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Natural Resources Committee
February 15, 2007

[LB418 LB504 LB690]

The Committee on Natural Resources met at 1:30 p.m. on Thursday, February 15, 2007, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB418, LB504, and LB690. Senators present: LeRoy Louden, Chairperson; Tom Carlson; Mark Christensen; Deb Fischer; Gail Kopplin; and Norman Wallman. Senators absent: Carol Hudkins, Vice Chairperson; and Annette Dubas. [LB690]

SENATOR LOUDEN: ...(recorder malfunction)...Natural Resources Committee. I represent District 49. To my far right is Senator Gail Kopplin, from Gretna; entering the room on a little bit further right is Senator Norm Wallman, from Cortland; next to me is Jody Gittins, legal counsel for the Natural Resources Committee. At the table to introduce legislation is Senator Deb Fischer, from Valentine, and is also a member of the committee; to my left is committee clerk Barb Koehlmoos. Today our pages are Erin Frank from Bassett and Steve Scharf from Lincoln. Both are students at the University of Nebraska. I'd ask that you turn your cell phones onto silence and your pagers so that we don't have any disturbance during the hearing. Those wishing to testify on a bill should come to the front of the room when that bill is to be heard. As someone finishes testifying, the next person should move immediately into the chair at the table. If you do not wish to testify but would like your name entered into the official record as being present at the hearing, please raise your hand and the page will circulate a sheet for you to sign; this list will be part of the official record of the hearing. This year we are using a computerized transcription program and it is very important to complete the green sign-in sheets for testifiers prior to testifying. They are on the tables by the doors and need to be completed by all people wishing to testify, including senators and staff introducing bills and people being confirmed. If you are testifying on more than one bill, you need to submit a form for each bill. When you come up to testify, place the form in the box by the committee clerk. Do not turn the form in before you actually testify. Please print and it is important to complete the form in its entirety. If our transcribers have questions about your testimony they use this information to contact you. As you begin your testimony, state your name and spell it for the record even if it is an easy name. Please keep your testimony concise and try not to repeat what someone else has covered. If there are large numbers of people to testify it may be necessary to place time limits on testimony. If you have handout material give it to the page and she will circulate it to the committee. If you do not choose to testify, you may submit comments in writing and have them read into the official record. No displays of support or opposition to a bill, vocal or otherwise, will be tolerated. If you need a drink of water while testifying, please ask the page. And Senator Tom Carlson, from Holdrege, has joined our committee. And with that I guess, Senator Fischer, the table is yours. [LB690]

SENATOR FISCHER: (Exhibit 1) Thank you, Senator Louden and members of the Natural Resources Committee. For the record, my name is Deb Fischer, F-i-s-c-h-e-r

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and I am the senator representing the 43rd District in the Nebraska Legislature. Before I begin I would like to direct your attention to an amendment I have provided that would replace the green copy of the bill. The amendment is AM77; I believe it is in our notebooks. My testimony will, from this point on, address the provisions in this amendment. I introduced LB690 and AM77 because I think it is important for us to provide more opportunities for our young people to hunt. The number of hunters in this state and many other states in the country is projected to decrease significantly in the future. Young people growing up in more urban areas of the state are not being exposed to hunting because they may not have access to appropriate hunting areas. The requirements to pass hunter safety courses may take too much time and monetary commitment for the curious potential hunter to pursue. Sportsmen's groups around the country have united in efforts to present state lawmakers with apprentice hunter certificate program ideas in order to provide more young people with the chance to experience a hunt before making this substantial investment in time and money to meet all of our present requirements. The proposal brings the best of many ideas of various apprentice hunter programs across the country for our consideration. This proposal would permit 12- to 29-year-olds with the opportunity to purchase an apprentice hunter education exemption certificate. The certificate would be issued for one year and it could be renewed for one additional year. An apprentice hunter must be accompanied, and under, the direct supervision of a person 19 years of age or older holding a valid hunting permit. The person accompanying an apprentice hunter must be in unaided visual and verbal communication with no more than two apprentice hunters. In addition to the apprentice hunter education exemption certificate portion of the bill, AM77 would also remove wild turkeys from the big game list. This would remove the age restriction on hunting turkey, provided the hunter's parents approve and provide supervision. The population of wild turkey has increased greatly across the state in recent years. This provision is appropriate since turkeys are more comparable to pheasants and quail than to elk, antelope, or mountain sheep. Finally this proposal would permit ten- and 11-year-olds to hunt deer as other states currently allow but this would be under the supervision of an adult. I would be happy to try and answer any questions and I know we have a number of people here from sportsmen's clubs and I believe the Game and Parks Commission to testify on the bill. So thank you. [LB690]

SENATOR LOUDEN: Questions for Senator Fischer? Seeing none, Senator... [LB690]

SENATOR FISCHER: Thank you. [LB690]

SENATOR LOUDEN: And I presume you wish to close, or? [LB690]

SENATOR FISCHER: We'll see. [LB690]

SENATOR LOUDEN: Okay. First proponent for LB690, please? Also, I might mention at this time that Senator Mark Christensen, from Imperial, has joined the committee. Go

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ahead. [LB690]

ANTHONY CELEBREZZE: (Exhibit 2) Mr. Chairman, thank you, my name is Anthony Celebrezze. It's C-e-l-e-b-r-e-z-z-e. I did fill out one of the green sheets. I am the state services director for the U.S. Sportsmen's Alliance. United States Sportmen's Alliance is a national nonprofit organization that works to protect and advance hunting, fishing, and trapping all over the country. A number of years ago we got together with the National Wild Turkey Federation and the National Shooting Sports Foundation in an attempt to try and quantify what a lot of people were projecting--that sportsmen's numbers were dwindling and the number of hunters out in the field were dwindling. And the reason why that is an important issue is, here in Nebraska Game and Parks Commission, the department is almost solely funded by sportsmen's dollars. And the less sportsmen out there, the less money there is for wildlife projects in the state to manage wildlife properly. And if at some point there's not enough sportsmen out there to support the commission, then they are going to be before you all asking for tax dollars and quite frankly, wildlife projects will always lose out to roads and education and other larger issues out there. The need to introduce youth back into hunting became kind of the guiding force behind this family's afield initiative with these partners. Our youth hunting report demonstrated that there are a number of issues that were preventing individuals, both young and old, from trying hunting. Some of it is stuff we can't do anything about: urban sprawl and lack of access. But there were other issues such as minimum ages and hunter education requirements that set up a barrier. And with hunter education, hunter education has created an incredibly safe sport for us to participate in. And the idea behind the apprentice hunting license is not to do away with hunter ed. The idea is to allow somebody to essentially try before you buy concept so they can get an experience. When they do sit through hunter education, they've got some experiences to draw upon and it's not just strictly theory, it's something they've experienced. The apprentice license was the best concept that we were able to put together. Some folks have voiced interest in why does the bill say two years? It says one-year exemption with the possibility of a renewal. But if you take somebody, a coworker or something, you're talking with them and they say they are going out hunting this weekend and their coworker says, well hey, I'd like to go. Obviously, on a short notice, they're not going to be able to take a hunter education class and go through that. So under this bill, they'd be able to be taken out under direct supervision of a mentor and go out. Say it's bad weather, the animals don't move for whatever reason. If there's not an opportunity for that individual maybe to try it again, they only experience one bad experience, or one experience where they don't enjoy the thrill of the hunt, then you pretty much have lost them forever. However if they are able to say, look, we'll try this again next year one more time and see if we can't take you out and get you the experience and get them in. So the two-year concept is strictly to ensure that the apprentice gets a good experience, they have a good time, they bring back a deer, turkey, whatnot. Across the country 12 states have implemented different variations on this apprentice hunting license and hunter education exemption certificates. The two probably best examples are Ohio and

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Michigan. Both states last year embraced having an apprentice hunting license. Michigan added 14,000 apprentice licenses last year. Ohio added 9,000 and both states are currently monitoring those individuals to see if there's some crossover. The idea here is if you cross over from becoming an apprentice, cross over to becoming a regular full hunting license holder. And so in those states we expect to see more people in the hunter education classes this coming year. As Senator Fischer described the bill, it also removes wild turkey from big game lists and allows parents to decide when their child is ready to go out and hunt wild turkey. And then also we want to extend the apprentice license idea to deer, even though right now minimum age in Nebraska is 12 to hunt deer. If we can get ten- and 11-year-olds, again, trying to capture these kids before they get hooked on other issues out there, other ideas, other sports, etcetera, in an apprentice situation. The child would still have to be 12 in order to go out and hunt deer on their own but it's a stationary hunt. And so we felt that ten- and 11-year-olds would be able to accompany it. An organization everybody knows about, Boy Scouts of America, they implemented a--right now Boy Scouts, Cub Scouts starts in second grade. They implemented this thing called Tiger Cubs a number of years ago to basically capture kids in first grade because they were finding they were losing kids from first to second grade. They were all getting hooked up into soccer and all sorts of other activities and that's kind of the same idea behind this. Kids today really have a lot of pulls on their time, their energy, and their attention and if sportsmen don't make a move to do something that will help bring more youth into our community, then we will be having a lot of problems down the road with funding of wildlife projects and there won't be that many sportsmen out there to worry about wildlife. With that, I appreciate the time to be here, Mr. Chairman, and members of the committee, and if there's any questions I'd be more than happy to answer them. [LB690]

