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Appropriations Committee  
February 03, 2016

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[LB810 LB1076]

The Committee on Appropriations met at 1:30 p.m. on Wednesday, February 3, 2016, in Room 1003 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB810 and LB1076. Senators present: Heath Mello, Chairperson; Robert Hilkemann, Vice Chairperson; Kate Bolz; Tanya Cook; Ken Haar; Bill Kintner; John Kuehn; John Stinner; and Dan Watermeier. Senators absent: None.

SENATOR HILKEMANN: Good afternoon and welcome to the Appropriations Committee. My name is Robert Hilkemann. I'm from west Omaha, representing District 4 in the Legislature, and I'm Vice Chair of the Appropriations Committee. I'd like to start off by having members do self-introductions, and I'll start over here to the left with Senator Kintner. There he is.

SENATOR KINTNER: Hi, I'm Bill Kintner, Legislative District 2.

SENATOR COOK: I'm Tanya Cook, Legislative District 13.

SENATOR KUEHN: John Kuehn, District 38.

SENATOR STINNER: John Stinner, District 48.

SENATOR BOLZ: Senator Kate Bolz, District 29, south-central Lincoln.

SENATOR WATERMEIER: Dan Watermeier, District 1, from Syracuse.

SENATOR HILKEMANN: Okay. And not here at this time is Senator Haar. And Julia...or Laurie Vollertsen here is our committee clerk, and our committee's page is Julia Oestmann. On the cabinet to your right you'll find some yellow testifier sheets. If you're planning on testifying today, please fill out one and hand it to the page when you come up. It helps us keep an accurate record of the hearing. There is also a white sheet on the cabinet if you do not wish to testify but would like to record your position on a bill. When we hear testimony regarding agencies, we will first hear from a representative of the agency. We'll then hear testimony from anyone who wishes to speak on the agency's budget request. We will begin bill testimony with the introducer's opening statement. We will then hear from supporters of the bill, followed by those in opposition and those who would be speaking in a neutral capacity. We will finish with a closing statement by the introducer if they wish to give one. We ask that you begin your testimony by giving us your first and last name and spelling them for the record. If you have any handouts, please bring up at least 11 copies and give them to the page. If you do not have enough copies, the page can

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help you make more. We'll be using a five-minute light system today for all testifiers, other than the introducer or the agency representative. When you begin your testimony, the light on the table will turn green. The yellow light is your one-minute warning. And when the red light comes on, we ask that you wrap up your final thoughts. At this time, I would ask all of us to look at our cell phones and make sure that they are on the silent or vibrate mode. And with that, at this time we'll begin today's hearing. Senator Davis, we'll have you introduce LB810.

SENATOR DAVIS: (Exhibits 1-22) Thank you, Vice Chairman Hilkemann and members of the Appropriations Committee. My name is Senator Al Davis, District 43. That's A-l D-a-v-i-s. I am here before you to request you advance LB810 to the floor. LB810 basically transfers money from a program fund at Game and Parks Commission, that no longer and for some time cannot be used because the original program is no longer being maintained, and moving the funding into the Cowboy Trail Fund. Additionally, and I believe most importantly, LB810 would require that no monies from this newly created fund may be expended unless matched by a private donation and a public donation. Finally, such funds may only be used for projects regarding the undeveloped portions of the trail. As you can see, LB810 is crafted with the assistance of the commission to put to use funds that they cannot currently use in a manner that triples the state's investment for a specified purpose--that of funding projects for the undeveloped portions of the Cowboy Trail. For anyone not familiar with the Cowboy Recreation and Nature Trail, I want to provide a bit of history about the trail. The Cowboy Trail is the nation's longest rails-to-trail conversion and was Nebraska's first state recreational trail. The trail was donated to the state of Nebraska in 1993, and development and maintenance of the trail was assigned to the Game and Parks Commission, and the original trail started in Norfolk and was projected to go on to Chadron. It's on the old Chicago-Northwestern rail line that was abandoned back about 25 years ago. The trail spans a total of 321 miles in northern Nebraska. It passes around or through a total of 29 communities where trail users can enjoy small-town features that only rural America can offer. Currently, the trail is completed from Norfolk to Valentine. Hikers and cyclists who use the trail can enjoy our state's cropland, timber-covered riverbanks, ranches, native prairies, rivers, and vast grass-covered dunes in the Pine Ridge country near Chadron. The trails pass through scenic parts of our state, and its proximity to so many cities, towns, and villages could provide recreational and economic development opportunities which are of great benefit to rural Nebraska. Due to the weather, trail supporters from the district were not able to attend, but I have made available their written testimony. I appreciate your consideration of their written comments, given the weather. Also, I understand representatives of the Game and Parks Commission, including a commissioner, will testify in support after me. Again, I urge you to support LB810. And I'm available for questions you may have of me. [LB810]

