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Natural Resources Committee
January 21, 2009

[LB42 LB43 LB105 LB179 LB180]

The Committee on Natural Resources met at 1:30 p.m. on Wednesday, January 21, 2009, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB105, LB179, LB180, LB42, and LB43. Senators present: Chris Langemeier, Chairperson; Annette Dubas, Vice Chairperson; Tom Carlson; Deb Fischer; Ken Haar, Beau McCoy; and Ken Schilz. Senators absent: Tanya Cook. []

SENATOR LANGEMEIER: I think we'll get started, we're a little after 1:30. Welcome to the Natural Resources Committee. I'd like to welcome everybody sitting in the seats here, as well as this will be the first year we are broadcasting live on the Internet through a live feed. So everybody at home watching on the Internet, welcome. My name is Chris Langemeier, I'm the Chairman of the Natural Resources Committee. I'd like to introduce the people around the table here today and we'll start over to my right, or your left: Barb Koehlmoos, who is the committee clerk; and then I'm going to introduce Denise Leonard, who is sitting here, she is learning to take that role on in a different committee, so she's going to be with us today; we're missing one but we'll...Senator Carlson, from District 39... []

SENATOR CARLSON: Eight. []

SENATOR LANGEMEIER: ...38, excuse me; Senator Fischer, from District 43; going this way we have--we're going to go out to the end--we have Senator Beau McCoy, from District 39 out of Omaha; Ken Haar, from District 21, which is northern Lincoln and southern Saunders County; we have Ken Schulz (phonetic)...Schilz...excuse me, I will get that right...Senator Schilz, from District 47; the Vice Chair of our committee, we have Senator Annette Dubas, from District 34; and Laurie Lage is our legal counsel. Our pages today that will be assisting if you have handouts: first we have Justin Escamilla, from Scottsbluff, Nebraska; and we have Melinda Frevert, from Omaha, Nebraska, that will be with us for the remainder of the year. Welcome. The bills will be heard in the order they were posted out front. We'll start with LB105, then LB179, then LB180, LB42, and then LB43. After these, you hear the introduction on each bill, we will first take supporters of the bills, proponents, and then we'll move on to opponents, and then neutral testimony as we move through these bills. If you're planning to testify, we would ask that you grab one of these green sheets that are located by both doors. We need those filled out in their entirety so it helps us keep track of the official record of your testimony. And when you have those filled out as you come forward, please give them to our committee clerk, as you come forward. If you would like to just submit written comments, I ask that you give those to the committee clerk if you do not care to testify today. Or there's also...in the corners there are sign-up sheets, if you'd just like to sign that you are present for this hearing and what bill you are in regards to. If you do have handouts, we ask that you have ten copies. If there's anybody that's planning to give us

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handouts that doesn't have ten copies, please raise your hand now and we'll have a page assist you with getting ten copies for the committee. When you come up to testify, we ask that you speak clearly and into the microphone so we have an official record. We ask you to spell your name, no matter how simple or complex it is; we do ask you to state and spell your first and last name. I would ask that you all turn your cell phones off at this time so we don't disrupt the committee hearings with that. We ask that there's no display of opposition or support for any statement made by a testifier. If you have some comments to add, please fill out a sheet and testify at the appropriate time to your position on that bill. So at this time we will open this up with LB105, and I'll turn it over to the Vice Chair. []

SENATOR DUBAS: Go ahead. [LB105]

SENATOR LANGEMEIER: Thank you, Senator Dubas. My name is Chris Langemeier, it's C-h-r-i-s, Langemeier is L-a-n-g-e-m-e-i-e-r. And that's not Old McDonald Had a Farm. The Natural Resources Committee has introduced LB105 on behalf of the Nebraska Game and Parks Commission. It is their omnibus bill and changes a number of statutes affecting the Game and Parks Commission. Primarily, the bill establishes or revises penalties and maximum fines for violations of Game and Parks laws and their maximum permit fees. Also, it allows fishing for unprotected species with a bow and arrow from a vessel using an artificial light. It adds identification requirements for boats, leasing; exempts accredited zoos from having to obtain captive animal permits; authorize spending authorities of the commission; clarifies nonresident and family member permit procedures; prohibits drug administration without the commission's permission; and revises dangers...excuse me...dangers for illegal selling, buying, and taking and possessing wildlife. The commission has an amendment they would like to offer the committee for consideration, and Jim Douglas with the Game and Parks Commission is going to follow me, and he will give more detail to their bill. And I would defer questions to him at this time, and I will come up to close if there's further questions. [LB105]

SENATOR DUBAS: Thank you, Senator Langemeier. Any questions? Seeing none, we'll be ready for our first testifier. [LB105]

JIM DOUGLAS: (Exhibits 1, 2) Thank you, Mr. Chairman, members of the Natural Resources Committee. My name is James Douglas, J-a-m-e-s D-o-u-g-l-a-s, and I'm representing the Nebraska Game and Parks Commission where I serve in Lincoln as the wildlife division administrator. The Nebraska Game and Parks Commission would like to sincerely express its thanks to the Chairman and this committee for its willingness to sponsor LB105. The commission believes that the changes in the Game Law and the State Boat Act and other provisions of law, which we are requesting by way of this bill, are really important to the people of the state of Nebraska and will allow the Nebraska Game and Parks Commission to more efficiently manage our fish, wildlife,

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and outdoor recreation resources. The commission does support the necessary amendment to LB105. This amendment, AM6, it's my understanding, has been placed in your committee book and corrects an oversight dealing with resident landowner permits for elk. It simply reinstates the provision allowing a resident landowner who leases 640 acres to apply for a resident landowner permit. It clarifies the language that would allow a resident landowner who owns and leases a total of 640 acres to apply for a resident elk permit. As Senator Langemeier indicated, the proposed legislation has a variety of provisions with several changes to the Game Law and State Boating Act including: changing penalty and liquidated damage provisions related to hunting and fishing; changing maximum permit/stamp license and certificate fee amounts; creation of a resident lifetime fur harvester's permit; nonresident annual hunt/fish combo licenses, as well as a separate fee for nonresident paddlefish permits; and changes are included for some provisions of special permits and licenses, as well as other wildlife and boating related items. The provisions in this bill that I'd like to address, specifically, include: the permit and license fee changes; game law violation fines and liquidated damages; limited landowner big game permit changes; requirements concerning the rental of motor boats; briefly, the exemptions for accredited zoos for captive wildlife permit requirements; and the administering of drugs to wildlife. Under current law 37-327, a system is set up whereby the Unicameral sets the fees at the upper limit for licenses, permits, and stamps administered to the Nebraska Game and Parks Commission. In this system, the maximum fee that may be charged is set in statute and the commission is allowed to set a fee for the individual permits and licenses up to that maximum amount, with the ability to increase no more than 6 percent per year by commission action. At the present time, the commission is essentially at that maximum fee for most of its permits. The last time that we sought a change in the maximum amount was on or near about 2001. And we made some changes in 2007 to some of these permit fees, and recently in 2009 to some others, and we're about at that upper maximum. If you would make the changes recommended to the maximum amount, that does not automatically set a higher fee for those permits. Subsequent commission action would be required. And it's estimated that we would probably not have to seek any further changes to those maximum amounts at least until 2012. Also the proposed increases in the bill to the annual costs of aquatic habitat stamps from \$7.50 to \$10 and habitat stamps from \$16 to \$20 and park permits from \$20 to \$25, do represent definitive amounts as opposed to caps. And if implemented, the new fees are projected to increase annual revenues for park permits of near \$700,000 the first year. Park permit increases over time have been somewhat difficult to obtain, and currently the park permit fee of an annual park permit of \$20 is the lowest in the nation. If it were to be increased to \$25, it would be more in keeping with our neighbors and it would provide much needed revenue for the maintenance of the park system that the people of Nebraska can be proud of. There's a lot of repairs to infrastructure and so on that are needed in the park system in the state of Nebraska that are difficult to fund, so we respectfully request that. Also, the increases that are referred to in the habitat stamp under the provisions in this bill would allow for up to 25 percent of the annual receipts of