SENATOR LOUDEN: Questions for Anthony? Senator Carlson. [LB690]

SENATOR CARLSON: Senator Louden. The one-year \$5 fee with the provision that it could extend another year, there probably is not any policing of that is there? And that's okay. If not, it's probably a two-year deal rather than a one? [LB690]

ANTHONY CELEBREZZE: The, within the bill there are provisions for the commission or the department to promulgate rules for how that would be implemented and I'm sure that they are going to do something that will make it accountable. Because we want to track these kids; we want to track them. That's part of the idea behind this is to ensure that people aren't abusing it. It will be a one-year and I'm not sure how they plan on doing the rules, but there will be an option to renew and under that option there will be some sort of action that they need to do to renew it. [LB690]

SENATOR CARLSON: Okay. Thank you. [LB690]

SENATOR LOUDEN: Other questions for Anthony? Thank you for testifying. [LB690]

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ANTHONY CELEBREZZE: Thank you, Mr. Chairman. [LB690]

SENATOR LOUDEN: Next proponent for LB690? [LB690]

BRETT BAYER: (Exhibit 3) Hello, my name is Brett Bayer, the last name is spelled B-a-y-e-r. My address is 2722 6th Street, Columbus, Nebraska, 68601. I have some testimony that I'd like to have handed out. Thank you. Again, my name is Brett Bayer, I'm the state chapter president for the National Wild Turkey Federation on a volunteer basis. I'm also a hunter ed instructor. I have been for going on ten years. I'd just like to stress that this bill is something that we really need to capture these young hunters. It is one of the safest sports out there. If you look at the accidents rates you can compare that, your chances of being in a hunting accident rank right up there by being struck by lightening, so the accident rate is fairly low. It's safer than cheerleading and playing baseball. We want to make sure you have these statistics in front of you for you to know that we are not sending a kid out there unsupervised; this is a mentor hunting situation. This is a place where we team up with the children and make sure they are supervised. We like the idea of the try it before you buy it concept just for the fact that as a hunter ed instructor what we're seeing is that we have a lot of adults now that started out for some reason the parents didn't get them involved, did not pursue hunting, have an uncle or aunt that would like to take them. They get to college age and they have a buddy that says, hey, I have a ranch out in western Nebraska, would you like to come out and try a deer hunt or a turkey hunt? Well if they have to sit down and go through a hunter education class, chances are they're not going to find the 12 to 15 hours of...you know, 12 hours of class time plus study time, to take that. We'd like to get them hooked and get them back into the hunting tradition and get them in our classes. We really think...I've been talking with the hunter ed instructors out in my area of Columbus and we really think we'll see a lot more teenagers and 20- and 30-year-olds coming through our classes than we do right now. Right now the older people that come through our hunter education classes are usually on the stipulation that they are going to Colorado to hunt or something like that. And we want to make sure that we can get those people back involved in our communities, back with people's dollars in our communities. Going back to like Tony said, Ohio and Michigan have done this. They've had great success with it. They're seeing a lot more of permits issued. We're really curious to see how many more people funnel through our hunter education class. The whole thing behind this is we want to get more students, older students, back in our hunter education class. Make sure they are appropriately trained and this is just a great way for us to provide for that. At this time I'd just like to open it up for any questions? [LB690]

SENATOR LOUDEN: Any questions for Brett? Seeing none, thank you for your testimony. [LB690]

BRETT BAYER: Thank you for your time. [LB690]

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WES SHEETS: (Exhibit 4) Good afternoon, Chairman Loudon, members of the Natural Resources Committee. My name is Wes Sheets, spelling S-h-e-e-t-s. I live here in Lincoln, Nebraska. I'm currently representing the Nebraska Division of the Izaak Walton League and of course, myself. Some of you may recall that I'm a retired Game and Parks employee but I spent a career working with our wildlife resources. I've also spent a lot of years as a hunter ed instructor and I'd just like to relate a couple things. First off, we believe that LB690 is very and most appropriate to be considered in this Legislature. As the previous testifiers have indicated, there's some really good reasons and objectives for this particular legislation, namely the fact that hunter numbers are stable or declining, and for a number of reasons, one of which, of course, has been stated the potential or the considerations of a difficult opportunity to become a hunter, as a new person. So we think it's important that we find ways to work with people and allow them the opportunity to go hunting as long as it's done in a very safe and relative way. I'd really like to thank Senator Fischer and all of the cosponsors of this legislation of which many of you are, for bringing this legislation forward. I'd just recount a couple of things and one of it is, through my hunter safety classes many time we have adult parents who are guardians that stay and participate with that class. And usually when it's over we get a response of, wow, there's things we really appreciated. There's things that I learned that I hadn't thought about in a number of years. And I think that relates to the opportunity for a young person to go out in the field prior to a hunter safety class, see things, bring it back then at a perhaps later time, a year later, had he had an exemption or if particularly it's a very young person, they can assimilate what's being taught in a hunter safety class considerably better. The last comment I'd make is that as an older person on a limited fixed income, it's a concern of mine that the department may be faced with budget restrictions because we don't have adequate numbers of persons to pay that bill to manage our wildlife. And has been stated before, most wildlife management operations in many states are totally and only financed through the sale of hunting and fishing permits. That translates to me that if there's going to be fewer folks out there paying that bill and of course prices always escalate and increase, then my particular bill is going to be up, rising in an upward fashion. So with limited amounts of dollars in the till, I would encourage whatever we can do to provide opportunities for new folks whether they be youngsters or in many cases, college age or young adults, to have the opportunity to decide if they want to hunt, we certainly want to support it. We would surely urge this committee to advance LB690 to General File and we'd hope that you would support its passage and with that I would attempt to answer any questions you might have. [LB690]

SENATOR LOUDEN: Any questions for Wes? Seeing none, thank you, Wes. [LB690]

WES SHEETS: Surely. Thanks for the opportunity. [LB690]

BRANDON HOUCK: (Exhibit 5) Good afternoon, Chairman Loudon, and members of

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the Natural Resources Committee. My name is Brandon Houck, H-o-u-c-k, and I am from Allen, Kansas. I'm a certified wildlife biologist. I represent the National Wild Turkey Federation and we are a nonprofit conservation organization, a national organization, dedicated to conservation of the wild turkey and preservation of the hunting tradition. We are represented by 30 local chapters here in Nebraska. Earlier, Tony Celebrezze mentioned the youth hunting report and I'd like to just give a few more specifics from that report, related to Nebraska. Now nationally, for every 100 hunters lost who retire, drop out of the sport for some reason, only 69 new hunters replace those. But in Nebraska the picture is even slightly worse with only 60 new hunters replaced for each 100 hunters lost. This concerned not only my organization, but a number of other organizations in this state, so we formed a coalition of sportsmen's groups to support this bill and I'd like to list those. It includes NWTF who I represent, U.S. Sportsmen's Alliance, Nebraska Bow Hunters' Association, Izaak Walton League of Lincoln, Pheasants Forever, White Tails Unlimited, Ducks Unlimited, and the National Rifle Association. So as you can see, this legislation is very important to our sporting community here in Nebraska. Negative impacts have been discussed on the economics. There are also negative impacts for youth and families of some of our current restrictive hunting regulations. Hunting is a quality family experience and with passage of this bill, it would become much easier for families to enjoy the outdoors together at a young age. The National Wild Turkey Federation's local committees, local chapters, we do youth mentored hunts every spring, but with the current age limit restrictions, it's tough for us to find youth that meet the age criteria to be able to take them out. So we'd like to be able to take them out at a younger age which would be allowed under this bill. On the economic side of things, we also support the bill for the reason that in Nebraska, sportsmen currently spend over \$230 million a year on licenses, equipment, and related supplies. And we don't want to see that increase when you figure in multipliers, there's over \$400 million impact on the Nebraska economy by hunting, and especially on local economies and especially some of our smaller towns. Passage of this bill would simply allow more families to go afield with youth in a very safe mentored environment. I'd like to thank you on behalf of the 4,700 members of the National Wild Turkey Federation in Nebraska for considering this bill and my testimony. I'd be glad to answer any questions. [LB690]