SENATOR HILKEMANN: Are there questions for Senator Davis relative to LB810? So you said that the trail is done from Norfolk to Valentine. [LB810]

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SENATOR DAVIS: Correct. [LB810]

SENATOR HILKEMANN: And that constitutes about how many miles of that trail, Senator? [LB810]

SENATOR DAVIS: So I think there are about 170 miles of undeveloped trail. But I'll talk a little bit about what's gone on the last few years, and I think people that follow me will do so also. In 2013, one of the first bills I introduced was a bill which would give local entities the ability to develop the trail in partnership with Game and Parks, if that were something that they wanted to do. And that came about because of a constituent in Gordon who had been run over on the road, on the highway, on her bicycle, who got really concerned about the fact that there were no recreational trails in that area. So that group, which is called the Cowboy Trail West, organized and has significant participation and interest between Rushville and Gordon. That's about 17 miles. They went out, cleaned up the distance between those two communities, worked hard with Game and Parks, have built bridges, put benches and those kind of things in, with the objective of trying to get the trail finished between those two communities. The interest that they showed in the development of that trail has generated a lot of renewed interest on the part of Game and Parks Commission to go ahead and double down on trying to get the trail completed. And once that happens, in light of the fact that it's the longest trail in the country, we really believe that there's significant economic development which could be put together through tourism and development. So this is a beginning for that and I think you'll find, from testimony behind me, it's pretty widely supported. [LB810]

SENATOR HILKEMANN: How much money is in that Nebraska Youth Conservation Program Fund? [LB810]

SENATOR DAVIS: So it's about \$132,000. So that could be matched. If you look at it as a three-way match, with some local funding, some private donations, you know, we're looking at around \$400,000-and-some, which would finish that particular portion of the trail, if that was where the initial interest took place. And I'm assuming that's probably the case. But there's also the ability to maybe leverage that into a significant investment from the federal government. [LB810]

SENATOR HILKEMANN: So for about \$400,000 you can take the trail from Valentine to Chadron? [LB810]

SENATOR DAVIS: From Rushville to Gordon. [LB810]

SENATOR HILKEMANN: Rushville. [LB810]

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SENATOR DAVIS: Now about four miles of that is already completed. The trail had been rock, the old original rail rock that was there back from settlement days. The Game and Parks entered into a partnership with someone who removed that rock, essentially free, and then sold the rock, cleaned it and sold it. So with that, with the ability to do that, they've been able to do about four miles of trail. They've taken all the rock off between those communities and with the funding from that they've been able to go back in and refinish portions of it. Significant, significant local involvement--between those two communities there were about 2,800 people. Last fall there was a dinner at Rushville to celebrate the stage that they were in with the trail. I'm guessing there were over 125 people there. So that demonstrates to me very significant interest in development from that community. [LB810]

SENATOR HILKEMANN: What's the surface for most of the Cowboy Trail? [LB810]

SENATOR DAVIS: It's gravel or it's a limestone surface for the completed part of it. The unfinished is still the old original rock. Most of the ties and the rail have been removed. [LB810]

SENATOR HILKEMANN: Okay. Yes, Senator Cook. [LB810]

SENATOR COOK: Thank you, Senator Hilkemann, and thank you for coming today, Senator Davis. [LB810]

SENATOR DAVIS: Thank you. [LB810]

SENATOR COOK: Is there a reason why you identified the Nebraska Youth Conservation Program Fund versus all of the others from Game and Parks or all of the other applicable pots of money? [LB810]

SENATOR DAVIS: Yes. When I was looking to do something with the Niobrara Council, we talked to the Game and Parks Commission. They identified this fund as a fund that had been...that did not have a sufficient amount of money in it to do what it was required to do, so it has been sitting there I think for a number of years. It was Senator Council's...one of her priorities. It's been sitting there at least since she's been gone, I believe, because there was never enough money in the program to do what it was designed to do. So essentially it's just dead cash. [LB810]

SENATOR COOK: Okay. [LB810]

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SENATOR HILKEMANN: Any other questions? Senator, do we have any use numbers of the Cowboy Trail at this point? [LB810]

SENATOR DAVIS: I don't think there are any hard numbers on that, but there may be someone that follows me that might know that better than I could. Word of mouth reports are that it's used fairly regularly, especially during the summer. We believe that...in fact, Andy Pollock is here. Andy might know more about that. He did a run up there last summer. It's a little bit difficult to quantify because some people will get on, local people will get on, get off (inaudible). [LB810]

