

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 29, 2009

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SENATOR ROBERT PRESIDING []

SENATOR ROBERT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the sixteenth day of the One Hundred First Legislature, First Session. Our chaplain for today is Pastor Tyler Hauptmeier from St. Peter's Lutheran Church in Wymore, Nebraska, Senator Wallman's district. Please rise. []

PASTOR HAUPTMEIER: (Prayer offered.) []

SENATOR ROBERT: Thank you. I call to order the sixteenth day of the One Hundred First Legislature, First Session. Senators, please record your presence. Mr. Clerk, please record. []

CLERK: I have a quorum present, Mr. President. []

SENATOR ROBERT: Thank you. Are there any corrections for the Journal? []

CLERK: I have no corrections, Mr. President. []

SENATOR ROBERT: Are there any messages, reports, or announcements? []

CLERK: Mr. President, your Committee on Enrollment and Review reports they examined and reviewed LB166 and recommend it be placed on Select File, and LB41, Select File. Banking, Commerce and Insurance Committee reports LB32 to General File, that signed by Senator Pahls as Chair. Hearing notice from Business and Labor signed by Senator Lathrop as Chair. And I have an amendment to be printed from Senator Nelson to LB80. And that's all that I have, Mr. President. (Legislative Journal pages 321-322.) [LB166 LB41 LB32 LB80]

SENATOR ROBERT: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda, Select File. []

CLERK: Mr. President, the first bill on Select File. Senator Nordquist, I have LB11. I have no amendments pending to the bill, Senator. [LB11]

SENATOR ROBERT: Senator Nordquist. [LB11]

SENATOR NORDQUIST: Mr. President, I move LB11 to E&R for engrossing. [LB11]

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SENATOR ROBERT: You have heard the motion. All those in favor say aye. Opposed say nay. LB11 is advanced. Next item, Mr. Clerk. [LB11]

CLERK: Mr. President, LB29. Senator, I have no amendments to the bill. [LB29]

SENATOR ROBERT: Senator Nordquist. [LB29]

SENATOR NORDQUIST: Mr. President, I move LB29 to E&R for engrossing. [LB29]

SENATOR ROBERT: Members, you have heard the motion. All those in favor say aye. Opposed, nay. LB29 advances. Mr. Clerk. [LB29]

CLERK: LB30, Senator, I have no amendments to the bill. [LB30]

SENATOR ROBERT: Senator Nordquist. [LB30]

SENATOR NORDQUIST: Mr. President, I move LB30 to E&R for engrossing. [LB30]

SENATOR ROBERT: Members, you have heard the motion. All those in favor say aye. Opposed, nay. LB30 does advance. Next item, Mr. Clerk. [LB30]

CLERK: Mr. President, LB49. Senator, again, I do have E&R amendments this time, Senator. (ER8002, Legislative Journal page 293.) [LB49]

SENATOR ROBERT: Senator Nordquist. [LB49]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB49. [LB49]

SENATOR NORDQUIST: Thank you. The question is the adoption of the E&R amendments to LB49. All those in favor say aye. Opposed, nay. The amendments are adopted. Mr. Clerk. [LB49]

CLERK: I have nothing further on the bill, Senator. [LB49]

SENATOR ROBERT: Senator Nordquist. [LB49]

SENATOR NORDQUIST: Mr. President, I move LB49 to E&R for engrossing. [LB49]

SENATOR ROBERT: Members, you have heard the motion. All those in favor say aye. Opposed, nay. LB49 does advance. Mr. Clerk. [LB49]

CLERK: Senator, LB49A. I have no amendments to the bill. [LB49A]

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SENATOR ROBERT: Senator Nordquist. [LB49A]

SENATOR NORDQUIST: Mr. President, I move LB49A to E&R for engrossing. [LB49A]

SENATOR ROBERT: Members, you have heard the motion. All those in favor say aye. Opposed, nay. LB49A does advance. Mr. Clerk. [LB49A]