SENATOR LOUDEN: Questions for Brandon? I do, Brandon, as I had to herd turkeys when I was a kid, you're, I see, a turkey wildlife biologist. How do you, can you tell me very easily how this turkey population has proliferated? I know how hard them things are to raise (laughter). How do they survive in the wild? [LB690]

BRANDON HOUCK: Sure, Mr. Chairman. During the process of wild turkey restoration, which began in the sixties, game agencies initially started out trying to pen-raise birds and release those and found out that they couldn't adapt to the wild. So the success has been based on wild trapped birds caught in other parts of the country and throughout Nebraska as populations began to establish. And habitat in Nebraska is really good for

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turkeys right now. We have more turkeys than have ever been in Nebraska historically. That's another reason we feel like this is a great time to allow more youth to become introduced to turkey hunting. That's to put it in a nutshell. [LB690]

SENATOR LOUDEN: How do you keep the coons from eating their eggs, or how do they keep the coons from eating their eggs? [LB690]

BRANDON HOUCK: Well, you know habitat management is always the key and if you can provide the right grassy nesting cover with some interspersed shrubs, that's a good place for turkeys to lay a nest of eggs to hide from predators. Predators certainly always get part of the nesting hens as well as part of the young when they first hatch. But with the right quality habitat, they can usually overcome that predation. [LB690]

SENATOR LOUDEN: Okay, thank you. [LB690]

BRANDON HOUCK: Thank you. [LB690]

SENATOR LOUDEN: Thanks for testifying. [LB690]

JOE HERROD: Good afternoon, my name is Joe Herrod, H-e-r-r-o-d. I'm here for the Nebraska Council of Sportsmen's Clubs. Anything I could say at this point would be repetitive. We strongly support the bill and thank Senator Fischer for bringing it. [LB690]

SENATOR LOUDEN: Questions for Joe? Thank you, Joe. [LB690]

JOE HERROD: I got a bunch of turkeys on my place; I could tell you a bunch of turkey stories? (Laughter) [LB690]

MICHAEL STREETER: Good afternoon, my name is Michael Streeter, I'm the hunter education coordinator at the Game and Parks Commission. I'm here representing the board of commissioners and director of the Game and Parks Commission. The board of commissioners and director would hope that you could support AM77 that amends LB690. We believe it will be good public policy. It will allow us some latitude to do things that currently we cannot do in the form of educating and... [LB690]

SENATOR LOUDEN: Could you spell your name Michael for the...? [LB690]

MICHAEL STREETER: S-t-r-e-e-t-e-r. [LB690]

SENATOR LOUDEN: Okay. [LB690]

MICHAEL STREETER: Sorry about that, but I did... [LB690]

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SENATOR LOUDEN: I'm sorry for the interruption, go ahead. [LB690]

MICHAEL STREETER: Realistically, AM77 does a lot of things that we need to address in Nebraska. When we started hunter education in 1974 it was mandatory that children age 12 through 15 participate in a program prior to hunting. That changed in the '90s to the current statute which says everyone born or after January 1, 1977. Next year that is 31-year-old people having to take hunter education. We feel that to address safety concerns, we need to look at the age group from ten to 29. This will address that by going 12 through 29. We do not believe that it would be wise of the state of Nebraska nor has it ever been the policy of the state of Nebraska, to turn children loose with firearms out in the field; they need supervision when they do that. AM77 provides for that supervision. AM77 provides a method for introducing people in this day and age when everyone worships at the altar of convenience, and time is one of your most valuable commodities, the ability to give hunting a try before they have to make that commitment of time. Again, on behalf of the board of commissioners and the director, we'd like to urge you to support the amendment to LB690 and pass it on to the floor for debate. [LB690]

SENATOR LOUDEN: Questions for Michael? I have one, Michael. As I read this bill, then after a person is 29 years old or when they are 30 years old, they actually don't have to take the hunter safety course, is that...? [LB690]

MICHAEL STREETER: That would be correct, Senator. They would no longer be required. We felt 30-year-olds are mature enough that they can decide. They make decisions on ethics and responsibility and they understand that it does take some training and they do have to practice skills if they are going to be successful. And if people can't go out and be successful at something, they are not going to want to try; they're not going to want to participate. [LB690]

SENATOR LOUDEN: Okay, thank you. Seeing no other questions, thank you for testifying. Anyone else who is a proponent for LB690? Are there opponents on LB690? Anyone wishing to testify in the neutral? You're an opponent? Proponent? Have a seat. [LB690]

RUSSELL TOOKER: (Exhibit 6) My name is Russell Tooker, T-o-o-k-e-r. I'm a master hunter ed instructor from David City, Nebraska. As far as LB690 and its amendments, the general hunter ed instructors around the state that I've been in contact with the last couple of weeks, would like to see the date of January 1, 1977, all individuals needing that, after that date, to take hunter ed. The general consensus is everyone that I've talked to is against changing it to 12 to 29. We are also against changing the minimum age for deer hunting from 12 to ten years old. Most hunter ed instructors cautiously support a once in a lifetime, one-year exemption so they can indeed try before they buy. They're pretty much dead set against the second-year extension. On the second page

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of my testimony, if you look at the graph that's on there, the first two lines, 1958 to 1965, 33 hunting fatalities in that eight years and in 1966 to 1975, 41 fatalities in that ten years and in that 18 years, that's 74 fatalities. That's the results of basically parents deciding when their kids are old enough to go hunting and basically untrained individuals in the field without hunter ed. You look at the third line, the first ten years that hunter ed was required in the state, it dropped from an average of 41 every ten years to 16. In 1986 to 1995, nine deaths, and 1996 to 2005, again, nine deaths. We are proud of 2001 to 2006; there have been no fatalities due to firearms and hunter ed instructors are real proud of that. And it's the main reason we want to see the adults continue to take hunter ed. When we do get adults to take our class, those are the most vehemently against having to take hunter ed and are very surprised how much they learned. The more opposed they were to it, the more likely they are to ask to be a hunter ed instructor, how do they get involved, because they are so surprised at how much they do learn. Hunter ed is taught by avid outdoorsmen; they love hunting. What better source to go to, to learn about hunting? It is, as they say, path to follow. I don't know where else you can go to get the information that we give. That's why as far as last year at the state hunter ed convention, bow hunter ed, several hundred instructors, nobody was for changing the date from 1977. We do have, most people would be covered by that 12 to 29 range but today is the anniversary of Dick Cheney coming forward and accepting responsibility for shooting another hunter, so it does happen to older people. And as far as barriers to getting into hunting, the very last page is kind of a compilation of a class we completed last Saturday of what kids told us and the adults that took our class, other activities like: football, basketball, baseball, track, marching band competitions, all those activities, really eat into their free time to go and do other things like hunting. The cost, especially when it comes to finding some place to hunt, so much of the good ground is now leased to individuals. The state of Nebraska has less than 5 percent of its ground is open to public access. So the states that do have higher retention of hunters are the states that have 30 to 50 percent of their land open to public access, like the Rocky Mountain states and some of the Appalachian Mountain states in the east. And that's...basically, finding a place to go is one of the biggest barriers. The kids that come to our class, about half of them show up half an hour early and they're out of the car before mom gets stopped to come run into our class. They want to be there, and we have quite a few parents that come and say, I took it ten years ago, 15, 20 years ago, I think I need a refresher course, and they sit through it again with their kids. And that's quite common. I guess that's about all I have to say, I'm open to any questions. [LB690]

SENATOR LOUDEN: Any questions for Russell? Senator Christensen. [LB690]

SENATOR CHRISTENSEN: Thank you, Chairman Loudon. A question here, Russell, on these statistics previous to 1976, there was no hunter safety classes? [LB690]

RUSSELL TOOKER: I believe it was '74, '75, but '74 I think the Unicameral implemented it, it was in implementation through '75. [LB690]

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SENATOR CHRISTENSEN: But there was no hunter safety for any age, correct? At that point in time? [LB690]

RUSSELL TOOKER: At that time many of the hunter ed courses were NRA courses and then it's kind of faded into state courses. [LB690]

SENATOR CHRISTENSEN: I guess I'm just trying to get a feel for whether there was young age children... [LB690]

RUSSELL TOOKER: It was available but it wasn't widespread. [LB690]