SENATOR HILKEMANN: Are there any fees being charged for it at the present time to utilize it? [LB810]

SENATOR DAVIS: No. [LB810]

SENATOR HILKEMANN: Okay. Any other questions? Okay. Thank you, Senator Davis. [LB810]

SENATOR DAVIS: Thank you. I may be here at close. [LB810]

SENATOR HILKEMANN: Okay. Are there other proponents for LB810? [LB810]

KENT FORNEY: Vice Chairman Hilkemann, members of the Appropriations Committee, I'm Dr. Kent Forney. I am the District 8 board of Nebraska Game and Parks Commission. I represent Lincoln-Lancaster area. I'm a veterinarian in Lincoln, but my family has a long history of ranching in Sheridan County, which is south of Rushville. And I have a keen interest in this Cowboy Trail. I want to thank Senator Al Davis for introducing legislation which allows the commission to make additional improvements and development on and along the 321-mile long Cowboy Trail, which is the longest rails-to-trail in the nation. The commission has recently partnered with communities of Gordon and Rushville to work on the Cowboy Trail in development with their trails in their community. When I got involved, I've been on the Game and Parks now, this is my ninth year, and the Cowboy Trail, we weren't really sure whether it was just a dirt road or whether it was really going to be something. We had gotten it finished from Norfolk to Valentine and it just really stalled out right there. So your question about, is it going to get used or not, really came to fruition when a lady who was training for a marathon was hit by car. And the Rushville community instigated getting competition in between Gordon and Rushville, and Rushville and Hay Springs on who could clean up the trail the most. Rushville won with 36 truckloads of dump...stuff hauled to the dump. And then, like Senator Davis mentioned, we were able to bring up some money and the people in Rushville and Gordon

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rebuilt. We provided the lumber and the bolts and engineering. And we had big meetings and we got it all designed, and the communities actually built the bridges. I live in Lincoln so I've been getting it from the people out west, but I'm also getting it from the community here in Lincoln because Susie Rodenburg and some of these people that organize the Trails Across Nebraska, these bicycle rides, really want this trail done. So it's not only the people in western Nebraska. It's the people here in Lincoln that are twisting my tail saying, you know, we need this. And I agree with them 100 percent. Huge economic potential development if we could get this trail completed. I know we're looking at just 15 miles, but I think there's 111 miles that is uncompleted and that would bring...that would be almost 10 percent of it. There is an opportunity for possibly doing some federal grant money. Michelle Stryker is going to be following me and she'll go into much more detail on how that could possibly turn out. We firmly believe that this would be a huge impact for economic development. I'm a pilot. I fly quite often to Rushville, so I fly up to Norfolk and I fly that trail to Rushville. It doesn't just follow the road. There's a lot of beautiful scenery along that area as it crosses the Niobrara River. We've got a grant for doing some monarch butterfly. We're looking at...we've asked the Game and Parks Planning and Programming people to come up with what we can do along that trail to attract people to our wonderful state of Nebraska because you need to see it to believe how pretty it is when you fly it. As far as the community, there are a lot of people along Rushville and Gordon that are now using this trail morning and evening. It really is their gym. It's where they workout. And it's really brought the community together. Some of the bridges have been named after people that have passed on. And it's just really brought the communities together and they're really working hard on it. Staff from the Game and Parks will follow me and be able to answer your questions on the planning, the history, and the funding of it. I'll be happy to answer any questions that you'd have for me. But we want to thank Senator Al Davis again for introducing this and we hope you approve it. [LB810]

SENATOR HILKEMANN: Do we have questions for Dr. Forney? As a fellow pilot, I have flown that area. It is gorgeous. [LB810]

KENT FORNEY: Where it goes along that one meadow, just west of Valentine, there's a huge lake and it's not along the...it is especially nice. [LB810]

SENATOR HILKEMANN: Yeah. [LB810]

KENT FORNEY: So thanks. [LB810]

SENATOR HILKEMANN: Are there other proponents for LB810? [LB810]

