areas and so that people that they visit with, that they represent, I think there's a feeling that they should represent that interest. So in some respects, and I will yield to the people who have done more work with the Game and Parks Commission than I have, but their opinion is that they feel like they get more accountability by virtue of the fact that someone's representing their local area as opposed to just having a director that's appointed by the Governor. So, so that would be my response. [LB1050]

SENATOR FISCHER: Thank you. [LB1050]

KEN WINSTON: Okay. Thank you. [LB1050]

SENATOR LOUDEN: Other questions for Ken? Seeing none, thank you for your testimony. [LB1050]

KEN WINSTROM: Thank you. [LB1050]

SENATOR LOUDEN: Next opponent. [LB1050]

HENRY RICK BRANDT: My name is Henry Rick Brandt. I represent the Rocky Mountain Elk Foundation, chairman of the Nebraska chapters, representing approximately 3,000 members of the Rocky Mountain Elk Foundation in Nebraska. Something Senator Schrock said earlier, why fix something that's broke? The wildlife and the wild lands in Nebraska are ours, they're yours, they're mine, they're everybody's in this room. I do not want politicians governing what our animals do and where they go and that's basically how we feel. [LB1050]

SENATOR LOUDEN: Okay. Would you spell your name for the clerk, please? [LB1050]

HENRY RICK BRANDT: B-r-a-n-d-t. [LB1050]

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SENATOR LOUDEN: Okay. Is there questions for Mr. Brandt? I have a question. You say you belong to the Rocky Mountain Elk Foundation or whatever? [LB1050]

HENRY RICK BRANDT: Yes, sir. [LB1050]

SENATOR LOUDEN: Okay. Do you guys come up with a lot of money to purchase land to run elk on? [LB1050]

HENRY RICK BRANDT: Eighty-five thousand dollars this year. [LB1050]

SENATOR LOUDEN: For Nebraska or for where? [LB1050]

HENRY RICK BRANDT: For Nebraska, plus \$16,000 for the Nebraska elk tag which is going to purchase property and we work partnerships with the Game and Parks to do this. [LB1050]

SENATOR LOUDEN: And what kind of property do you buy then, anything that comes up for sale or what? [LB1050]

HENRY RICK BRANDT: It has to have elk, deer, has to have elk on it because of the Rocky Mountain Elk Foundation but the properties that we buy have elk, deer, turkeys, pheasants, quail. [LB1050]

SENATOR LOUDEN: Then it could be productive farm, agricultural land that you would buy. [LB1050]

HENRY RICK BRANDT: Yes, we haven't though. It's all been wild lands. [LB1050]

SENATOR LOUDEN: But when you do, but you have in Nebraska. You have bought some or put up the money so they can buy some. And I'm wondering who has the accountability to that when you say you don't want politicians or anybody to be in that, but yet when they come up with this money and buy this land, there's...is there any recourse that the neighbors can have to stop those sales? [LB1050]

HENRY RICK BRANDT: Is there? [LB1050]

SENATOR LOUDEN: Yes. [LB1050]

HENRY RICK BRANDT: You're our representative. [LB1050]

SENATOR LOUDEN: Yeah, but you don't want it to be... [LB1050]

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HENRY RICK BRANDT: We're the public. We're your watch dog. We're the people, we're the people...if you don't do what we want you to do, you won't be there next year. [LB1050]

SENATOR LOUDEN: Yeah, but you're the one that's putting up the money and buying the land... [LB1050]

HENRY RICK BRANDT: Yes. [LB1050]

SENATOR LOUDEN: ...and I'm wondering when you're doing that where the accountability comes from because the Game and Parks buys land and it seems like there isn't anything anybody can do and that's the reason I'm asking. [LB1050]

HENRY RICK BRANDT: Oh, yes, there is. That's why we have eight commissioners, sir. They vote on it. They're our representatives. They're your representatives, they're my representatives. [LB1050]

SENATOR LOUDEN: Now we get back to the other part but some of the agency people there are there longer than the commissioners are. [LB1050]

HENRY RICK BRANDT: I think we're starting to get political. I'm here to express our opinion and how we feel about it. You can express your opinion on the floor. I'm just telling you how 3,000 of us feel about our relationship with Game and Parks. [LB1050]