SENATOR CHRISTENSEN: ...that had to take it? Adults didn't and then we changed it this way or there just was none required back then? [LB690]

RUSSELL TOOKER: Yes. It was just a voluntary course and when you change hunter ed to a voluntary course, those top two lines are what you end up with. [LB690]

SENATOR CHRISTENSEN: Okay. Because you know, I see a little bit of difference between if nobody had to take it back then and... [LB690]

RUSSELL TOOKER: And nobody did have to take it back then and what courses... [LB690]

SENATOR CHRISTENSEN: ...and where now you'd still have to at a young age. See, I've got two kids to take hunter safety. I go out hunting with them but I won't carry a gun because I've never took a course. In fact I've sat through the full course but never took it. But you know, I think there's a lot of great information but I was just trying to get an understanding of them statistics, thank you. [LB690]

RUSSELL TOOKER: Most of the voluntary courses didn't start until the early '70s, very late '60s, early '70s...the older instructors I've talked with, and they were not very widespread. [LB690]

SENATOR CHRISTENSEN: Okay. Thank you. [LB690]

SENATOR LOUDEN: Senator Carlson. [LB690]

SENATOR CARLSON: Senator Louden. Russell, why are you against the second year renewal? [LB690]

RUSSELL TOOKER: Well, the information we had at the time, the original LB690, just said they could renew it for a second year. The amendments, it talks about being, you

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know, January 1 to December 31, not the actual hunting season, so I can see some reason possibly for changing it to having a second year. But if you've taken it and gone hunting one year, you got 12 months to get back into a hunter ed class, and there's...somewhere in here, the second or third page? Last year there was what, 546 classes in the state and we keep growing every year, adding 30 to 40 more classes, are taught between bow hunter ed and that 546 is a combination of hunter ed and bow hunter ed. And what is it, 412 hunter ed classes and 134 bow hunter ed classes, of which volunteer instructors donated 19,389 hours which with what the federal government places on it is over \$387,000 worth of our time donated. Our hunter ed instructors are quite serious. We want to make it safe and we're proud that we've got it down to no deaths in the last six years, although in 2004, they did change the way they keep statistics and now heart attacks and car accidents if they're hunting, count as a death, but not as far as firearms-related deaths, we have had none in the last six years. [LB690]

SENATOR CARLSON: Thank you. [LB690]

SENATOR LOUDEN: Senator Fischer. [LB690]

SENATOR FISCHER: Thank you for being here today, Mr. Tooker, and thank you for teaching hunter ed courses, they are very important. When you said there are over 500 classes, does that include classes in schools? [LB690]

RUSSELL TOOKER: Yes it does. That's where I took it, it was part of a PE class in high school in 1976. [LB690]

SENATOR FISCHER: Do you know what age group those classes are now offered? I know in our local school, it's a middle school class. It's part of the health PE program that they operate. [LB690]

RUSSELL TOOKER: That would depend on the...whether it's middle school or high school. I don't know that in fact, I don't know if we even keep that... [LB690]

SENATOR FISCHER: But varies... [LB690]

RUSSELL TOOKER: ...it varies. It depends on the schools. Some school districts and the way they are having the hunter ed class in school, and others make it part of the curriculum. I believe at Broken Bow, it is part of the curriculum in Broken Bow. [LB690]

SENATOR FISCHER: Yeah. Can you tell me on your chart on the fatalities, do you have any idea on the ages of those people who suffered fatalities while they were hunting? [LB690]

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RUSSELL TOOKER: We have that in one form here if I can grab it quick, I didn't bring it all up with me, but... [LB690]

SENATOR FISCHER: Oh, you can give it to me later. [LB690]

RUSSELL TOOKER: Okay, I'll give it you later. [LB690]

SENATOR FISCHER: I would really appreciate that information. [LB690]

RUSSELL TOOKER: And it does break it down since 1958 when they started keeping records, the total age ranges, yes. I do have a copy of that. [LB690]

SENATOR FISCHER: Okay. That would great to have. And another question on the last page that you had there, about more, I guess, the western states, and they do have more public land in western states. [LB690]

RUSSELL TOOKER: Yes. [LB690]

SENATOR FISCHER: There's a heck of a lot more federal land than we have in Nebraska, thank heavens. But on that you also say that these states also have higher hunter recruitment? Why do they have higher recruitment? [LB690]

RUSSELL TOOKER: Well, it's very discouraging... [LB690]

SENATOR FISCHER: What programs do they have? [LB690]

RUSSELL TOOKER: ...when you can't go out and find a place to hunt like in Nebraska and so why even try? You know, your buddies that usually take you, if they're not going because they can't find a place to hunt, you're not going either, [LB690]

SENATOR FISCHER: Do they... [LB690]

RUSSELL TOOKER: The vast availability though of public land in the western states really aids their increase in the number of hunters they retain. [LB690]

SENATOR FISCHER: Are they seeing an increase in hunting in those states or are they--is it a higher rate of hunters per capita? I guess I don't understand your comment there. [LB690]

RUSSELL TOOKER: It's hard to say as far as if they do lose local hunters, out-of-state permits pick up. So it's...depends on their particular game commission and what they run with their own state. If they have a drop off in local permits, why the out-of-state permits go up and they like that because they cost more. [LB690]

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SENATOR FISCHER: So it's based on the number of permits that they sell or just that they have all of their permits filled? I guess I'm trying to figure out where you're basing that comment on? [LB690]

RUSSELL TOOKER: Well, if you look at some information that I received from the Family in the Field program where they list all of the states, like Nebraska is 60 retained out of every 100 we lose, they look at the Rocky Mountain states and their numbers were far higher. I don't remember all their numbers, that was two years ago I received that information. But public access, and that is what, when we polled our last class we got done with last Saturday, finding a place to hunt is one of the most difficult things to going hunting in the state of Nebraska. [LB690]

SENATOR FISCHER: If that's the case, then we're losing hunters in the state, we both agree on that, correct? [LB690]

RUSSELL TOOKER: Yeah. We're at generations now where they no longer have ties back to the farm and that's, you know, where do you even start? [LB690]

SENATOR FISCHER: And when we lose hunters, we lose the fees for the Game and Parks in order for them to have wildlife management areas and take care of that. So I guess I'm thinking if we don't do something to encourage more people to hunt, we'll continue to lose public lands that are available for hunting in this state. [LB690]

RUSSELL TOOKER: Well, one thing we do...well, the biggest detriment to access land is leased ground and it's becoming so expensive. It used to be you'd give somebody 25, 50 bucks, you'd go hunting. Now they're talking tens of thousands of dollars for rent on riverfront property to lease it. And as far as trying to retain the hunters, one thing we do cover in hunter ed is where can you go hunting? This is one whole segment in our course. We bring up the CRP map books and hand those out to every kid that shows all the CRP ground that's been leased by the state as for whatever money and where to go hunting. We cover basically, in our area, what's available. Where can they go? [LB690]

SENATOR FISCHER: But if we keep losing hunters we're going to lose public access to lands like that, wouldn't you agree? Because the money is not going to be there for Game and Parks in order to preserve that for us. [LB690]

RUSSELL TOOKER: Yeah, we...I imagine we would. But with the people I deal with and the kids that we've talked to and the adults in our classes, hunter ed isn't the big barrier. It's where do they go? [LB690]

SENATOR FISCHER: Right. [LB690]

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RUSSELL TOOKER: And that's...we are losing hunters...yes, we are going to lose places to go. [LB690]

SENATOR FISCHER: Right. You understand in the bill though, the mentor for the apprentice does have to, of course, be either over 29 or have taken a hunter ed course. [LB690]

RUSSELL TOOKER: No. [LB690]

SENATOR FISCHER: To mentor someone. [LB690]

RUSSELL TOOKER: As the numbers show, when you have people that having had the training, when the family passes down the family traditions, they're not always right. And with the death rate we had in the fifties and sixties, (laugh) that says quite a bit. [LB690]

SENATOR FISCHER: I appreciate your coming today, thank you very much. [LB690]

RUSSELL TOOKER: Thank you. [LB690]

SENATOR LOUDEN: Other questions? Yeah, I have I guess--a comment. I see on your third item here, you had a change in the minimum age and the way I read this amendment correctly, why that's put at 12 years of age on deer and antelope hunting. The amendment changed that out of the green copy. [LB690]

RUSSELL TOOKER: Yeah, the...what I had was the original copy of LB690. My Internet has been down for a week, so... [LB690]