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MICHELLE STRYKER: Good afternoon, Vice Chairman Hilkemann, members of the Appropriations Committee. My name is Michelle Stryker and I'm the Planning and Programming Division administrator for Nebraska Game and Parks. My name is spelled M-i-c-h-e-l-l-e S-t-r-y-k-e-r. We'd like to thank Senator Davis for introducing the bill to provide us assistance to developing the remaining 121 miles of the Cowboy Trail that we have left to go, and that goes from Valentine just west of...just east of Chadron about four miles where we're talking about. As Senator Davis alluded to, in 1992 the Rails-to-Trails Conservancy group, which is a nonprofit organization, a national nonprofit organization, gifted the Cowboy Trail, which is the rail trail line, to the state of Nebraska with a purchase price of \$6.2 million that they donated to the state of Nebraska. Then the state of Nebraska accepted that gift and gave that trail to Nebraska Game and Parks to develop, operate, and maintain. At that time, the Legislature provided General Fund dollars to support the trail up until 2003. And after that, the Cowboy Trail was developed and maintained through our cash funds that we deal with. In 1995, Game and Parks started planning and developing the trail. We completed a master plan and we started applying for federal funding through the Department of...Nebraska Department of Roads for funding. This included...we started with our 221 major bridges that we had to deal with, because we first thought we had to get those ready so people could actually cross, because then sometime people could actually use this trail. This included the quarter-mile bridge, quarter-of-a-mile bridge east of Valentine, which is 148 feet high and spanning the Niobrara River and also then 595-foot long, 145-foot high bridge from Long...on Long Pine Creek that's right in the community of Long Pine. We then started moving on forward with developing all of the trail between Norfolk and Valentine. We developed about 10 to 15 miles per year and the total cost of that, to develop that trail, was \$5.1 million from 1995 to 2009. In 2010, a major flood event happened in the Elkhorn River and wiped out several of our bridges and damaged 75 miles of the just-completed trail that we had. So we went back to work with our federal partners and Nebraska Department of Roads to resurface and replace the bridges and restore the trail back to where it was right before. We were just starting with a tremendous amount of community buy-in at that time. We were going to do a huge kickoff event to signify the amazing work that the communities and the Game and Parks have done right before that flood hit. So that put everything to a screeching halt at that time. Finally, we feel like we're now in a good position to start discussing those future options for surfacing other portions of the trail. We're updating our master plan again. We've been having public listening sessions across the state regarding the Cowboy Trail to see what people would like to see done. And we've also started working on the ballast removal on the undeveloped portions of the trail. I'm now going to switch gears a little bit and start talking about the Nebraska Youth Conservation Program. This is a transfer of funds from the Nebraska Youth Conservation Program. This program, which was introduced by Omaha Senator Brenda Council, was created in 2011 to benefit at-risk youth across the state. The funding came from the State Settlement Cash Fund, which is maintained by the Department of Justice and administered by the Attorney General's Office. At the time, the Legislature moved \$994,400 from the fund to the Game and Parks to create the program. This program consisted of

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16 different groups across the state of youth that were working all over the state, and the legislation not only required Game and Parks to provide transportation, meals, clothing, and tools. We also had to once a week provide education and experiences and activities for these at-risk youth to enjoy the outdoors in Nebraska and learn about our resources. Once we planned for all of our projects, secured all the staff and materials, Game and Parks then contributed an additional \$572,000 to the existing fund for the Nebraska Youth Conservation Program to take part. So the total program cost was actually \$1.5 million for a six-week program for at-risk youth. When the program was completed, we ended up not spending all of the funds transferred to us due to the fact that we were never fully staffed with youth. That is the only reason we didn't expend all the funds for the project. The transfer of funds from the Youth Program to the Cowboy Trail would be a good use of the funds and would help us develop the Cowboy Trail. We are unsure if or how we can complete the remainder of the trail due to funding, cost of development, and ongoing maintenance costs. But we do plan to focus on working with communities along the trail that have the desire to develop the trail in their area where opportunities arise. If the bill does move forward, we do ask for clarification that is made in matching fund requirements to ensure that it meets the intent of the senator and the local community's desire. We would be glad to visit with you and the senator on such language. I'd like to thank you for the opportunity to talk with you about being supportive of this project and I'd be happy to answer any questions you may have regarding costs and any of the additional stuff that you guys seems to like to get into. [LB810]

SENATOR HILKEMANN: Do you have any...Senator Stinner. [LB810]

SENATOR STINNER: Actually, I would like to know the cost of completion of the entire project. [LB810]

MICHELLE STRYKER: Okay. For the entire project for the next additional 121 miles? I'm going to break it down to you. I'll give you the big picture, and then I can break it down to you into smaller pieces if you want me to. [LB810]

SENATOR STINNER: That would be wonderful. [LB810]

MICHELLE STRYKER: Big picture cost, \$11.5 million; 121 miles, just for the development of the surfacing is going to be \$6.6 million. We have a stretch that we haven't completed with the flooding that happened, so that would be \$1.4 million to deal with the Clearwater section where we washed out 1,400 feet of trail and we have no option but to go around it on the county right of way. So we're going to have to get easements and buy land, if at all possible, to skirt around it because we cannot develop where we're at right there because it just keeps falling into the river and we can't deal with that. There's \$800,000 for clearing the right of way of railroad ties that