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the Habitat Fund and up to 30 percent of the annual receipts of the Aquatic Habitat Fund to be used to provide access, increased access, to private and public waters. In the case of the habitat stamp, the commission currently has a public access program that we employ on conservation reserve program lands, where we provide access to a lot of grasslands for hunting. We would like to expand our hunter and angler access programs to include other types of lands including riparian lands. The commission has recently adopted a 20-year plan to try to increase recruitment and retention of hunters and anglers and outdoor recreationists in the state of Nebraska. And one of the barriers to recruiting and retaining outdoor recreationists is access to those types of land that they need to recreate on. Under this bill, it provides some additional revenue for us to expand that public access. In the case of fishing, some of the monies would be used not only to potentially lease some private access to rivers and streams and ponds, but also to upgrade the types of access that occur within a lake itself. For example, jetties--fishing jetties--where people can get access to the interior portions of the lake, handicap access, handicap boat ramps, et cetera. Section 9 and a portion of Section 11, also reduces the amount of the lifetime permit and lifetime habitat stamp principal fees that must be automatically invested into long-term trusts and not expended. Both sections provide for 25 percent of the principal amount of the fees to be placed in trust and the remainder could be expended, but would not be automatically expended. This would provide some much needed flexibility to the commission in cases where there is a large infrastructure need or something whereby the putting off of that repair, for example, would cost more than the interest gained on the money that might be held in trust. And we think it's in the best interest of the sportsmen who invest in those lifetime licenses to give the commission flexibility to do things like repair fish hatcheries that they're going to be dependent upon in their whole recreational career, so to speak. Several sections in the bill change the misdemeanor classification and/or minimum fine amount for specific game law violations. I would point out that the changes requested, not all of those fines will be increased and there are a couple of instances where they would actually be decreased. I would like to point out, also, that there's no direct financial impact to the Nebraska Game and Parks Commission from any additional revenue that might be collected in fees, excuse me, in fines. The higher fine rates are intended to be a deterrent to illegal behavior, but the fines themselves are provided to appropriate schools...they go to the school districts. And some portion of it also goes to the Judges Retirement Fund so there would be no fiscal impact to Game and Parks, but rather there are cases where the fines would be changed from one class to another and there would be some minimum fines imposed in certain instances. Section 48 establishes and increases the..., however, in some cases...in some cases, lowers the liquidated damage amounts that specific wildlife violations will require. Certain kinds of violations of the law which result in the illegal take of wildlife are subject to the imposition by the judge of liquidated damages. And there's various liquidated damages that are assigned to different species of wildlife. One of the things that has happened over the last several years is that the impetus for persons to illegally take certain classes of wildlife that bear large antlers, for example, the impetus has increased

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because there is actually illegal traffic in some cases. And great sums of money can be had from some of these animals so in these changes, there would be additional liquidated damage amounts for animals of certain trophy classes. And we would hope that that would be a deterrent to that illegal traffic. It's difficult to predict what the fiscal impact of this would be. The average over the last five years of liquidated damages that go to the commission, in this case, these fees do go to the commission, is about \$110,000 a year. In the case of the limited landowner big game permit changes that we're asking for, I'm very pleased to say that the changes that we're asking for are really the result of a lot of discussions that we've had with landowners. And the changes that we're requesting reflect, I think, to really great extent the will of landowners in this regard, especially as it concerns changes to elk permitting and limited landowner elk permitting. The provisions in the bill would allow for liberalized limited landowner permits for big game in the following ways: it would authorize a higher number as a percentage of the total of limited landowner permits for pronghorn hunting; it liberalizes the qualifications for immediate family. When an immediate family qualifies for a limited landowner permit under the current statute, they must reside in the same household. This would eliminate that. This would remove the three-year waiting for limited landowner cow elk permits, and we actually have some cases where we need to shoot more elk in certain places in certain parts of the state. There is a penalty for getting a permit now with a waiting period for landowners and we'd like to eliminate that. It allows for the use of preference point system, whereby people that apply over a period of time accumulate points to get a permit. It allows for nonresident limited landowner elk permits for nonresidents, but with a much larger acreage requirement of ownership. And we've had two meetings in the...in Sioux County we had a meeting and at Bridgeport we had a meeting to talk to landowners about these and we had a wide support, I believe, for these amendments. Briefly, the requirements concerning the rental of motor boats are requested and they would require and allow for, essentially, a shared responsibility between renters and rentees of motor boats to ensure access to a summary of the statutes and rules and regulations for the safe operation of boats. And so we believe that this is something that would allow for safer operating of boats and ensuring that people have exposure to the rules and regulations when they were in a boat. The exemptions for accredited zoos for captive wildlife permits, just a brief comment on that. The current statute allows for an exemption for zoos and other such institutions from the captive wildlife permit regulations that the Game and Parks had. But it allows for that when those zoos are owned by a municipality. And we actually have cases where the zoo is not, you know, Henry Doorly Zoo is one that is not officially actually owned by the municipality but they're accredited, of course, and one of the best zoos in the nation. And so, by using the association with the Accreditation of Zoos and Aquariums that would apply in this bill, we would eliminate that glitch in the law, so to speak, that doesn't exempt Henry Doorly Zoo from our regulations. And lastly, I'd just briefly like to talk about that part of this bill that concerns the administration of drugs to wildlife. The impetus for this largely lays in the following background. The contraceptives for wildlife are currently being developed by a variety of entities. And although there may be very

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good use for contraceptives for wildlife, in wildlife management, at some point in time the Association of Fish and Wildlife Agencies, committees that look at such issues with that association, have asked all 50 fish and game agencies nationally to ensure that the state statutes allow for the prudent administration of any such substances. And the provisions that we have here provide a lot of exemptions for those administration of drugs that would not be of concern to the Nebraska Game and Parks Commission, but would allow for our permission in cases that could cause some concern if private citizens, for example, wanted to take it upon themselves to try to introduce contraceptives to wildlife. And with that, Mr. Chairman and Vice Chairman and members of the committee, I'd be happy to try to answer any questions you might have now or as the hearing progresses. [LB105]