SENATOR LOUDEN: And the other thing was, where the heck were you yesterday when we was needing testimony on the bill I introduced in the Judiciary Committee for recreational liability? If you wanted more places to hunt, that's what we were trying to get at. So thank you for testifying. [LB690]

RUSSELL TOOKER: I was trying to push a driveway open. (Laugh) We got a little bit of drifting snow problem in our area the last few days. So, thank you. [LB690]

SENATOR LOUDEN: I see. Next opponent? Those wishing to testify in the neutral? [LB690]

RON JENSEN: Senator Louden, members of the Natural Resources Committee, my name is Ron Jensen, J-e-n-s-e-n. I'm a registered lobbyist appearing before you this afternoon on behalf of the U.S. Sportsmen's Council. And Mr. Chairman, I apologize to you for stretching the hearing format just a little. Obviously, I support this bill. But I wanted to put some information in the record here on the success of various states in

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replacing hunters. Now this is information, the print's a little small, from the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation. The year is 2001. Colorado, at that time, was...their replacement ratio was 71; Wyoming was 65; Montana was 56; and of course as we've discussed here, Nebraska is 60. So actually in the intermountain west those retention ratios are not markedly different than they are here in Nebraska. Obviously, as a hunter myself, I know how important a place to hunt is and we don't deny that or seek to reduce it or its importance. But I believe that hunter safety education is valuable and important. If I can share with you very briefly a personal reference, I have a friend who happens to be an assistant attorney general whose son for years has been fascinated with hunting and interested in it, would like to try it; his father is not a hunter. And I've said, Jay, I could take you out, see how the dogs work and get a taste of it, but you got to do that hunter safety education class and I think he's potentially a hunter. I think hunters are like politicians, you are born to it to a certain extent. But I have not had the opportunity to give him that taste and this bill would make that possible and that would be very valuable. I'd answer any questions if there are any, Senator. [LB690]

SENATOR LOUDEN: Any questions for Ron? Seeing none, thank you, Ron. [LB690]

RON JENSEN: Thanks, Senator Louden, yes, and thanks for allowing me to do that. [LB690]

SENATOR LOUDEN: Anyone else wishing to testify in the neutral? If not, then we'll close...well, you want to close, Senator Fischer? [LB690]

SENATOR FISCHER: Sure. Thank you, Senator Louden, and members of the committee, I do appreciate everyone coming today and testifying on the bill, whether they were for, against, or in a neutral capacity. I think the more information we have on this issue the better for all of us. I, too, would like to thank the other 33 senators who signed on to cosponsor the bill. A clarification...if you'd look on page 4 of the amendment, there was some question about the age group on certain game that you could hunt. Currently, under the current law, deer, antelope, elk, wild turkey, mountain sheep, a 12-year-old can hunt on their own; that's current law if I understand this. But if they are 12 through 15 then they can hunt deer, antelope, wild turkey, mountain sheep, when accompanied by a person 21 or older. That is a change in there that we're making that a person who is at least ten through 15 can hunt deer now if they are supervised with an adult. So Senator Louden, I think you had asked if they could hunt deer when they were... [LB690]

SENATOR LOUDEN: I asked...the antelope. [LB690]

SENATOR FISCHER: The antelope? [LB690]

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SENATOR LOUDEN: They have to be 12 to hunt antelope. [LB690]

SENATOR FISCHER: Right. I'm sorry, I thought you said deer at that time so I was going to clarify that for you. I do appreciate the support on the bill and if you have any questions, I will try and answer them. [LB690]

SENATOR LOUDEN: Any questions for Senator Fischer? Seeing none, I guess not, so we will close the hearing on LB690 and open the hearing on LB504. And it looks like Senator Mines is ready to go. They're all leaving, Mick. [LB690 LB504]

SENATOR MINES: I can clear a room better than anybody, yes I can (laughter). [LB504]

SENATOR LOUDEN: Proceed, Senator. [LB504]

SENATOR MINES: Thank you, Chairman Louden, and members of the committee, my name is Mick Mines, M-i-n-e-s. I represent the 18th Legislative District. I am here today to introduce LB504 that prohibits hunting through the Internet. As unusual as this sounds, this bill was presented to the committee last year and was advanced out of committee with no opposition, to General File. The bill prohibits individuals from hosting hunting through the Internet or otherwise enabling another person to hunt through the Internet. And again, some of you are wondering, what in the heck is hunting through the Internet? Well, Internet hunting is where a landowner or a business owner sets up rifles and cameras at a remote location and then allows a computer user, for a fee, to line up the shots at animals and fire with a click of their mouse. The practice is opposed by some hunting groups who say it violates the ethics of fair chase. A Texas company called Live-Shot.com devised a novel business plan and they tapped the desire to hunt by people either unable or unwilling to actually go hunting and they let them do it via the Internet by remotely controlling a camera and a firearm. Texas officials opposed the concept and have prohibited Live-Shot from the practice of enabling customers to shoot live animals via the Internet. The bill also identifies and defines Internet hunting as hunting live wildlife in real time using Internet services to remotely control actual firearms and to remotely discharge live ammunition. Nationally, the possibility of desktop killing has united two groups that usually are opposed to one another, animal rights advocates and hunters. Because of interstate commerce issues this bill cannot stop anyone in Nebraska from shooting at an animal in another state where Internet hunting is legal. However, it would ban anyone from using an Internet setup to hunt animals in Nebraska. At last count I think there were 21 states that banned Internet hunting and again, this was LB783 last year that advanced seven, zero, and one. With that I would as you to move LB504 to General File and I'd be happy to answer any questions. [LB504]

SENATOR LOUDEN: Questions for Senator Mines? Senator Carlson. [LB504]

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SENATOR CARLSON: Senator Louden. Senator Mines, page 2 on the violation, Class II misdemeanor and pay a fine of not less than \$75, what's maximum, \$75? I would guess there would be so much money in this to be able to do it in the first place that seventy-five is nothing. [LB504]

SENATOR MINES: In a Class II misdemeanor and I'm out of my element at this point, but it does have ranges and maybe one of the lawyers behind me can explain that. But it carries a minimum fine of \$75. [LB504]

SENATOR CARLSON: Okay. [LB504]

SENATOR LOUDEN: Senator Christensen. [LB504]

SENATOR CHRISTENSEN: I'm ignorant to this subject until I read your bill. Did they have to buy hunting permits and things that way for hunting? [LB504]

SENATOR MINES: No. No. They just sign up for the fee and it's like a wild game farm and they can hunt remotely, sitting in the comfort of your Barcalounger and shoot an animal. [LB504]

SENATOR CHRISTENSEN: Sounds fun to me. (Laughter) [LB504]

SENATOR MINES: Yeah, really doesn't to me. (Laughter) [LB504]

SENATOR CHRISTENSEN: And we've been trying to expand hunting, I thought. (Laughter) [LB504]

SENATOR MINES: Yeah, there you go, there you go, yeah. (Laughter) [LB504]

SENATOR CHRISTENSEN: Thank you. [LB504]

SENATOR MINES: Yeah, thank you. [LB504]

SENATOR LOUDEN: Any other questions for Senator Mines? I have one, Senator. From last year to this year, does anybody know how much of this is going on? Have you been able to find out from anyone if this is something that is... [LB504]

SENATOR MINES: Specific instances, no, but other states are banning it. I mean, it...technologically is possible to do and it is practical given the right circumstances. I don't have case studies with me today. Maybe some of the folks behind me do. [LB504]

SENATOR LOUDEN: I just wondered if it was...like Senator Christensen, if it's getting to

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be a big thing, maybe we need to cash in on it, (laughter) something like this I guess? Who knows? Any questions? If not, thank you, Senator Mines and do you wish to close? [LB504]

SENATOR MINES: Thank you and I will waive closing, thank you. [LB504]