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were left when it was abandoned; \$185,000 per year for maintenance for the newly developed portion of the trail. That's about \$1,500 per mile. We have \$205,000 in costs for bridge assessment. We have 221 bridges and they started being decked in 1995 and we have not done a bridge assessment at this time. We found that normally these happen between five and seven years, every five to seven years, and we have not done that. So we just did a cost estimate to determine how much it would cost us to do an assessment on that. This does not...that \$11.5 million does not include if there is some kind of issue that is found with that bridge assessment, and of course that does frighten us a little bit when you talk about that quarter-of-a-mile bridge on Valentine that's 148 feet up in the air. So we look a little bit on that. And then currently we look to...for restoration of the existing trail is about \$2.4 million. We were able to resurface 71 miles of that trail but we still have more trail that has to be done and we should be planning to resurface every five years. So that's a conglomerate cost. So then we also then add the fact that we have now, if we complete the entire trail, we have \$490,000, as opposed to \$200,000, that we will be needing for annual maintenance and upkeep. [LB810]

SENATOR STINNER: You answered my next question. And the source of funding, what's your sense of where you can get this \$11.5 million? [LB810]

MICHELLE STRYKER: Well, we... [LB810]

SENATOR STINNER: Is there federal money grants? [LB810]

MICHELLE STRYKER: That's really where we probably have our best bet, is to go through the federal sources that we have. Nebraska Department of Roads has surface transportation funds that are available on a usually yearly basis. They...that's what funded the existing trail. And we'll probably have to piecemeal it. It's 10 to 15 miles every year until it gets completed. [LB810]

SENATOR STINNER: I noticed that the federal government got involved, questioning use fees as a violation of federal rules. Well, it just says in the cash book user fees were enacted by the commission effective January 1, 1998, but were made voluntary in 2002 in response to the federal government questioning whether the trail use fee violated federal rules. [LB810]

MICHELLE STRYKER: In surface transportation regulations, there's a requirement that if you provide a fee on a project, all of those fees must go back into the program that it was made. At the time when that came aboard, there was a lot of uncertainty. But that has been since clarified in federal regulations from the Federal Highway Administration. So, yes, you can charge a fee. We do not charge a fee and we kind of got rid of that a long time ago. There is a voluntary fee if anyone wanted to do something like that, but we have not collected any dollars from that at all. [LB810]

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SENATOR STINNER: Which means that the \$409,000 operating expenses are going to have to be paid by Game and Parks Commission. [LB810]

MICHELLE STRYKER: Well, at this time, that's how it has been done. Historically, when you first...when it was first gifted to us, the General Fund actually paid for all of the operation and maintenance of the trail. And in 2002, that changed and we moved to...then we still had...we still had the responsibility of the trail and it still had to be maintained. So we then took money from the NORDA funds, which is the Nebraska Outdoor Recreation Development Assistance Fund, the cigarette tax that we get, and we used some of that money. And that money was then taken away from our capital projects that we do. [LB810]

SENATOR STINNER: Okay. Thank you. [LB810]

SENATOR HILKEMANN: Other questions for Ms. Stryker? We just got a letter here from an equestrian group. Are there horses that utilize this trail as well? [LB810]

MICHELLE STRYKER: Yes, there are. This is an equestrian trail and we actually work with the Nebraska Horse Council a lot of times to have them help maintain the right of way so their...because we allow the horses on the right of way as opposed to the trail surface, which is actually better for the horses and is preferred by the horses. So they come out and help groom and muck the trail for us a lot of times. [LB810]

SENATOR KINTNER: That takes care of the horse poop problem. [LB810]

MICHELLE STRYKER: That is another thing but I wasn't going to bring that up. [LB810]

SENATOR HILKEMANN: So other...yes, Senator Watermeier. [LB810]

SENATOR WATERMEIER: I guess I'm just coming back to comment. Appreciate your kind of filling us in on the details. [LB810]

MICHELLE STRYKER: Sure. [LB810]

SENATOR WATERMEIER: But I couldn't help but hear you say we have to resurface every five years. [LB810]

MICHELLE STRYKER: Well, yes, that... [LB810]

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SENATOR WATERMEIER: That's how it averages out? [LB810]

MICHELLE STRYKER: That's how it averages out. [LB810]

SENATOR WATERMEIER: And that's not...is that part of the \$2.4 million as far as the restoration? [LB810]

MICHELLE STRYKER: That would get us up to speed for now. And so then we would have to be planning ahead. But with the fact of getting ahead of it, we would be able to plan better in the future. [LB810]

SENATOR WATERMEIER: And the \$2.4 million was in the \$11.5 (million). [LB810]

MICHELLE STRYKER: Yes. [LB810]