SENATOR DUBAS: Thank you very much, Mr. Douglas. Are there any questions?
Senator Haar. [LB105]

SENATOR HAAR: Thank you. Are there--excuse me--are there any provisions for low income folks in terms of permits and so on? [LB105]

JIM DOUGLAS: We have worked with...there's no specific provisions based on income, except for provisions based upon the service of veterans and age of individuals where there's special provisions for reduced permit prices. We have worked with a lot of entities who have provided, essentially, subsidies for permits for kids and other groups such as disabled persons. So we're very cognizant of the fact that we want to try to allow for recreational opportunities to the whole host of Nebraska citizens. There's nothing specifically tied to income level. [LB105]

SENATOR HAAR: Yeah. Well, could you give me just an example of an agency that works with kids? [LB105]

JIM DOUGLAS: Well, the...there's quite a few conservation agencies that work with kids. One that comes to mind is Pheasants Forever. The Nebraska Game and Parks Commission actually partners with Pheasants Forever on youth mentoring. There's the...through various clubs and organizations that belong to the Nebraska Council of Sportsmen, there's mentoring kids that happens for bow hunting for deer, for example, and a wide variety of mentoring opportunities. Pheasants Forever mentors over 100 kids on pheasant hunting every year. And next year Pheasants Forever, in cooperation with several other entities, Quail Unlimited, Ducks Unlimited, and some other conservation groups, are holding a conference in Kearney, Nebraska, to train youth mentors... [LB105]

SENATOR HAAR: Oh, cool. [LB105]

JIM DOUGLAS: ...on how to mentor youth. The commission is happy to be a part of

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sponsoring that event as well. [LB105]

SENATOR HAAR: Thank you. [LB105]

SENATOR DUBAS: Other questions? Senator Carlson. [LB105]

SENATOR CARLSON: Senator Dubas. Mr. Douglas, I understand that there's a need for additional revenue and that your sources of revenue are somewhat limited. If I heard you right, if we take an example of a permit here, resident hunting and fishing permit not more than \$46 currently at \$29, and you indicated that if these levels were acceptable you wouldn't have to ask for an increase until about 2012? [LB105]

JIM DOUGLAS: Actually, I believe that I might have misspoken and what I meant to say is we wouldn't--the commission wouldn't--probably attempt to make an increase until 2012, not that we wouldn't raise the cap until 2012. [LB105]

SENATOR CARLSON: But in order to have that be a need, the fee would have to go up from \$29 to something near \$46 over a three-year period, which is a pretty hefty percentage increase each year. [LB105]

JIM DOUGLAS: Yeah, that's what I meant to just correct myself and I believe I might have said we wouldn't have to ask you for an increase until 2012, on the cap. [LB105]

SENATOR CARLSON: Oh, I see. [LB105]

JIM DOUGLAS: But what I meant to say was that we wouldn't have to ask the commission for an increase until probably at least 2012, in which case the maximum amount it could be raised would be 6 percent a year, so it would be 18 percent more than the current amount. [LB105]

SENATOR CARLSON: Oh, that is the maximum... [LB105]

JIM DOUGLAS: Um-hum. Yes. [LB105]

SENATOR CARLSON: ...6 percent, okay, because I understand you've got a need for more funds and at the same time you need more participants and that's quite a challenge. [LB105]

JIM DOUGLAS: Yeah. And we've gone many times, certainly as long as six or more years before we've asked for an increase in any particular permit. In many cases we've actually appreciate the fact that there has been changes which eliminated the lower limit on permits because we've taken...this bill, for example, does dictate that the commission shall create half-price youth permits for turkey and deer. And we have

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created half-price permits for antlerless deer, for example, for nonresidents and lowered the permit fees for nonresident youth that come to hunt upland birds in Nebraska to the same as that of a resident. So there's many occasions where we're trying to promote youth activities or trying to better manage our deer herd through the harvest of more antlerless deer, for example, and so on where we actually wish to lower the price of permits. [LB105]

SENATOR CARLSON: Another question. Game and Parks enforces your Game and Parks rules, isn't that true? And you're the only enforcing agency? [LB105]

JIM DOUGLAS: Well, if the rules are...the rules that we promulgate, that's true. Of course, there's also statutes that apply to fish and game and recreational activities as well and these, of course, can be enforced by other law enforcement entities. [LB105]

SENATOR CARLSON: Well, and I hadn't given much thought to the fact that you can't use the fines as revenue for Game and Parks and I understand why. On the other hand, if you did it would probably be you would really enforce everything. (Laughter) [LB105]

JIM DOUGLAS: I think it's, you know, I don't know what the wisdom was when that was originally enacted, but I imagine it had to do with the fact that we want our officers to be unbiased towards whether there's any fine at the end of the rainbow or not. [LB105]

SENATOR CARLSON: Okay. Thank you. [LB105]

SENATOR DUBAS: Other questions? I have a couple for you, Mr. Douglas. [LB105]

JIM DOUGLAS: Okay. [LB105]

SENATOR DUBAS: Could you go back and explain the need for the amendment that you referenced at the beginning of your testimony? [LB105]

JIM DOUGLAS: Um-hum. Would you like me to specifically read the amendment or just explain what it's for? [LB105]

SENATOR DUBAS: If it would help to read it and then go on to explain it, that would be fine. [LB105]

JIM DOUGLAS: I think I'll try to explain it first and you let me know if it... [LB105]

SENATOR DUBAS: Okay. [LB105]

JIM DOUGLAS: ...because it eliminates some words and then goes two lines and adds some words. Essentially, we want the end effect to be such that persons who own or

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lease in combination 640 acres of land qualify for a limited landowner elk permit. And the way the original bill was written through an oversight, that was not the end effect. And so that to qualify for a limited landowner elk permit you could own 640 acres, or you could own or lease 640 acres in combination. [LB105]

SENATOR DUBAS: So you just want... [LB105]

JIM DOUGLAS: But you had to own at least some acres. [LB105]

SENATOR DUBAS: Okay. So it couldn't just be someone who leased all of their ground... [LB105]

JIM DOUGLAS: Right. [LB105]

SENATOR DUBAS: ...it had to be a combination of the two. [LB105]

JIM DOUGLAS: Yep. Uh-huh. [LB105]

SENATOR DUBAS: Okay. And you've kind of alluded to these facts already and the questions have taken us there, too, especially with the fees to use our state parks. What would happen if we wouldn't raise the rates? You know, what are you looking to accomplish by raising the rates? [LB105]