SCOTT WILSON: (Exhibit 7) Good afternoon, Mr. Chairman, members of the committee. My name is Scott Wilson, I am the Nebraska state program coordinator for the Humane Society of the United States. That's W-i-l-s-o-n. When I was growing up in southwest Missouri everyone hunted. It just seemed a natural thing, it was a rite of passage into adulthood. We went out on people's properties, we got permission, we hunted safely, we ate what we killed. We didn't hunt for survival, we hunted for the experience. The going out in the woods, the pitting your wits against a quarry of hunting, of killing, and eating what you killed. Even if you didn't get anything and went out hunting, the experience was worth it. Getting out there, getting away from everything and being out in nature. Technology has a way sometimes of polluting tradition. In July of 2005, John Lockwood of San Antonio, Texas, came up with a wonderful idea. He figured if you can hook a rifle up to a system of cams, put on a block, parade hand fed animals across a line of sight in a fenced-in enclosure and charge people money to shoot them, people would come. You wouldn't have any need to wake up at four in the morning, no need to trudge out into the woods, suffer through the cold or wet, it would be a simple matter of point, click, and kill. Unfortunately, several other entrepreneurs around the country also came up with this idea after he did and started engaging in the practice also. There was a predictable response from the animal welfare segment of the population. They were abhorred with this concept. Sitting in your home in your pajamas, killing insentient animals with no thought, no difficulty. What was surprising was the response from the sportsmen's groups. The National Rifle Association observed that they believed the element of the fair chase is a vital part of the American hunting heritage. Shooting an animal from three states away would not be considered a fair chase. In Mr. Lockwood's own home state of Texas, the Texas Wildlife Association, representing a large number of landowners and hunters in the state of Texas, commented, you also have an obligation to be present to deal with the full consequences of hunting and then having taken the life of an animal. To do otherwise dishonors the animal as an abdication of your duty as a hunter. It cannot be done by remote control. As of February of this year, 25 states have passed bans on Internet hunting. Another five states are considering bans at this time. They have done this because this practice goes against every principle and concept of what is commonly considered hunting. They have done this realizing that Internet hunting is a blemish on the eye of the sport of hunting and sportsmen, and these states desire to keep the stigma away from their state. I'm asking the state of Nebraska to follow the lead of these other 25 states and pass LB504. I'm asking this bill be passed to protect the integrity of the sport in Nebraska and I believe that we need to keep the tradition of the chase and the kill, rather than simply the easy kill. I'm open for questions. [LB504]

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SENATOR LOUDEN: Any questions for Scott? Seeing none, thank you Scott, for coming to testify today. [LB504]

SCOTT WILSON: Thank you, Mr. Chairman, thank you, members of the committee. [LB504]

JOE HERROD: Good afternoon again. My name is still Joe Herrod, still H-e-r-r-o-d. I'm with the Nebraska Council of Sportsmen's Clubs. We testified on this the last time it came up and I think you can well imagine we don't think much of Internet hunting and so we'd like you to move this bill along. I would say that I've spent a lot of time in Texas. I have a son that lives there and if you go across the state and you see all of the high fenced areas and all of the number and varieties of animals that they have and everything else, and some of the other things they do in Texas, kind of easy to understand how somebody got the idea down there. But we're precluded in Nebraska, and rightfully so, from owning and keeping these kinds of animals in the high fenced areas, etcetera. So I think it would be good to get on board with the other 20, 25 states and ban this and just get a thing that's very offensive to all true sportsmen gone. [LB504]

SENATOR LOUDEN: Okay. Any questions for Joe? Thank you, Joe. [LB504]

WES SHEETS: Good afternoon, Senator Louden and members of the committee again. My name is Wes Sheets, spelled S-h-e-e-t-s. I'm here representing the Nebraska Division of the Izaak Walton League and I'm not going to proliferate the things that have already been said, but certainly the sportsmen that make up the 19 chapters of Ikes in the Nebraska, abhor the idea of Internet hunting. It doesn't seem real, it doesn't seem appropriate, and we would urge you to move this bill and hopefully support its passage. [LB504]

SENATOR LOUDEN: Questions for Wes? Senator Carlson. [LB504]

SENATOR CARLSON: Senator Louden. Wes, what do you think about the penalty? The penalty seems to me like it's practically nothing. [LB504]

WES SHEETS: Senator Carlson, well, as a previous member of the Game and Parks Commission, I think that the penalty is virtually nothing and the notion of Internet hunting should warrant substantially higher penalties for violation. I would certainly agree with your thoughts. It could be as high as you want to go. You know, recently, in recent years the statutes changed recognizing liquidated damages for loss or violations in the state of Nebraska and those penalties for liquidated damages are substantial. I think the criminal penalty should fall in line with that elevated value of that wildlife. Wildlife are extremely valuable and the pursuit is the same way. So I would certainly

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urge greater penalties; I would support that. [LB504]

SENATOR LOUDEN: Senator Kopplin. [LB504]

SENATOR KOPPLIN: How would you find the guy in order to fine him? If someone's hunting in their living room which I agree it's repugnant to me, but if he is, how can anybody enforce... [LB504]

WES SHEETS: Well, I think...I'm not sure how to answer that, Senator Kopplin, but I think that with law enforcement techniques that occur in the United States and the cooperation between states that are happening now, and presumably what we mostly likely would be faced with, is the person in Lincoln perhaps imbibing or enjoying the hunt in some game farm in Texas. And working cooperatively with the multiple states, I think that's probably the only way you'd be able to identify those players and parties, but I certainly think it's possible. Certainly game farm situations identify themselves readily at that end of the operation. [LB504]

SENATOR LOUDEN: Senator Christensen. [LB504]

SENATOR CHRISTENSEN: Thank you, Chairman Louden. Wes, wouldn't the fine go to whoever had the hunt reserved though? Wouldn't they be the ones breaking the law in that they're setting it up so somebody can hunt through the Internet? So it wouldn't be hard to find the person. We wouldn't have interstate corrections I don't think? [LB504]

WES SHEETS: Yeah. Senator, I think there would be a multiple end and if all the states were to adopt this prohibition, then my vision would be that there could be prosecutions in either one or both states. Because certainly it could occur over long distances so it would take a reciprocal operation, or the violation would have to occur where there's law prohibiting. Both ends of the operation could be held accountable if there was sufficient statutes in those two states because of a multistate deal. [LB504]

SENATOR CHRISTENSEN: I guess I just see one advantage of having these hunting reserves. I got so many deer on our land that do so much crop damage, I'd like to set one of these up and just start eliminating, so, I'm almost in favor of this from the damage side (Laughter). [LB504]

WES SHEETS: If I might respond to that, I would just think that would be fine with me, if you didn't call it a hunt. I mean, it becomes a meat market transfer then, and not a hunting situation. But it certainly goes against most hunters' ethics. (Laugh) Thank you. Thank you for letting me testify. [LB504]

SENATOR CHRISTENSEN: I agree. [LB504]

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WES SHEETS: Thank you, thank you for letting me testify. [LB504]

SENATOR LOUDEN: Other proponents for LB504? [LB504]

TED BLUME: Mr. Chairman, members of the committee, I'm Ted Blume, B-l-u-m-e, I live here in Lincoln. I serve as the administrator of the law enforcement division for the Nebraska Game and Parks Commission. I'm here on behalf of the commission and Director Amack today in support of LB504. Hunter ethics, fair chase, morality, tradition issues aside, the question regarding enforcement is a big one. Monitoring, managing, enforcement, and overseeing Internet hunting would be virtually impossible. Anyone anywhere in the world could literally pull the trigger on wildlife whether it's captive wildlife or wild wildlife, and we as far as management entities, would be at a loss to determine whether the individuals had proper permits to take care of the game properly, tag it for transportation, whatever. It's virtually, it turns hunting, and I hate to use that word as Mr. Sheets said, because this is just pulling a trigger via a computer to kill something. It turns it into a video game and from the standpoint of the Game and Parks Commission, that goes totally against our statutory charge of properly managing wildlife. On behalf of the commission, we support the legislation which would ban Internet hunting. I'd be glad to take any questions. [LB504]

SENATOR LOUDEN: Questions for Ted? I do. As we were talking about, first of all we don't know if we're talking about game farms or of where we're talking, so do you have authority if they were doing a private hunt on a game farm or something like that? [LB504]

TED BLUME: We have provisions in statute to control captive wildlife facilities as we would call them, in statute. And there are provisions there that they have to meet as far as recordkeeping and that sort of thing, so even there we could not ensure that the person that killed the animal from afar, from Siberia if you will, was the person who was indicated on the records for the captive wildlife facility who actually took the animal. So there are even issues there on private or captive wildlife facilities. It would be virtually impossible to determine if they stayed within the guidelines. [LB504]

SENATOR LOUDEN: What about shooting a buffalo? [LB504]

TED BLUME: Buffalo is not a game animal here in Nebraska. It's not a wildlife type of thing any longer. It used to be under statute, but it is no longer. [LB504]

SENATOR LOUDEN: In other words they could probably shoot a buffalo and there's no... [LB504]

TED BLUME: Correct. [LB504]

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SENATOR LOUDEN: If we enacted this law to ban that, would that make any difference? Could they still shoot the buffalo? [LB504]

TED BLUME: Well, wildlife, as defined now, would not include buffalo under statute. [LB504]

SENATOR LOUDEN: What about somebody you didn't like? [LB504]