SENATOR WATERMEIER: But you're going to have to do it every five years. What's the biggest degradation to the project? I mean it's just not the use of it, I mean the animals or the people. It's just got to be the weather, weatherization of it that? [LB810]

MICHELLE STRYKER: Weeds. [LB810]

SENATOR WATERMEIER: Weeds? [LB810]

MICHELLE STRYKER: It's weeds. [LB810]

SENATOR WATERMEIER: Okay. [LB810]

MICHELLE STRYKER: That's the biggest problem is that we have noxious weeds. And when we originally built this trail, we did not put a liner down on that, which would have been...it would have tripled the cost to doing it. And so since we didn't put that liner down, that's our biggest problem is that we have a weed problem and then the rock does get soft. Rain comes in and... [LB810]

SENATOR WATERMEIER: So you are adding some rock at that time. [LB810]

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MICHELLE STRYKER: Yes, we do add rock when there is major issues that come in, but you will hear complaints from users that say that it is too soft and that we don't have enough rock in certain places. And so there's some places that we're trying to assess right now to determine what is the major issue. And so part of it could have been the rock that was laid down as opposed to it might not have met the prerequisites that we have. But we were trying to probably just get by. [LB810]

SENATOR WATERMEIER: But I just want to make sure too. A hundred and twenty miles that's to be...or that's uncompleted. [LB810]

MICHELLE STRYKER: Correct. [LB810]

SENATOR WATERMEIER: What's completed? [LB810]

MICHELLE STRYKER: The 198 miles is completed at this time. [LB810]

SENATOR WATERMEIER: Okay. That's the number I was looking for. Okay. [LB810]

MICHELLE STRYKER: Uh-huh. [LB810]

SENATOR WATERMEIER: Thank you. [LB810]

MICHELLE STRYKER: And I should make note that in some communities the trail is concrete. Those communities, when we were working with them, preferred concrete and they came in with matching funds to assist to make sure that it was concrete as opposed to rock. [LB810]

SENATOR HILKEMANN: How much of the whole trail is concrete? [LB810]

MICHELLE STRYKER: I would say approximately ten miles tops. [LB810]

SENATOR HILKEMANN: Okay. I notice that you've got Tour de Nebraska here, for example, has sent us a letter. Would they really...are they really thinking about utilizing that trail for one of their rides? [LB810]

MICHELLE STRYKER: Tourism? [LB810]

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SENATOR HILKEMANN: Well, you've got a letter here, we've received a letter from Tour de Nebraska from Susan Rodenburg. [LB810]

MICHELLE STRYKER: Oh, yes, from Susan Rodenburg. Yes, they are considering using the trail as a ride. We actually have quite a few rides on there and we have been told that if we had this trail completed there would be more rides on the trail. But we are working with the communities to encourage them to put more events on that, to stimulate their local economy. [LB810]

SENATOR HILKEMANN: So you're looking more for recreational rides. These are recreational trails. These are not riding trails for regular bikes. [LB810]

MICHELLE STRYKER: They are both. They can. It depends on the bike that you use, of course, and most of these are recreational riders and recreational rides. There are just as many recreational rides as there are races for bikes. [LB810]

SENATOR HILKEMANN: You don't have any races on this trail. [LB810]

MICHELLE STRYKER: No. [LB810]

SENATOR HILKEMANN: Right. [LB810]

MICHELLE STRYKER: We have running races. [LB810]

SENATOR HILKEMANN: Okay. Do you have any organizations, for example, I'm very familiar with the Wabash Trace in Omaha... [LB810]

MICHELLE STRYKER: Uh-huh. [LB810]

SENATOR HILKEMANN: ...which has its own kind of a funding mechanism. They raise money. Do you have this same sort of a thing that you have now with the Cowboy Trail? [LB810]

MICHELLE STRYKER: Unfortunately, no. We do work with the Cowboy Trail West group, which is the group out west in the Gordon to Rushville area. We also work with the Elkhorn Valley Trails Network, which is out of Norfolk, and they are a little more in tune with being able to do that. They could potentially have that potential to move forward in that direction if that's

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something they chose to do. That could be a potential. But at this time, we do not have an organization that is able to do so. [LB810]

SENATOR HILKEMANN: Well, I'm all for biking but you're not going to get that as a regular road ride type of...the people who would ride roads are not going to be utilizing the Cowboy Trail. [LB810]

MICHELLE STRYKER: Correct. But there are, I would say, as many recreationalists as there are road bikers. [LB810]

SENATOR HILKEMANN: Okay. Are there other questions? Are there other proponents for LB810? [LB810]