CLERK: LB50, Senator. Again, I have no amendments to the bill at this time. [LB50]

SENATOR ROBERT: Senator Nordquist. [LB50]

SENATOR NORDQUIST: Mr. President, I move LB50 to E&R for engrossing. [LB50]

SENATOR ROBERT: Members, you have heard the motion. All those in favor say aye. Opposed, nay. LB50 does advance. Next item, Mr. Clerk. [LB50]

CLERK: LB62. Senator, I have Enrollment and Review amendments pending. (ER8003, Legislative Journal page 293.) [LB62]

SENATOR ROBERT: Senator Nordquist. [LB62]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB62. [LB62]

SENATOR ROBERT: Members, the question before the body is, shall the E&R amendments be adopted to LB62? All those in favor say aye. Opposed, nay. The amendments are adopted. Mr. Clerk. [LB62]

CLERK: I have nothing further on that bill, Senator. [LB62]

SENATOR ROBERT: Senator Nordquist for a motion. [LB62]

SENATOR NORDQUIST: Mr. President, I move LB62 to E&R for engrossing. [LB62]

SENATOR ROBERT: You have heard the motion, members. All those in favor say aye. Opposed, nay. LB62 does advance. Mr. Clerk. [LB62]

CLERK: LB31. Senator, I do have Enrollment and Review amendments pending. (ER8004, Legislative Journal page 297.) [LB31]

SENATOR ROBERT: Senator Nordquist. [LB31]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB31. [LB31]

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SENATOR ROBERT: Members, you have heard the motion to adopt the E&R amendments for LB31. All those in favor say aye. Opposed, nay. The amendments are adopted. [LB31]

CLERK: I have nothing further pending to LB31, Senator. [LB31]

SENATOR ROBERT: Senator Nordquist for a motion on LB31. [LB31]

SENATOR NORDQUIST: Mr. President, I move LB31 to E&R for engrossing. [LB31]

SENATOR ROBERT: Members, you have heard the motion. All those in favor say aye. Opposed, nay. LB31 advances. Next item. [LB31]

CLERK: Mr. President, LB179. I have no amendments to the bill, Senator. [LB179]

SENATOR ROBERT: Senator Nordquist. [LB179]

SENATOR NORDQUIST: Mr. President, I move LB179 to E&R for engrossing. [LB179]

SENATOR ROBERT: Members, you have heard the motion on LB179. All those in favor say aye. Opposed, nay. LB179 advances. Next item. Mr. Clerk. [LB179]

CLERK: Mr. President, with respect to LB180, I have no E&R amendments. Senator Nordquist would move to amend with AM60. (AM60, Legislative Journal page 323.) [LB180]

SENATOR ROBERT: Senator Nordquist, you're recognized to open on AM60. [LB180]

SENATOR NORDQUIST: Thank you, Mr. President. AM60 is kind of going back a little bit to our discussion a couple days ago on LB180 when we tried to, you know, amend other cities into the bill. AM60 scales it back a little bit. It would continue to have cities, counties, villages, 5,000 or less. It would also include areas which include a high concentration of poverty. For instance, in my district is an area of high concentration of poverty. As defined in the amendment, it would be a census tract which has 30 percent or more of its population living in poverty and any census tract surrounding that. In the past, when we've had discussions about the challenges facing rural Nebraska, we've acknowledged that there is a correlation between those challenges and the challenges we're facing in areas of our state that have a high concentration of poverty. I pulled some census figures from the 2000 Census looking at some of the cities that would qualify under the bill as written, and it would qualify...and the census tract in my district in south Omaha, and I know there's one in north Omaha. I believe there is one in Lincoln as well. And looking at the numbers, it's pretty startling that the similarities between, for instance, the median household income in south Omaha of \$27,900, and