TED BLUME: That's a whole other issue. There was a (laughter) movie if you might recall, where that technique was actually used in an assassination plot and it's feasible. That's a whole other part of this that there would be no control over what that gun shot other than the person on the end of the computer, and that's a scary concept. [LB504]

SENATOR LOUDEN: Right. That's what worries me when you--I'm not worried about shooting a game animal, I'm worried about some fool with a gun sitting around my place someplace and the other fool out there in Lord only knows, California or something, and I don't know if they know what they're shooting at. And I don't know how this law will correct that, other than to keep the shooter from being in Nebraska. But anyway, we'll work on it. If you got any suggestions we would certainly be open for them. [LB504]

TED BLUME: Yeah, that's one of the other issues is if it was a case of hunting wildlife, that's not a game farm type of provision, the hunter education provisions would also come into play and it would be impossible to determine if the individual is meeting those along the lines of safety, so there are a lot of issues here from my standpoint. Also just using the computer to take what we consider to be a very precious resource. Wildlife from afar via computer is just, somebody used the word earlier, is just abhorrent. [LB504]

SENATOR LOUDEN: Well I think it's closer than you think because like, Terry Bison Ranch south of Cheyenne there, they're advertising--you can go in there and shoot your buffalo and then they take care of it and everything. And there's no reason why they can't start marketing that thing over the Internet if the technology is there. So I think this is probably really something that's going to be happening one of these days and I'm hoping that this is something that will address the problem. But that's the reason I say any input we can have would certainly be appreciated. [LB504]

TED BLUME: I think the bill in its current form would give us a lot of tools to manage and restrict that sort of thing, for sure. [LB504]

SENATOR LOUDEN: Okay, thank you. [LB504]

DON WESELY: I'm Don Wesely, W-e-s-e-l-y, representing the Humane Society of the United States. Also the Capitol Human Society, Bob Downey, who was here but had to

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step outside for a conference call. In the material that you have from Scott Wilson who testified earlier, you'll see that 25 states are listed that have already passed and then there are another five including Nebraska there being considered for it. There are also some articles from some of the other states that are looking at the issue, so I don't think there is a lot of this happening yet. But Senator Louden, I think you're right, I think you can see it coming and we'd better head it off now before it gets out of hand, and that's what I think the other states are looking at. One of the enforcement opportunities is found on page 2 of the bill, Section 3, subsection (3) of Section 3 there, and it talks about the U.S. Fish and Wildlife Service and the idea they're allowed to do this with the idea of using a sting operation to catch individuals. So they'd set up something, have individuals sign on for this Internet hunting and that would be a way that could catch and prosecute individuals. So just to point that out, that's another option. Besides the Game and Parks employees enforcing the law, U.S. Fish and Wildlife would be involved with this as well. So again, I'm here in support of the bill, representing a number of groups. In fact, I almost got authorization to represent the NRA in support of the bill. They are favoring the bill and they were going to be here to testify but the individual who was going to do that got called away. So not only is the national NRA, but the representation here is supportive of the bill. So we hope we can get it through and passed this session. [LB504]

SENATOR LOUDEN: Okay, thank you, Don. Questions for Don? Senator Carlson. [LB504]

SENATOR CARLSON: Senator Louden. Senator Wesely, I'll ask this again, but if we discuss this in committee and pass it out, why don't we go \$75,000 instead of \$75? [LB504]

DON WESELY: You know, I saw that too, Senator, it's pretty low. If you want to make a change in that, that's fine. This is the same draft as the bill last year that came out of committee and that's what we just used is as a starting point and if you want to make changes, that would be fine. But on the other hand, if you do make amendments, it might be harder to get the thing through this year, so. We should get you an answer on the maximum fine and I don't know the answer to that, but we'll get that to you. [LB504]

SENATOR CARLSON: Okay. [LB504]

SENATOR LOUDEN: Senator Wallman. [LB504]

SENATOR WALLMAN: Senator Wesely, also. Thank you, Chairman. Would confiscation of equipment also be an option? [LB504]

DON WESELY: Yeah, I'm sorry, you're right, Senator. That is another point I wanted to make, Senator, that yeah, they would confiscate the computers and the different

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equipment involved and the operation. But the fine side of it is... [LB504]

SENATOR WALLMAN: Is low too. [LB504]

DON WESELY: It's low. [LB504]

SENATOR WALLMAN: Yeah. Thank you. [LB504]

SENATOR LOUDEN: Anyone else? Okay. Thank you, Don, for your testimony. [LB504]

DON WESELY: Thank you very much, thanks. [LB504]

SENATOR LOUDEN: (Exhibit 8) Any more proponents for LB504? Any opponents of LB504? Anyone wishing to testify in the neutral? If not, we'll close the hearing on LB504 and open the hearing on LB418. Senator Erdman is here ready to go. For the record we have one in opposition to the bill LB504, Robert Klotz, from Lincoln, Nebraska. Welcome, Senator Erdman. You may proceed when ready. [LB504 LB418]

SENATOR ERDMAN: (Exhibit 9) Well give me one minute here, Mr. Chairman, I had a yard sale back there and lost all of my papers and so I need to find them again here. Okay. Whew. Senator Louden and members of the Natural Resources Committee, it is an honor to be before you again. My name is Philip Erdman, I represent the 47th District, here to introduce LB418. I have an amendment that was recommended to me by an individual who I believe is here, although it's not completely what they had asked for. It's a portion of that, and I unfortunately didn't make copies but I had distributed it to your committee clerk or counsel prior, so I'll go ahead and hand that to Steve and he can take care of that, as we share our same page for the ag committee. LB418 would accomplish what I believe is a laudable goal. Currently the Game and Parks Commission consists of eight members who are citizens and residents of the districts which they represent. Currently members of the commission serve a five-year term and may not be appointed to a consecutive term. Further restrictions on the membership include that only four members may be of the same political party, three members must actually be engaged in agricultural pursuits, and two shall reside on a farm or a ranch. LB418 changes the terms of the Game and Parks Commissioners in the following ways. It lowers the term from five years to four years; it would allow a commissioner to serve a consecutive term. Let me briefly stop right there. This bill does not guarantee an individual to be reappointed. It simply gives the Governor the opportunity, should he or she choose to exercise that right, to pursue that. So it simply doesn't allow an individual to be automatically reappointed. Finally, it places a lifetime two-term limit on all commissioners and that has been added as a trade-off if the discussion is that it's of value to allow an individual to serve consecutively, that there's probably a legitimate argument that somebody else should have the opportunity to fulfill those roles into the future. Currently there is no lifetime ban on commissioners. It's simply, serve a term,

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wait a term, serve a term, wait a term, and you could do that as many times as you can convince a Governor and the Legislature to do it. So simply, before you LB418, I believe, allows the institutional knowledge if you will, that I believe is valuable in regards to our natural resources and administering the Game and Parks laws that we have in the state of Nebraska, to allow individuals that have institutional knowledge to be able to exercise that in a consecutive process if reappointed by the Governor. There are those who are here to testify in support. I would imagine, as we have seen in the past, there will probably be a few folks that won't like the idea and I'm sure that through this discussion, we'll all be smarter and I'll reserve an opportunity to respond at the end. [LB418]

SENATOR LOUDEN: Thank you. Questions for Senator Erdman? Seeing none, we'll wait to the end. Okay, first proponent for LB418. [LB418]

JAY REMPE: Senator Louden, members of the Natural Resources Committee, my name is Jay Rempe, that's R-e-m-p-e. I am state director of governmental relations for the Nebraska Farm Bureau, here today in support of LB418. We had a member or two interested in coming down from Senator Erdman's district to testify on this but there was something to do with freezing weather and cattle that kept them back on their ranches, so I'm here before you today. When it comes to membership on the Game and Parks Commission, our members are very interested in making sure that there's good rural and ag representation on the commission and the reasoning is because when you look at, and it came up in an earlier bill, when you look at the land in Nebraska, I think it's, the figure is 97 percent of it is privately owned. So when you look at the things that the Game and Parks Commission does dealing with wildlife habitat and things, they're dealing with private landowners so we think it's important to have good ag and rural representation. And given that basic understanding or philosophy, we support this bill because once a person gets appointed to the commission, it takes a couple of years to get used to the issues, get up to speed on some things and then before you know it, they're gone. And so we think this makes good sense from a public policy standpoint of once somebody gets some experience and builds up some expertise, let's continue to tap into that for a little while longer and allow them at the Governor's prerogative of course, to continue to serve on the commission. So with that I would be happy to answer any questions you might have. [LB418]