ANDY POLLOCK: Chairman Mello, Vice Chairman Hilkemann, again, my name is Andy Pollock, A-n-d-y P-o-l-l-o-c-k, and I again am appearing on behalf of the Nebraska Travel Association as a registered lobbyist. I'm glad not to be out of breath this time. We support Senator Davis' LB810, not because we want to see money go out of the Youth Conservation Fund but because we understand, from both Senator Davis' office and Game and Parks, that that fund has not been utilized. And we think that this is a good place to utilize it, the Cowboy Trail. The Nebraska Travel Association consists of for-profit and nonprofit businesses and tourist attractions across the state, Chadron, Valentine, Norfolk, and they all support this legislation. This trail is a gem that's waiting to be developed and could be a very unique and important tourist attraction to our state. That's what I have to say with my lobbyist hat on. I take my lobbyist hat off and speak personally but also on behalf of tourism to say that I used to be and I'm somewhat of an avid runner. A friend of mine and I, as Senator Davis mentioned, undertook to leave from Valentine and run from Valentine to Norfolk about a year and a half ago on the Cowboy Trail. I wimped out. Made it 100 miles and pulled up lame with a big blister about the size of a silver dollar on my foot. But my friend made it from Valentine to Norfolk. I also organize a race south of Valentine called the Sandhills Marathon. We're putting that on for the tenth year this year. We don't do it on the Cowboy Trail but a lot of people who come up there run on the Cowboy Trail while they're staying in Valentine. And I use the Valentine area Cowboy Trail every year just to go run on. I can speak personally to say that runners are odd, probably psychologically diagnosable, and recreational bikers are the same way. They'll come to places all over the country to do crazy, unique things. If the Cowboy Trail was developed basically from one end of Nebraska to the other end, you'd have people coming here to bike it, to run it. I'm not familiar with this gentleman personally but there's a guy by the name of Jim Craig. He has a running series called Angry Cow and they are going to run a race from, I believe a relay race, from Valentine to Norfolk June 11 this year. Again, runners do crazy things. This is the kind of thing that could attract them. The state needs more unique, and I stress unique, tourist attractions

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and this certainly could be one of them. So with that, I'd close and I'd be glad to try to answer questions. [LB810]

SENATOR HILKEMANN: Are there questions for Mr. Pollock? [LB810]

ANDY POLLOCK: All right. Thank you. [LB810]

SENATOR HILKEMANN: Thank you for testifying today. [LB810]

SENATOR MELLO: Are there any other supporters for LB810? Seeing none, is there anyone here in opposition to LB810? Seeing none, is there anyone here in the neutral capacity on LB810? Seeing none, I don't see Senator Davis here so I assume he waived closing. That will end today's public hearing on LB810 and take us to our last public hearing of the day, LB1076 from Senator Schilz. [LB810]

SENATOR SCHILZ: (Exhibit 1) Good afternoon, Chairman Mello, members of the Appropriations Committee. My name is Ken Schilz, spelled K-e-n S-c-h-i-l-z. I'm happy to bring you LB1076. It's a good thing to be back in front of the Appropriations Committee. I will say this before I get started. We are in conversations right now with Game and Parks on this issue. I think that we will continue to have those discussions. And in that light, it takes away some of the...it takes away the need to maybe pass this bill as we move forward. So let me just start with it. LB1076 is brought to begin an important conversation with the Legislature, and it's already begun, like I said, with the Game and Parks Commission. The point of the discussion is this: How do we increase law enforcement presence at Lake McConaughy to meet the needs of the recreational area? Since its establishment in 1941, Lake McConaughy has seen ever-increasing visitorship, including an average of almost 200,000 visitors per weekend on the 4th of July weekend alone. Memorial Day and Labor Day weekends come in slightly lower with an average of 60,000 and 120,000 visitors respectively. No matter the holiday or the weekend, there's a steady increase in the number of visitors choosing to spend time at Lake McConaughy. And in 2015, depending on who you talk to, it was the number two tourism destination in the state behind only the Omaha Zoo. And we see its popularity beginning to grow. The increasing numbers necessitates a larger police force to protect the area and its visitors. Unfortunately in the past, including the Keith County Sheriff's Office, Game and Parks, as well as the Nebraska State Patrol lacked the manpower to be able to handle sufficiently what goes on. As we were told by the county sheriff in Ogallala, a lot of times what happens is they're just jumping from one call to the next. There's no patrolling that can be done because they're just going from one incident to the next. So it does become...it is an issue. You know one of the things that we have, as you can see, is even on the weekends that aren't holiday weekends, Lake McConaughy turns into the size of a small city and Ogallala being its host community, basically, Keith County. Ogallala has 5,000