JIM DOUGLAS: Well, the proportion of funding that comes from park entry fees that goes to maintain and operate our parks as a percent of the total funds that are available has gotten higher. That's because the percentage of General Funds that are devoted to the operation and maintenance of our parks essentially as a percentage of the total has gotten lower. So there's approximately \$6 million of General Fund revenues in the last year of the biennium, that were devoted to this and about \$4 million in park permit fees. The current landscape for General Fund appropriations isn't good for lots of entities, I would venture a guess to say. And the costs, of course, for operating and maintaining a good park system continue to go up. The citizens of the state, I think, have benefitted greatly in the case of Nebraska's park system from benefactors who have, in many cases, donated a lot of dollars for the creation of infrastructure for the park system. But that's not usually a good source for ongoing maintenance for such infrastructure. And we feel that if we continue to allow the backlog...we have a backlog of infrastructure repair needs that's in the multiple millions of dollars and I think that, in many cases, the longer you let some of those needs go unmet the more costly it is in the long run. And I think we're fortunate to have such a great system in Nebraska, but we're faced with great challenges in trying to maintain it. [LB105]

SENATOR DUBAS: Thank you very much. Are there other questions? If not, thank you, Mr. Douglas. [LB105]

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JIM DOUGLAS: I do have a handout of testimony that I'll give to the clerk. [LB105]

SENATOR DUBAS: Okay, you can give it to the page and make sure that we get it. Next testifier. [LB105]

JOE HERROD: My name is Joe Herrod, J-o-e H-e-r-r-o-d, and I'm here representing the Nebraska Council of Sportsmen's Clubs. Since there are some new senators here, we will give you a little plug on the Council of Sportsmen's Clubs. It goes back, probably...I've looked into some things. I found documents in going back to the Lincoln County Sportsmen's Clubs where the person who ran that club, by the name of Keith Neville, who ended up becoming a governor of the state of Nebraska, sportsmen's clubs go back a long way. We think the council was organized some place in the late '30s when wildlife was under quite a bit of duress. And in the state of Nebraska we have probably over 100 clubs and thousands of members from all kinds of backgrounds, anything from people who hunt only with Brittany spaniels to people that fish too, so it's a wide group. And one of the things that we do annually is have a legislative meeting. And this year it's February 2 and one of the highlights of that hopefully for you senators, is that the cooks at Mahoney State Park prepare a wild game luncheon. And it's right across the street at the ladies club, right across from Saint Mary's cathedral. We have a pretty high percentage of attendees, you'll follow everybody over there and join us for lunch, please. Through the course of the years, and I've been involved with the Sportsmen's Council for probably at least 30 years, maybe more. But we have consistently supported increases in fees upon ourselves, and we've consistently supported increases in fees for the parks. In fact, when sportsmen got together many years ago and lobbied for an Aquatic Stamp to help improve our fisheries in the state, at that time we asked for \$10, a \$10 stamp. And somewhere along the line somebody perceived that as a tax increase and so they cut it to only \$5, which didn't make those of us that had worked for the \$10 very happy. So now we're finally getting it back to the \$10. And then one other aspect of this bill that I am very pleased with and I think some of you will be pleased with also, is the removal of the clause that says that they have to be living in the same household. So that means that if you that are landowners on this committee, and if your children move away, and perhaps even out of state, they have two options to come back and hunt the family farm or the family ranch. One is to buy a resident landowner's permit or the other a nonresident landowner's permit depending on whether they move out of state, which unfortunately, my children have. So that's kind of the brief history of the things. We're very much in support of it. We want to pay the money, we know that's...the user should pay the money. It's just like green fees, the people that play golf should pay the green fees. Not everybody, you know, and so we're willing to pay. And we're excited about this program of trying to get more access, that this money will help because that's not only money in the pockets of some of the landowners out there. But it gives the common person who can't afford to go out and lease a place or buy a place for his exclusive use to join in a pool of other people and

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get some availability of hunting. So it looks like a real winning situation. Any questions?
[LB105]

SENATOR DUBAS: Any questions for Mr. Herrod? [LB105]

JOE HERROD: Thank you. [LB105]

SENATOR DUBAS: Seeing none, thank you. [LB105]

WES SHEETS: Good afternoon, Vice Chairman Dubas and members of the committee, and Senator Langemeier as well. My name is Wes Sheets, spelled W-e-s S-h-e-e-t-s. I'm appearing before you on behalf of the Nebraska Division of the Izaak Walton League. I'm currently a national director on the national organization as well as the legislative committee chair for our state division. We have 19 chapters of Ikes located from Imperial, Nebraska, through northeast in Wayne, and around the rest of the state. I would just point out to you and Joe that we're actually maybe an older conservation organization than the Council of Sportsmen's Clubs and that our first chapter was formed in Lincoln in 1924, so...just so you know, Joe. [LB105]

JOE HERROD: Tell them you're older than me, too. [LB105]

WES SHEETS: That's probably true. But nevertheless, we're here to offer a very strong support for LB105. Naturally citizens and members of the Izaak Walton League do not relish the idea of having to pay additional fees for the various things we might do. However, we are very keenly aware that it's the right thing to do and we do offer our support. Certainly sportsmen always have a keen interest in most of these monetary issues. No one wants to pay more for the privilege but we believe that the Game and Parks Commission is certainly the appropriate agent to care for our wildlife and our other recreational activities and we definitely support that agency, most of the time, anyway. Wildlife is certainly a most valuable resource for all of us, whether it's Ikes or citizens of Nebraska, and so it's very appropriate to arm the agency with tools to provide needed stewardship for those natural resources and therefore constantly we'll recognize the increase and the options for higher fees. Most importantly, we need to continue to increase penalties commensurate with the day and time that we're at now in 2009. It seems very appropriate. We particularly applaud the liquidated damage proposed increases. Too many of our wildlife seem to have dwindled into a less than valuable resource so...and the increase in those liquidated damage values seem to be most importantly. We are particularly interested in the sections dealing with shooting from the road or trespassing. I would like to offer a specific couple of amendments and in Section 44, page 58, line 2 where the proposed change in the fine goes to \$100 for shooting at wildlife from the road, we would recommend that you do a bit more and make that \$200. Commensurate with that in Section 49, which is on page 64, line 9, we would change that fine from the recommended \$200 to \$300 or \$400, you be the judge. It's our view

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that trespassing is a most serious issue here in Nebraska as we recognize accessibility to wildlife populations for hunting. It seems to drag out more and more people that like to drive up and down the road. And as a landowner in our sister state to the south, you know, I've been home on numerous occasion and experienced the very thing it's most discouraging to have some yo-yo, if I might use that word, drive down the road and decide this is a great place for me to fill my thing. So, if you're of a mind, I would recommend you make those penalties a bit more stringent. I'd like to recall...many years ago I worked with the first director of the Department of Environmental Quality, his name was Jim Higgins, and I'll always remember his view that the penalty should attempt to be commensurate with creating some economic deterrent. It seems that people recognize the economy of the issue more than they do, perhaps, ethics and common sense. So to use his words, those penalties need to become as close as possible with this economic deterrent for violation of our statute. In summary, the Izaak Walton League would strongly support the changes to the laws identified in LB105, and we would urge you to advance this bill to the floor and support its passage into law. And with that, if you have questions, I'd surely attempt to answer it. [LB105]

SENATOR DUBAS: Any questions for Mr. Sheets? Senator Haar. [LB105]

SENATOR HAAR: Thank you. How do you catch...I live on an acreage and I have people cruising in pickups down the road and shooting in the ditches and so on. How...other than citizens reporting that, how do you actually enforce that sort of thing? [LB105]