SENATOR LOUDEN: Okay. And I'm just asking you then how much money you put up and if you don't want it as a code agency. Other questions for Mr. Brandt? Thank you for your testimony. [LB1050]

HENRY RICK BRANDT: Thank you. [LB1050]

SENATOR LOUDEN: (Exhibit 12) Next opponent. We have a letter from Wes Sheets from Izaak Walton League of America opposing that and anyone wishing to testify in the neutral. [LB1050]

MARVIN HAVLAT: Good afternoon, Senator Louden and the members of the Natural Resources Committee. My name is Marvin Havlat, H-a-v-l-a-t, and my farm is at 1828 Sunrise Road in Milford, Nebraska. My farm borders the Burlington Railroad right-of-way about one and a half miles west of the Pleasant Dale elevator. And I'm not quite sure if this even really belongs here but I want the agency that will help me out, whichever way it will go. I have a native prairie that has about 350 different types of plants on it. It's been kept that way because of just some unnatural occurrences. Basically Burlington Railroad over the years has slowed down coming into Lincoln and the brakes throw hot sparks. It's been burned off like in nature before the Europeans got

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here. Burlington Railroad wants to buy this land from me and I've gone places to get some help and it's going nowhere for me. I want them to move on the other side of the tracks that have come north off of Burlington to double track, that's what they're trying to do. And they're all the way into Seward County now and I guess I'm the last piece of land in the state that they want to buy to finish the double track. I want them to go south because there's nothing on that side of the track but abused land. Our family farmed organically, we managed the prairie correctly, and there's just all kinds of plants. Three years ago I saw a fringe prairie orchid come up but it wasn't there the last two years and if I'd been monitoring this prairie fairly steadily since for five years, not all those prairie plants come up every year. So I just think from a natural resources standpoint we don't know anything about only maybe 1 percent of these plants. And I've gone to the University east campus, talked to the people who are in textiles about the fibers that could be in these plants or about the medicines that could be in these plants and they're going to disappear and the shame of it is, most of the diversity is right up along that 100 foot that Burlington Railroad wants. So whatever agency can help me try and preserve this, I'm for it. Otherwise, I don't have much else to say. [LB1050]

SENATOR LOUDEN: Okay. Thank you. Why, I think you need to go to the Transportation Committee with your problem, that would be the place to go. Thank you for your testimony. (Laughter) Anyone else wishing to testify in the neutral? Seeing none, do you wish to close, Senator Erdman? [LB1050]

SENATOR ERDMAN: Senator Louden, I'm afraid you're going to tell me where to go. (Laughter) Senator Fischer, I found your questions of Mr. Winston to be on line with the ones I had. If it's impossible to assume that code agencies can do long-term planning, then we have a bigger problem than I'm aware of and we need to do some wholesale cleaning. I bet the folks that receive Medicaid payments would like to know that. I bet the folks that drive on the roads of the state of Nebraska would like to know that. I bet the cattlemen who are raising livestock that are regulated by DEQ would like to know that. That what they're being subjected to were simply the whims of a day and not a part of a long-term policy so I'm interested. I may be wrong but it wasn't the involvement of the Governor that cost the state \$154 million. It was what the Governor did. That was where we were found to be in violation and our actions were what caused it. It wasn't who caused the action, it was what the actions were. Ironically, in states like Kansas, the Governor there is engaging in similar actions against a refinery, so fair enough. I think that point is obvious that there's an interest from the Governor but if the Governor's going to run on providing free parks access and gets elected, then congratulations. I don't know that that's a logical reason against this bill. However, 96 percent or approximately that land is privately owned in the state of Nebraska. Senator Fischer, it's your land, It's my land, Collectively it's Nebraskans, were Nebraskans but we recognize that there has to be partnerships while preserving the fundamental right to private property that we as Americans enjoy. We've gone through two major reorganizations in the Health and Human Services Department in the last ten years, two