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residents; Keith County has 8,000 residents. So the policing that needs to happen out there continues to be a need. Obviously, like I said before, this is about starting the conversation, and it has started. Game and Parks is working to create an advisory committee to help with strategic planning and other questions that are coming up with Lake McConaughy and so I applaud them and thank them for that. And I would just ask you guys to keep this in mind as we move forward. We don't necessarily need to pass it out of committee, but just keep it on the radar so that we can continue the conversation moving forward. Are there any questions? [LB1076]

SENATOR MELLO: Thank you, Senator Schilz. Are there any questions from the committee? Senator Cook. [LB1076]

SENATOR COOK: Thank you. Thank you, Senator Schilz. [LB1076]

SENATOR SCHILZ: Uh-huh. [LB1076]

SENATOR COOK: Who currently has jurisdiction to enforce the law at Lake McConaughy? [LB1076]

SENATOR SCHILZ: Well, what it is, is Game and Parks has authority over managing Lake McConaughy so I would guess they would be the lead agency. But on those large weekends, the Keith County Sheriff's Office and the State Patrol also come in and help to police that area, yes. [LB1076]

SENATOR COOK: Thank you. [LB1076]

SENATOR MELLO: Any other questions from the committee? Senator Kintner. [LB1076]

SENATOR KINTNER: Will anyone from Game and Parks behind you be testifying, or are you it? [LB1076]

SENATOR SCHILZ: I think so. I noticed there's a few of them in the room and I think they will... [LB1076]

SENATOR KINTNER: I heard you say that Lake McConaughy was the number two attraction in the state. I was under the distinct impression it was Mahoney State Park. So we need to get that cleared up. [LB1076]

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SENATOR SCHILZ: Do we? [LB1076]

SENATOR KINTNER: Yeah, we sure do. [LB1076]

SENATOR SCHILZ: Well, then we need to actually count out at Lake McConaughy how many people actually show up. [LB1076]

SENATOR KINTNER: (Laugh) Okay, we'll... [LB1076]

SENATOR SCHILZ: They're both great attractions and we need to maintain them both. [LB1076]

SENATOR KINTNER: Absolutely. [LB1076]

SENATOR SCHILZ: You know, the \$35 million that the Game and Parks Foundation is working on with the venture park system is awesome. Half of that for Lake McConaughy would work out just fine I think, so we can have those conversations I suppose. [LB1076]

SENATOR KINTNER: All right. [LB1076]

SENATOR SCHILZ: I'm not sure that that's anything for the Appropriations Committee though. [LB1076]

SENATOR MELLO: Thank you, Senator Kintner. Any other questions from the committee? Seeing none, thank you, Senator Schilz. [LB1076]

SENATOR SCHILZ: Thank you. [LB1076]

SENATOR MELLO: (Exhibit 29) We'll first hear from proponents for LB1076. Seeing none, are there any opponents for LB1076? Seeing none, is there anyone here in the neutral capacity on LB1076? [LB1076]

TIMOTHY McCOY: Good afternoon, Chairman Mello, members of the committee. My name is Timothy McCoy. I'm the deputy director of the Nebraska Game and Parks Commission, T-i-m-o-t-h-y M-c-C-o-y. As you heard from the senator, a lot of this is about the conversation and the future of Lake McConaughy. And he referenced we're undergoing a comprehensive planning effort that includes the senator, includes an advisory committee from the local communities. We

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understand the challenge of, you know, the question on law enforcement is exactly as was laid out. On those busy weekends you have the...you know, similar, actually more people than you likely have on a busy weekend at Memorial Stadium. And so we call in our law enforcement officers. We rotate an additional crew of people, usually 12 to 15 on those weekends, but we still have assistance from the State Patrol. We have assistance from the local counties. And it's sort of a law enforcement standard. When there's a safety issue or there's, you know, something that's a potential issue of loss of life, all law enforcement, that's a first priority. And so that's where we get a lot of the call-ins that come to the other entities. So we are concerned. The community is concerned. And we're glad to start having this conversation because we have to have it in view of the big picture of what we do for the future of Lake McConaughy, not only from our standpoint but from the community's standpoint, because there are some challenges we need to address there. Law enforcement is a part of that. We have other concerns with nesting birds that are federally threatened species that are there that we need to address. And so we need to have those big conversations with everybody in the room. And appreciate the senator bringing this forward because it's going to be an important part of the conversation, is how we deal with the law enforcement aspect and keep people safe. [LB1076]

SENATOR MELLO: Thank you, Director McCoy. Are there any questions from the committee? Seeing none, thank you, Tim. Is there anyone else here wishing to testify on LB1076 in the neutral capacity? Seeing none, Senator Schilz, would you like...Senator Schilz waives closing. And that ends today's public hearing on LB1076 and ends the Appropriations Committee hearings for the day. Thank you. [LB1076]