WES SHEETS: That's probably the...you'll have to ask the chief of law enforcement for the Game Commission who is here. But it's a most difficult situation as I'm aware. And if you don't have a witness to a violation of law, why, it becomes a difficult thing for any prosecution, obviously. Certainly if you can provide that witness situation, I would think that would go a long way. There are 800 numbers and instant call numbers, crime stoppers numbers, to try and get after the fact. And as you recognize that is generally after the fact to follow up, so it's a difficult issue. Hopefully, the penalty we're suggesting would create that component of an economic deterrent and maybe there would be less activity in that regard, if there was some fear of being apprehended, anyway. I don't know how to answer that adequately, Senator. That's my best shot. [LB105]

SENATOR DUBAS: Other questions? Senator Carlson. [LB105]

SENATOR CARLSON: Senator Dubas. Mr. Sheets, this might be a trivial question but it just comes to mind as you look at increasing--your recommendation to increase these fines--on shooting from a highway or roadway and get that up there pretty high. Is there ever an instance where somebody is shooting in self-defense? [LB105]

WES SHEETS: I can't imagine, you know, that line as I recall says specifically shooting

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at wildlife in the roadway and I, you know, I have a hard time anticipating that we'd be shooting in self-defense at any wildlife. (Laughter) Is that...I mean, certainly if you're driving down the road and you decide to take a shot at something, maybe. But shooting at wildlife is a pretty specific thing as a result of people that haven't done their homework and have access, you haven't provided an opportunity to hunt, you know, legally. That's a terrible question, in answer to your question. [LB105]

SENATOR CARLSON: I'm sorry. I'm thinking about a wild boar or a mountain lion, if I happen to be in the ditch headed out and all of a sudden, there it is, I guess I won't worry about the \$200 fine. [LB105]

SENATOR SCHILZ: If you make it, he'd be happy to pay it. [LB105]

WES SHEETS: Well, you're likely in a vehicle and I can't imagine that you'd be in real danger, but I've never considered mountain lions terribly dangerous... [LB105]

SENATOR CARLSON: Sorry for asking. [LB105]

WES SHEETS: And I have had the opportunity to, on at least four occasions, run face to face with a wild mountain lion in the mountain where it's just he and I. And in all cases that mountain lion has turned tail and run. So, as far as the paranoid aspect of mountain lions, I don't consider them as terribly dangerous as perhaps some people do. [LB105]

SENATOR DUBAS: Other questions? Thank you, Mr. Sheets. [LB105]

WES SHEETS: Thank you very much for the opportunities. [LB105]

SENATOR DUBAS: Other proponents? Opponents. [LB105]

DUANE GANGWISH: Senator Dubas and members of the committee, my name is Duane Gangwish, that's D-u-a-n-e, Gangwish is G-a-n-g-w-i-s-h. I'm here representing Nebraska Cattlemen. Our board of directors is meeting today and they asked me to address this bill with some...what appears to be maybe modest opposition. We greatly appreciate the language in Section 47 that deals with wildlife management. It's a concern of ours in regards to some pests that affect our facilities from time to time, and there's language in there dealing with USDA and wildlife services and we appreciate that. There does need to be consultation with those services, but we recognize those need to be in place. We also appreciate the liberalization of the landowner household definition as has been alluded to in previous testimony. It allows a little broader use of that for our family members that are away. The concern of opposition is just in a couple of cases there is increased minimum landholding requirements for certain permits and that caused concern for some of our members. Why is the necessity to increase the amount of land you must own or lease to continue things that were in the past? And we

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want to raise question to that. An obvious opposition, though it's been presented by previous testifiers that are hunters and sportsmen, there was a concern of our membership in regards to the fees. The testimony provided by the department has clarified some of that and probably was not in our knowledge base, but they asked me to raise a concern over that. And lastly, not necessarily germane to the language before you, we would ask or suggest that there be an increase use of the depredation permits to reduce damage to property, both vehicles and crops. We had one of our staff members drive in from Alliance yesterday and counted 18 deer that had met some unfortunate demise along the interstate. That's 18 vehicles that have been damaged, maybe they're residents, maybe they're out-of-state folks. But we also have significant crop damage in places, especially during the wintertime, to our feedstocks kept for livestock in the winter. So we would like to see an increase in use of that, but surely there could be a reduction in the fees used for depredation permits. It seems to be somewhat counterproductive if we are going to have depredation permits to deal with those cases that we'd have to raise the fee on that. With that, that concludes my testimony and I'd be happy to answer any questions. [LB105]

SENATOR DUBAS: Thank you, Mr. Gangwish. Any questions? Senator Fischer. [LB105]

SENATOR FISCHER: Thank you, Senator Dubas. Mr. Gangwish, when you talked about the increased acres, do you know where that is in the bill specifically? [LB105]

DUANE GANGWISH: To answer your question, no. I thought I had that written down on my... [LB105]

SENATOR FISCHER: Do you remember specifically...I'm assuming that okay, maybe Section 21...I'm trying to find it here fast, Section 21. Does that sound familiar? [LB105]

DUANE GANGWISH: No. [LB105]

SENATOR FISCHER: Where it limits the number of, limited permits not to exceed the total acreage of the farm or ranch divided by 320. [LB105]

DUANE GANGWISH: Yes. [LB105]

SENATOR FISCHER: Is that what you were referring to on that? [LB105]

DUANE GANGWISH: Yes. [LB105]

SENATOR FISCHER: Did you find that specifically in the bill? [LB105]

DUANE GANGWISH: No, I did not. [LB105]

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SENATOR FISCHER: Okay, I'm... [LB105]

DUANE GANGWISH: I'd be happy to look...find that. [LB105]

SENATOR FISCHER: ...oh, I see it on page 34, I'm sorry it took so long. I see it on page 34. What would you like to see that changed to? You know, you were concerned that it increased the acreage, correct? [LB105]

DUANE GANGWISH: Yes. I was not given direction, Senator, as to what suggestion for you. I don't think that question was posed. Our membership merely had concern. What is the necessity of raising the minimum landholdings for this purpose? That was the question. [LB105]

SENATOR FISCHER: Does this, maybe you can clear this up, does this specifically address hunting on your own land? [LB105]

DUANE GANGWISH: I'm not familiar enough with the context of this particular section, Senator. [LB105]

SENATOR FISCHER: Okay. [LB105]

DUANE GANGWISH: But in reading through it, it merely had the appearance to us that it was raising the minimum amount of land or leased property that one should have in order to conduct current activities. Again, what's the necessity or need behind that increase? And I would be happy to work with the committee to discover that. We might change an opinion. [LB105]

SENATOR FISCHER: Well, you brought up, basically, the damage that deer can do to a ranch or a farm. If you have silage piles, if you have circles with alfalfa, if you, you know, all of us love to feed wildlife on our places but sometimes it gets a little out of hand and the costs that are incurred by the farmer or rancher in dealing with that. Do you have any specific suggestions on what needs to be done there? You brought up that the fees, I assume you're talking about... [LB105]