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of them. How many have we done in other areas? Isn't it appropriate at some point to ask? I had a bill a couple of years ago, a resolution to examine whether we should have a bicameral or not. It's been 70 years. Isn't there an appropriate time to at least ask some questions to figure out if there's a better way to get things done? Is LB1050 the solution? You know, I somewhat share the perspective of the individual who testified in neutral. If there is a solution, let's find it. Show me the way to get the solution. That's what we're here for. Part of the value of having a code agency is that they're required under rules and regulations to have public hearings before they adopt any changes. So an individual, for example, that's under Medicaid right now that is interested in the proposals being presented by the Department of Health and Human Services on Medicaid has a public forum before they can legally enact any changes to be heard. That's the same thing in LB1050. The advisory commission that serves very well for the Department of Roads is very similar to the advisory commission that's in LB1050. You still have the individuals from across the state having access, having their perspective and being able to share that in a formal process with a solution or with the agency. So whether or not its a code agency or not is somewhat irrelevant. You're rearranging the deck chairs. Let's just make sure it's not the Titanic. And I don't think there's a Governor or state senator that would honestly and candidly ever do some of the things that Mr. Herrod thinks could happen under this scenario, for a couple of reasons. We're not in the 1900's, it's not the Great Depression, we're not making decisions based on that. We're making decisions because there are opportunities for recreation, there are opportunities for wildlife and there are opportunities for agriculture and others to be a part of all that scenario. And in fact, there's probably a great opportunity now than ever for agriculture to be a part of recreation because of the value that produces for those individuals and the collaboration that can happen there. To somehow assume that simply changing the way that an agency is operating somehow throws us into disrepair. Again, I'll have to go back to the other committees which I serve on, the Ag Committee, the Retirement Committee in which we manage over \$12 billion of the retirees' assets which again is a code agency, and make sure that the advisory board that they have, the PERB board, is no longer effective to help them think long-term about how we get to where we are. I mean, at some point, you have to get beyond all of that and say, is this a better solution or not? Is this it? Is LB1049 it? I will candidly tell you that what we have is not in my opinion getting the job done. Not in the sense of the results, but in the ability for us to ensure that there's appropriate accountability. Are there ways to improve it? I think there are. Can we leave it as it is, fair enough. If you want to do that, go for it. I think it's a disservice to the citizens of state of Nebraska to adopt that philosophy. And I look forward to working with the committee as we have in numerous other agencies to try to enhance their ability to meet the expectations of Nebraskans. [LB1050]

SENATOR LOUDEN: Questions for Senator Erdman? Seeing none, thank you for closing. [LB1050]

SENATOR ERDMAN: My pleasure. [LB1050]

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SENATOR LOUDEN: And that will close the hearing on LB1050 and we will go to LB802. [LB1050]

JODY GITTINS: Good afternoon, Chairman Louden, members of the Natural Resources Committee. My name is Jody Gittins, J-o-d-y G-i-t-t-i-n-s. I'm committee counsel for the Natural Resources Committee and introducing LB802 on behalf of Senator Louden. LB802 was presented to Senator Louden by the Water Policy Task Force and yesterday, at yesterday's Water Policy Task Force meeting, there was an agreement by the members of the task force to ask this committee to indefinitely postpone this bill. And the reason being, that the Water Policy Task Force wants to continue its work to come up with a better solution than was proposed in this bill. And that there was an idea at first, last November when the Water Policy Task Force came forward with this, that this would be a place holder and they would have an opportunity to work and fine tune it prior to its actually coming to fruition as a bill that was ready for advancement. Unfortunately, that has not happened. Other issues have taken precedence before the Water Policy Task Force and so they have asked this committee very respectfully, and they appreciate your patience, that this bill be indefinitely postponed at this time. And that during the interim, they plan to work on a solution that is agreeable to all parties and present it to this committee next year. [LB802]

SENATOR LOUDEN: Okay. Questions for Jody? Seeing none, thank you. First proponent for LB802? Seeing none, any opponents for LB802? Seeing none, those wishing to testify in the neutral? With that, we close the hearing on LB802. (Laughter) With that we'll go into executive session. [LB802]

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Disposition of Bills:

LB802 - Indefinitely postponed.  
LB1049 - Advanced to General File.  
LB1050 - Held in committee.

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Chairperson

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Committee Clerk