SENATOR LOUDEN: Any questions for Jay? I would have one. Are you satisfied with the way the Game Commission is made up now, Jay? [LB418]

JAY REMPE: Yeah. That was an issue, gosh, I'm trying to check my memory, two or three years ago, but since we've kind of resolved some of those issues, we're satisfied with the makeup of the commission now. [LB418]

SENATOR LOUDEN: Okay. Thank you. I guess no other questions. Why, thank you for

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testifying. [LB418]

JAY REMPE: Um-hum. [LB418]

SENATOR LOUDEN: Next proponent? Seeing none, next opponent. [LB418]

JOE HERROD: My name is Joe Herrod, H-e-r-r-o-d, I'm here representing the Nebraska Council of Sportsmen's Clubs. We opposed this bill the last time it was up. We appreciate the time that Senator Erdman gave us to talk about some of these issues and I probably wouldn't have gotten up here to say anything except that what the Farm Bureau said about ag representation, I think we need to go through and tell you what the ag representation is right now. Dr. Mark Pinkerton is in Wilber, Nebraska, he's a dentist down there who raises horses and trains dogs and a huge percentage of his patients are from the ag sector down there in Wilber. Bill Grewcock out of Omaha, who is a retired executive with Peter Kiewit, and very quietly he has donated literally millions of dollars to Nebraska things and there's another huge gift coming from him. Gary Parker is the past president of Lindsay Manufacturing, an irrigation firm. I don't know how you could be more involved with agriculture than he is. Jim Ziebarth is a farmer who lives on the farm who is a corn producer. Jerrod Burke is a farmer who also teaches school, is from a large agricultural family and lives down in Curtis. Bill Zutavern is a rancher up in Dunning. George Hall is a rancher out in Bridgeport. My good friend, Jim Stuart, probably doesn't have a lot of connections to ag. But ag is well represented and I will tell you that right now you people are all ag--a lot of you except for Senator Kopplin, who is very much ag. And I will tell you quite frankly, I've been down here for almost 30 years and I've seen what's gone on and I think I heard that some of it was on the floor today, by a senator, something against the Nebraska Environmental Trust change, and if you put this bill on the floor of the Legislature, you might see, ag might see some things coming that they really, really don't want to see. And the Farm Bureau doesn't want to see it and I don't think you ag senators want to see it. And I'll leave my testimony at that, but it's...I don't think it could be, I don't think--this is Pandora's box all the way. [LB418]

SENATOR LOUDEN: Any questions for Joe? Thank you, Joe, for testifying. Next opponent? Anyone wishing to testify in the neutral? Seeing none, Senator Erdman, you may close. [LB418]

SENATOR ERDMAN: Thank you, Mr. Chairman. And I guess that's why you have the committee hearing process because sometimes you have conversations with individuals that don't always come out to be true. And we've had some opportunities in my office to visit with the Sportsmen's Council and they had actually recommended a couple of changes and it was my understanding from visiting with their representative and I believe I have the note here from my office to say that the Sportsmen's Council would support the bill if two changes were made. One was that we would strike the party

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affiliation which is the amendment that I offered to you. It's not an amendment that I had offered to you in the bill, it was something that was recommended to me by the sportsmen. The second one was that they would like to see the requirement that two members must live on a farm, be stricken from the bill. Those are two recommendations that came to me directly from the Nebraska Sportsmen's Council. I considered them; I have presented to you the one amendment that strikes the political affiliation. And to me, that issue we've discussed before your committee in the past and I'll briefly do it here. We've had commissioners who recognized that if they get appointed, that they can't serve. And Senator Carlson, they come from your area specifically, one that comes to mind, where we can't have more than a certain number of people be from one political party, so right before they get appointed they become an independent; problem solved. They're still the same person. The idea was designed to provide political balance. I believe at times that process can be circumvented and based on my conversations with some of the sportsmen's organizations, I felt that I would present that to the committee for their consideration. Let me take you back just briefly to a comment that was made before this committee on February 10, 2005. It was actually a comment that I made and it actually applies to what I was hoping to hear from the sportsmen this afternoon. I've had a conversation with them about their desire to see an individual that's currently on the commission reappointed because they think that that individual specifically does an exceptional job. And they'd like to see that person have the opportunity to continue to serve to further the opportunities that they believe are appropriate for our natural resources in the area of Game and Parks. And so my comment in 2005 which I was marking and preparing for my closing to say that it's applicable today, but I guess I'm not a prophet yet so we'll wait, I guess, for a different day. But I thought it was appropriate to share with you. Someday and maybe someday soon, there will be a Governor who will appoint individuals either directly by asking the sportsmen or by actually appointing them without having to ask them and getting the right person that they want to serve on the commission. And they may come back and say, boy, it would be great if we could get these people on. It's a two-way street. This issue is not about making sure that certain people who are on the commission, stay there. This issue is not about opening some Pandora's box and I would really appreciate it if Mr. Herrod would have shared some examples of that, because Pandora's box was opened a few years ago. And some of us played nicely and went along with the process and we felt that it was a responsible change that Jay Rempe pointed out in his testimony. I think we have improved the makeup of the commission based on recent decisions by this Legislature. I recognize however, that there is an opportunity for us to further that representation. And that representation is simply the opportunity to allow the longevity and the experience that people earn from serving in a position to be able to use that experience in a second term should they be reappointed by the Governor, should they be reappointed and confirmed by the Legislature. So the bill is not Pandora's box, the bill to me is pretty simple. And it's the same situation that you and I face as state senators. We get to serve for two consecutive terms. Why is that? Is that because there's some magic in eight years? No, it's because the fact that you're

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probably going to learn and if you are a new member this year, you're going to learn a lot more a lot quicker, but generally you learn quite a bit that first term. And then we as a state, expect you, should you get reelected, to apply what you've learned in that process. Not that we're discounting the experience that you've learned in that first term, but you're building on your career. And we, as Nebraskans, and those of us who are here as well as those of us that are going to be term-limited out, have appreciated the reality that we're able to come back because we have learned a lot in those first few years. There's nothing different in my opinion, than this opportunity for a commissioner to do the same, to build on their experience. An example that I'll leave you with, is that in western Nebraska it took us a number of years to get the visitor's center at Lake McConaughy and on Monday afternoon I'm going to have a town hall meeting there. I am excited to do that. One of the great features of that facility is that there is a water display that explains how water works in Nebraska, the process, the interrelation between groundwater and surface water, and a lot of that effort was undertaken by a gentleman named Tom Plummer. And Tom is a good man, he was a great commissioner in my humble opinion. And you also have the reality that the current process prohibits a guy like Tom who could have furthered his efforts and he had to do it privately and we're grateful that he has, but he could have furthered his efforts utilizing the experience that he had and the relationships that he had across the state, to further enhance the Game Commission to address the parks issues and to make sure that all Nebraskans had facilities that they could be proud of. This is not about recreating something, this is not about opening Pandora's box to create havoc because there are individuals from urban Nebraska that the members of this Sportsmen's Council in the future will like to see get reappointed. They may be on there now. So to come before your committee, and if you haven't picked up on my demeanor, I'm less than pleased, recognizing they have every right to take the position they do, but it would be my preference in the event they do that, that they don't give misleading information prior coming to me for my bill and then coming before you with a different position, but that's their prerogative, I can understand that. But to me this is simply about maintaining the proper checks and balances with the right people. And if that person who would be reappointed isn't the right person, that's why we have the process of being confirmed by the Legislature to ensure that. So I'll be happy to try to answer any questions. Again, if there are issues that we can work together with the sportsmen and the organizations that are in favor, I'm willing to do that. I offered to speak to the Sportsmen's Council this year before they took a position on the bill and I was told that wasn't necessary because they believe that based on some of the new circumstances that that would be unnecessary. So I am a little taken aback by the situation that I find myself in, but regardless, my support for this bill and my belief in good government and proper oversight is not limited to what certain people believe or what positions they take, but I believe that this is the right policy for the state of Nebraska. And I believe this in an important next step for us to make sure that we have the proper oversight for a valuable part of our state in regarding how we manage our Game and Parks and our laws. Thank you, Mr. Chairman, and I'd be happy to answer any questions. [LB418]

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SENATOR LOUDEN: Any questions for Senator Erdman? Seeing none, thank you, Senator. [LB418]

SENATOR ERDMAN: Thank you. [LB418]

SENATOR LOUDEN: And with that, we'll close the hearing on LB418 and close the hearings for today. [LB418]

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Disposition of Bills:

LB418 - Indefinitely postponed.

LB504 - Advanced to General File.

LB690 - Advanced to General File, as amended.

Chairperson

Committee Clerk