DUANE GANGWISH: Um-hum. [LB105]

SENATOR FISCHER: ...that's what you're talking about there is the fees that are charged for that? [LB105]

DUANE GANGWISH: Yes. Primarily the fee, the several, obviously as you've heard many fees, the maximum was raised. The depredation, the maximum on the depredation permits was also raised. Our concern is not primarily with the fee of the

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depredation, although it doesn't make much sense to raise it if you're trying to take a short-term specific action to reduce a population in an area. We had reports just recently of one of our board members up in the Creighton area, there were several hundred deer surrounding about 25 bales of winter feed. They were on top of it like goats. There was just damage being done and our landowners are proud of their wildlife and want to see them there, but on the other hand, that's valuable product for our livestock and we don't think, we wish there could be some increased control of that. [LB105]

SENATOR FISCHER: Well, I appreciate the points you brought forward and hopefully we can address some of those; thank you. [LB105]

DUANE GANGWISH: Um-hum. [LB105]

SENATOR DUBAS: Any other questions? Thank you, Duane. [LB105]

DUANE GANGWISH: Thank you. [LB105]

SENATOR DUBAS: Any other opponents? Neutral? Seeing none, Senator Langemeier, would you like to close? [LB105]

SENATOR LANGEMEIER: I'm just going to...thank you, Vice Chairman Dubas, members of the committee, I just want to address the expansion of acres. And I, too, was quickly looking through as Senator Fischer asked. But if you take the particular page 34, lines 16-20 that was previously addressed, it says only one limited deer permit per 320 acres shall be issued. And the new language says that you're going to take the amount of acres owned divided by 320 and then you would give out that permit. So if you had 640, you'd get two permits or one per 320. I don't see a change in that. However, I will review the bill further to see where that might be later, but I think that wording still ends up with the same number at the end of the day. So with that, that's all I have and I am finished unless there's questions for me? [LB105]

SENATOR DUBAS: Any other questions? With that, we will close the hearing on LB105 and move to LB179, is that correct? [LB105]

SENATOR LANGEMEIER: Yes. [LB179]

SENATOR DUBAS: Whenever you're ready, Senator. [LB179]

SENATOR LANGEMEIER: Vice Chairman Dubas and members of the committee, again my name is Chris Langemeier, it is C-h-r-i-s, Langemeier is L-a-n-g-e-m-e-i-e-r. I'm here to open on LB179. The Natural Resources Committee has introduced this bill on behalf of the Department of Natural Resources. It's a cleanup measure to fix the

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statute that was inadvertently removed from state statute in a bill in 2006. It restores spending authority to the department under the Nebraska Resource Development Fund. Currently, the department is to adjust project costs and payments limitations on July 1 of each year based on the cost index that considers an average increase in construction for a three running--given--period. The bill reinstates a piece of language that adjusts it. Adjustments will be made as of July 1 of each year after 1993. The bill is technical in nature, and Mr. Rex Gittins from the department will be up to testify in the more specific point of the bill. Thank you. [LB179]

SENATOR DUBAS: Thank you. Any questions? All right. [LB179]

REX GITTINS: (Exhibit 3) Good afternoon. My name is Rex Gittins, it's spelled R-e-x G-i-t-t-i-n-s, and I'm the operations and administration director at the Department of Natural Resources. I also serve as senior department staff member in support of the Natural Resources Commission. I'm testifying on behalf of the department in support of LB179. A copy of my written testimony is being handed out so I'll restrict my comments to the issue, implications, and the requested remedy. The department requested introduction of this bill after it came to our attention that a statute change in 2006, which had been requested as a cleanup legislation by DNR, had inadvertently but substantially changed the meaning of the statute Section 2-1588(2). That statute sets a limit on the maximum funding available to any single project through the Natural Resources Development Fund. The 2006 request was intended only to change a reference to a specific federal cost index which was no longer being published. That index was related to...was required for the escalation of a \$10 million limitation set by the statute in 1993. In the process of drafting the 2006 change, eliminated the start year for escalating which was originally 1994. This additional change was not caught in review and had the effect of resetting the individual project funding limit back to where it started in 1993. The adjusted limit based on the 1993 statute would be about \$16 million today. Under the 2006 change, that limit is reduced to about \$11.5 million or \$4.5 million lower than the 1993 limit would have been. On discovery of this oversight and the unintended consequences, the department promptly initiated work on this bill to remedy the consequences of that unintended change. The intent of this bill is to request that the Legislature clean up the flawed 2006 act, returning the words of Section 2-1588(2) which authorized the annual escalation to the allocation limit starting in 1994. This bill will have no fiscal impact on the state budget and only clarifies the scope of the Resources Development Fund limits to any single project. It harmonizes the statute with agency practice and the presumed legislative intent. Thank you for the opportunity to testify. If there are any questions I'll do my best to answer them. [LB179]

SENATOR DUBAS: Questions for Mr. Gittins? Well, apparently you did a good enough job, so, thank you. [LB179]

REX GITTINS: Thank you very much. [LB179]

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SENATOR DUBAS: Proponents? [LB105]

JOHN MIYOSHI: Vice Chair Dubas and members of the Natural Resources Committee, my name is John Miyoshi. I'm the general manager of the Lower Platte North NRD located in Wahoo... [LB179]

SENATOR DUBAS: Excuse me, John, could we have you spell your name for us, please? [LB179]

JOHN MIYOSHI: (Exhibit 4) I'm sorry. Spelling on the name is J-o-h-n M-i-y-o-s-h-i, and today I'm testifying in support of LB179. The NRDs are the largest users of the Nebraska Resources Development Fund. In a past update of the NRDF statute, both the NRDs and DNR missed the omission of two words which occurred between the committee hearing and the final bill as approved. These two words set the base year for the project size which the intended legislation has as 1993 versus no listed year in the final bill. The NRDs concur with the Department of Natural Resources that cleanup legislation is needed to set the base year as 1993. [LB179]

SENATOR DUBAS: Thank you, Mr. Miyoshi. Any other questions? Seeing none, thank you. [LB179]

JOHN MIYOSHI: That's even better. [LB179]

SENATOR DUBAS: Other proponents? Opponents? Neutral testimony? Seeing none, Chairman Langemeier, would you like to close? [LB179]

SENATOR LANGEMEIER: I'll waive closing. [LB179]

SENATOR DUBAS: Okay. We will move on then to LB180. [LB179]

SENATOR LANGEMEIER: Thank you, Vice Chairman Dubas and members of the committee. Again, my name is Chris Langemeier, C-h-r-i-s L-a-n-g-e-m-e-i-e-r. I'm happy to be here to introduce LB180. The committee introduced LB180 on behalf of the Department of Environmental Quality. A version...excuse me...it creates a new category, available grant funding, under the Waste Reduction and Recycling Incentive Act. It allows the department to award grants for reimbursement of costs to communities of 5,000 or fewer in population for abandoned buildings and deconstruction. Reimbursement will be for those costs relative to the recovery of and processing of recyclable and reusable materials from the buildings. The materials may include lumber, metal, brick, blocks, and fixtures. The intent is to provide an alternative to demolition of buildings and disposing of materials in landfills. The bill also allows counties and municipalities under the Integrated Solid Waste Management Act to apply and receive