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the median household income of David City of \$34,000 and in Valentine of \$27,000. And the median home value in these places of south Omaha of \$55,000, David City of about \$66,000, and Valentine about \$65,000, significantly less than Nebraska as a whole of \$88,000 and Omaha at about \$94,000. So there are similarities. We've made this distinction and we've made this relationship before in our rural tier of the Nebraska Advantage Act. We did it with our job grants last year in a bill that Senator Schimek introduced, and I think in this program as well. In areas of our state that are struggling, that are decaying, they need some help with deconstruction and revitalization. These areas of poverty do just like our rural communities do. So I ask the members to give your full consideration to AM60. Thank you. [LB180]

SENATOR ROBERT: Thank you, Senator Nordquist. You have heard the opening on AM60 to LB180. We will proceed to discussion. Those wishing to speak are Senators Langemeier and Lautenbaugh. Senator Langemeier, you're recognized. [LB180]

SENATOR LANGEMEIER: Mr. President and members of the body, back to LB180. I rise in opposition to AM60, and let me talk a little bit about why the department came up with this LB180. What we have is little towns that don't know how to get rid of buildings. Nobody wants to get rid of buildings because there's no value. Nobody wants to put any investment in it. And what's happening is, is they're ending up...these buildings are ending up getting taken down. They're getting taken out to some rural area and they're getting buried behind some grove. And then either the department is finding out about it or else they tore it down, and then they find out, oops, we shouldn't have done that. I mean, they're not trying to be deceitful. They just don't know. And so this wasn't a department coming in and saying, hey, let's put some money in little towns and not Omaha, Nebraska. They see this problem being created out there. They want to be on the front end and proactive to try and clean this up so we don't end up with this mess out behind the trees. And so that's how this was designed. And this fund has a number of other entities that take money out of it, and so that's why they just wanted one more avenue for people to apply for a grant under this program. It wasn't to, like I say, to divert money out to rural Nebraska or anything like that. That's where they're seeing the problem. There's a request out there. Omaha has a department that knows how to do this. Matter of fact, they have a budget. I think they spend somewhere over \$300,000 to \$500,000 a year to do this type of work. They understand how to do it. They're doing it properly. We're trying to prevent the contamination of our soil and just dumping of these facilities across the state. With that, I would ask that you do not support AM60. I thank Senator Nordquist. He told me yesterday that he was bringing it, and so I very much appreciate him talking to me ahead of time. And so I would ask that you don't support AM60, but pass LB180. Thank you. [LB180]

SENATOR ROBERT: Thank you, Senator Langemeier. (Visitors and doctor of the day introduced.) Returning to discussion, Senator Lautenbaugh, you're recognized. [LB180]

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SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I rise again on this bill and on this amendment, and I've actually put in another amendment myself that may or may not go forward, depending. I remain conflicted on this bill. And this amendment addresses the concerns of Omaha, but my concerns were not specifically those of Omaha. As we developed in the questioning the last time we considered this bill, the 5,000 population limit is just a number. And I realize and acknowledged the other day that everything we do here is about drawing lines and picking a point beyond which something is illegal or a point beyond or underneath which something gets funding. I understand that's what we do day out, and it's possible to sit and pick apart any bill by saying, hey, you're just drawing an arbitrary line. That said, this amendment addresses some of the concerns that Omaha had. As I understand it, it would provide funding for demolition of buildings in north and south Omaha. Now really, since there's redevelopment going on more aggressively in other parts of the city, this amendment would probably address the totality of Omaha's concerns because these are the areas in which the funds would be used, and they're the ones that are being added to the program. What this doesn't address is a community over 5,000. And I have those in my district. They're scattered throughout the state. They're not the size of Omaha, they're not under 5,000. The city of Blair fits in that. The city of Schuyler fits in that. Several cities throughout the state fit in that. And I don't know where to draw the line here, which is why I say I'm conflicted on this bill and this amendment. I understand the rationale that maybe some of the smaller towns don't have the staff that can handle this demolition as well as the city the size of Omaha can, but I don't know if 5,000 is the breaking point or not between when a city can do it. Maybe cities under 10,000 need help. Maybe cities under 15,000. The amendment I put in changes the 5,000 to 15,000 and we're not talking about that yet, so I'll stick to the point at hand. But I honestly don't know how to feel about this amendment, because while it simply adds certain areas of Omaha, it really adds the only areas of Omaha that would likely be affected. So with this bill we're taking care of the towns under 5,000 and we're taking care of the city of Omaha, but no one in between, as amended. And I think we need to consider this. It may be the right answer. It may be needed, but I'm troubled by it. And so I rise again to speak on this amendment, and I'm not even going to ask you to vote one way or another because I don't know how I'm going to vote on this amendment. Thank you. [LB180]