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disposal free rebates, fee rebates, on a more convenient schedule. No more than a quarterly payments will be issued. The intent is to reduce the amount of paperwork that the communities and the department has to complete for sometimes small little checks, very small rebates. And with that, the department will be here to testify in more detail if there's questions. [LB180]

SENATOR DUBAS: Questions? Senator Carlson. [LB180]

SENATOR CARLSON: Senator Dubas. Senator Langemeier, this bill went out of committee last year and says it did not pass but it simply wasn't heard, was it, on the floor? [LB180]

SENATOR LANGEMEIER: It was not prioritized so it just, it died on the list of bills with many others, correct. [LB180]

SENATOR CARLSON: Okay. [LB180]

SENATOR DUBAS: Other questions? [LB180]

SENATOR LANGEMEIER: Maybe if we can get it out earlier it can move. [LB180]

DAVID HALDEMAN: (Exhibit 5) Good afternoon, Vice Chair Dubas and other members of the Natural Resources Committee. My name is David Haldeman, and that's spelled D-a-v-i-d H-a-l-d-e-m-a-n. And I'm the administrator of the department's waste management division and I'm here to testify in favor of LB180. As you are aware, LB180 is a bill that has two components to it. The bill would amend the Integrated Solid Waste Management Act and the Waste Reduction and Recycling Incentive Act. If passed, the first component that amends the Integrated Solid Waste Management Act would allow municipalities and counties to apply for and receive a disposal fee rebate less frequently than quarterly. The second component amends the Waste Reduction and Recycling Incentive Act and would allow the department to reimburse smaller political subdivisions, that's 5,000 persons or less, for certain costs associated with the deconstruction of abandoned buildings. In my testimony this afternoon, I would like to explain why the department supports this legislative bill. The Integrated Solid Waste Management Act requires that a fee of \$1.25 be paid to the department for each ton of solid waste that is disposed of in a permitted municipal solid waste disposal area. Counties and municipalities may apply to the department for a rebate of 10 cents of the disposal fee charged for each ton of solid waste originating from their jurisdictional area. In order to be eligible for this rebate, the county or municipality must adopt a purchasing policy that requires a preference for purchasing products, materials, or supplies which are manufactured or produced from recycled material and the policy has to be approved by the department. The act requires that the rebate be applied for and made quarterly. Currently, 11 political subdivisions are participating in this rebate program. The quarterly

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rebates being made range from approximately \$26 to the city of Grant to \$11,600 to the city of Omaha. The department has received feedback from some of the smaller communities that it would be easier for them if they could apply for the rebate on a less frequent basis than quarterly for such small amounts of money. The language in LB180 is structured. The way it's structured is the communities would have the flexibility of making application on a schedule that is more conducive to their needs but no more frequent than quarterly, and no less frequent than annually as agreed upon between the applicant and the department. The goal in making the change to the Integrated Solid Waste Management Act is to reduce the amount of paperwork that small- and medium-sized communities have to file with the department in order to receive small rebates and to lessen the paperwork and frequency of payment by the department. The second change that LB180 would make is to add an additional category or type of grant project that can be funded under the Waste Reduction and Recycling Incentive Act, specifically, to make the reimbursement of some of the costs associated with the deconstruction of abandoned buildings in small communities an eligible grant project. The size of the political subdivisions identified as being eligible are cities of the second class, villages, and counties of less than 5,000 in population. Deconstruction costs related to the recovery and processing of recyclable and usable materials from the abandoned buildings will be eligible for reimbursement. The goal for making this change is to create an incentive through grants to further encourage the recycling of building materials and decrease the amount of demolition material disposed of in landfills. We believe the grant program has adequate sources of revenue to fund these types of projects in addition to the projects that we already fund. If this bill is enacted, there should be no impact to the funding levels of the other projects. The concept of building deconstruction might not be familiar to some, but what it commonly means is the physical dismantlement of a building's components to recover materials for reuse, recycling, or other waste management options. It might simply be thought of as the reverse of construction of a building or taking a building apart piece by piece. Although there is some building deconstruction going on in our state, we think the primary method of getting rid of old buildings is simply razing them and then hauling the waste to either municipal landfills or other landfills that are specifically permitted to receive construction and demolition waste. Disposal in a permitted landfill is a lawful method for getting rid of a building, however, the department is looking for ways to support and further encourage recycling and reuse over disposal. Most buildings have components like metal, lumber, brick and block or other fixtures that can be sold or salvaged for reuse or recycled into other products. We think there is a fair amount of potential to recover these materials which is a better alternative to placing them in a landfill. There are several other reasons we view this change as a positive step. Every year our solid waste program receives complaints about the illegal disposal of building demolition waste. Typically, illegal disposal occurs when disposal options are expensive or there are few management or recycling options available to choose from. Promoting building deconstruction should at least make the public aware of one other management option that can be considered. In addition, we think that building deconstruction would

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complement another of our existing programs that is designed to assist communities interested in redevelopment. We receive money from the Environmental Protection Agency that is specifically designated for land redevelopment projects. This money is primarily used for assessing sites for contamination. The clearing of unused properties of old structures is one part of redevelopment that the federal dollars we receive cannot effectively address. Every year the Department of Environmental Quality receives calls from communities inquiring whether there is any financial assistance available to help demolish abandoned buildings. A reason for this is that the demolition and disposal costs of a structure or building is so prohibitive. We recognize that abandoned buildings can be a safety hazard and contribute to economic blight in small communities. Providing financial assistance to these small communities is something we have not been able to do in the past. We performed a limited evaluation to determine how many communities in Nebraska are fewer than 5,000 in population. As mentioned previously, 5,000 or less in population is the community size threshold for eligibility. Based on our review, we estimate there are 531 cities or villages, and approximately 36 counties that would be eligible for grants under this proposed concept. In closing, I'd like to point out that the deconstruction concept of this bill was introduced last year in LB725 but did not advance all the way through the process. Although the bill did not move forward, we continued to work on the concept and met with representatives of the Nebraska State Historical Society and Heritage Nebraska to get their input on how the grant process could work. We agreed to a process to coordinate with the Historical Society and intend to include that process both in regulations as well as grant applications. Subsequently following that meeting, both entities sent us letters supporting our efforts on this bill concept. This concludes my testimony, and I'll be glad to try and answer any questions that you might have. [LB180]

SENATOR DUBAS: Thank you, Mr. Haldeman. Are there any questions? [LB180]

SENATOR HAAR: Yes. [LB180]

SENATOR DUBAS: Senator Haar. [LB180]

SENATOR HAAR: Thank you. In Section 2 you refer to the Waste Reduction and Recycling Incentive Fund. Where does that money come from? [LB180]

DAVID HALDEMAN: There are three sources of revenue to that fund. The first one is a disposal fee that's charged for the tonnage of waste going into municipal landfills. It's found in the Integrated Solid Waste Management Act and it's \$1.25 per ton of waste disposed. Fifty percent of that \$1.25 goes to funding our solid waste program; the other 50 percent goes into the Waste Reduction and Recycling Incentive Fund. There's also a \$25 annual fee that's imposed on businesses that have sales on tangible personal property in excess of \$50,000 per year. So that \$25 annual fee goes into that fund. And then there's a \$1 per tire fee that's assessed for every new tire that's sold in the state of

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Nebraska and then that also goes into that fund. [LB180]

SENATOR HAAR: Okay. Thank you. [LB180]

SENATOR DUBAS: Other questions? Seeing none, thank you, Mr. Haldeman. [LB180]

DAVID HALDEMAN: Thank you. [LB180]

SENATOR DUBAS: (Exhibits 6, 7) Do we have other proponents for this bill? I would like to read into the record two letters: one from Nebraska Hospital Association, Bruce Rieker, vice president; and the city of Lincoln, Greg MacLean, director of Public Works and Utilities. Both of these are in support of LB180. Opponents? Neutral? [LB180]

JACK CHELOHA: Good afternoon, Senator, members of the committee. My name is Jack Cheloha, the last name is spelled C-h-e-l-o-h-a. I'm the registered lobbyist for the city of Omaha. I wanted to testify in a neutral capacity regarding LB180. In the interest of full disclosure, last year it was LB735 or at least for part of it. And I testified at that time in an opposition category, but with the new year I decided to take a kinder, gentler approach. So it's going to be neutral negative so...but still I'll tell you why I'm here in a second. Frankly, there's two parts to the bill and we don't have any problem with the first part in terms of the times that the rebates are given out, et cetera. The part that we, if you will, have a concern with is on page 6, line 14. This is the new grant program that's proposed. In Nebraska we categorize cities by population and Omaha is considered a metropolitan city, and by metropolitan city, there's only one that fits in the class. Lincoln is a primary-class city and there's only one that fits in it based on population. I think that number is between 100,000 and 300,000. And then we have first-class cities which I believe are 5,000 population and up to as high as 100,000 and then finally, the official title is second-class cities which is lower than 5,000 and I think villages start at either 500 or 1,000. I'm not certain on that, but I could find that out. But basically, why I'm here is to ask this committee to consider opening this grant program up to all cities in our community. While it's true there may be only a certain amount of funds available, you know, and I suppose we could start a pilot program, if you will, but I guess it wasn't sold to you in that sense. So if we're going to have such a program, I just wanted to let the committee know that in Omaha we certainly have a problem with abandoned buildings. We budget, within our city budget, about \$300,000 to \$500,000 annually just to take down abandoned buildings that become nuisance in our community. They become, you know, houses of disrepair, if you will. They harbor illegal activities eventually, and they're just eyesores on the neighborhoods and communities. So we have a real problem there. In the same sense, we're committed to trying to recycle and so I think there would be a number of civic groups or even programs within the city of Omaha itself where we would try to deconstruct some buildings to save that material to use so as we wouldn't fill up our local landfills, if you will. And so for those reasons, I guess I'm asking the committee to consider opening this up to all cities, whether it's Omaha,

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Lincoln, all our first-class cities, which, as I understand, would include Columbus, Hastings, Grand Island, Scottsbluff, cities along those lines. And that way, since we all contribute to this fund where the funds are coming from, ultimately maybe we could benefit from it. And so, for those reasons, I ask you to consider that and hopefully we can participate. I'll try and answer any questions you might have. [LB180]

SENATOR DUBAS: Any questions for Mr. Cheloha? Seeing none, thank you. [LB180]

JACK CHELOHA: Thank you. [LB180]

SENATOR DUBAS: Chairman, like to close? [LB180]

SENATOR LANGEMEIER: I'll waive closing. Thank you, Vice Chairman Dubas. We'll continue on our agenda to LB42 introduced by Senator Flood. I believe Matt is here to do the introduction. Go ahead when you're ready. [LB180]

MATT BOEVER: Good afternoon, Chairman Langemeier and members of the Natural Resources Committee. My name is Matt Boever, that's M-a-t-t and last name is Boever, B-o-e-v-e-r. And I'm in Senator Flood's office and on his behalf here to introduce LB42. Senator Flood represents Legislative District 19 which includes the city of Norfolk and all of Madison County. LB42 makes a technical change to Nebraska statute Section 46-1011. LB42 would amend this statute with an updated statutory reference. Section 46-1011 currently references Chapter 71, Article 53, and at the time Section 46-1011 was adopted, Chapter 71, Article 53 was comprised of only the Nebraska Safe Drinking Water Act. And since 71, Article 53 now contains provisions in addition to and other than the Drinking Water Act, this bill would make clear that these additional provisions in Chapter 71 do not apply for the purposes of the Section 46-1011. So it's technical and cleanup in nature. With that, I'd like to thank the committee for its consideration and would be happy to answer any questions. [LB42]

SENATOR LANGEMEIER: Thank you, Mr. Boever. Are there any questions? Seeing no questions, you're off the hook. Any further testifiers in support? Any testimony in opposition? Any neutral testimony? Seeing none, thank you. That concludes the hearing on LB42. We'll move on to LB43. Mr. Boever is back to do the...LB43, and we're ready when you are. [LB42]

MATT BOEVER: Good afternoon, again, Chairman Langemeier and members of the Natural Resources Committee. My name is Matt Boever and that's M-a-t-t, last name is Boever, B-o-e-v-e-r. I'm in Senator Flood's office who represents Legislative District 19, here today to introduce LB43 which is another technical bill. LB43 would repeal an outdated statute. That statute is Section 61-217; 61-217 was enacted in 2002 and created the Department of Natural Resources Interstate Water Rights Cash Fund. And this fund was used to pay the litigation costs associated with the Nebraska, Kansas,

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January 21, 2009

Colorado water dispute which began in 1998 and settled in 2002, technically. Pursuant to the language of this statute, the fund was to terminate on June 30, 2003, and it's our understanding that the last time there was any significant activity in this fund was fiscal year '02-03. In other words, the elimination of this fund would not have an adverse effect on any ongoing agency operations or on the funding of any current water litigation. With that, I'd like to thank the committee again for its consideration and happy to answer any questions. [LB43]

SENATOR LANGEMEIER: Are there any questions? Seeing no questions, thank you. [LB43]

MATT BOEVER: Thank you, Chairman. [LB43]

SENATOR LANGEMEIER: Is there anyone else wishing to testify in support? Anyone wishing to testify in opposition? Anybody wishing to testify neutral? Seeing none, that concludes our hearing on LB43. And I'd thank everyone for participating today and watching. Do I have a motion to go into executive session? [LB43]

Transcript Prepared By the Clerk of the Legislature
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Disposition of Bills:

LB42 - Placed on General File.
LB43 - Placed on General File.
LB105 - Placed on General File with amendments.
LB179 - Placed on General File.
LB180 - Placed on General File.

Chairperson

Committee Clerk