SENATOR ROBERT: Thank you, Senator Lautenbaugh. Senator Nordquist, you're recognized. [LB180]

SENATOR NORDQUIST: Thank you, Mr. President. You know, we're struggling in rural communities across the state to revitalize and to keep them going just like we're struggling in south Omaha and north Omaha. We have buildings that are 100 years old or older and it's important that we continue to do everything we can and give them the tools to revitalize these communities, the communities of south Omaha, the community of north Omaha, and our rural communities. Like I said, you know, we're...I think

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Senator Langemeier the other day kind of made a point that, you know, if we tear down a building in the middle of downtown, maybe the lot, downtown of a small town, maybe the lot doesn't bring that much money. Well, I think, kind of looking at the numbers, you know, a lot in north Omaha or south Omaha really isn't worth that much either. They don't bring high prices, and I think it's important to make that correlation. And the Legislature has done it in the past, that we've said communities like north Omaha and south Omaha are very similar in the challenges they face to the communities in rural Nebraska. Would Senator Langemeier yield for a quick question? [LB180]

SENATOR ROBERT: Senator Langemeier, will you yield to a question from Senator Nordquist? [LB180]

SENATOR LANGEMEIER: Yes. [LB180]

SENATOR NORDQUIST: Senator Langemeier, just...can you tell me kind of the process that the department goes through in determining what grants to award? [LB180]

SENATOR LANGEMEIER: My understanding is, the grants take...the department takes applications for a number of grants that are all in this pot. This would be one category. They take those all in. And so the city of Omaha, Schuyler, whoever wants to apply for a grant, puts them in. They rank them all and then they pay them out in that fashion. [LB180]

SENATOR NORDQUIST: Okay. Do they, in that determination, do they look at which grant applications would have the most positive impact on the environment and the environmental quality? [LB180]

SENATOR LANGEMEIER: Correct. [LB180]

SENATOR NORDQUIST: So if, for instance, there were two competing grants, one in south Omaha and one in David City, for example, and the department knew David City was going to take this building and throw it out in the pasture, and they knew Omaha would, you know, handle it maybe a little more in an environmentally friendly way, do you think they would lean towards the grant going to David City? [LB180]

SENATOR LANGEMEIER: I don't know how they would rank that in. I'm not sure how they would know that status. [LB180]

SENATOR NORDQUIST: Okay. Okay. Well, I would hope that would be part of it that they would look at what the city does and what the city has available to them. So I don't know that this is necessarily going to skew completely to Omaha. I would hope that the department considers the benefits of these grants and considers the benefits on the environment as they look at these grants, so. Thank you. [LB180]

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SENATOR ROBERT: Thank you, Senator Nordquist and Senator Langemeier. Senator Council, you're next and recognized. [LB180]

SENATOR COUNCIL: Good morning. I rise in support of AM60. I appreciate the comments by Senator Langemeier, but I think the point that the body needs to be cognizant of, and it was just alluded to by Senator Nordquist, is that this amendment only allows the city of Omaha to be eligible for a grant. It's not an appropriation of any kind to Omaha. They will have to compete in the same manner as others who are eligible for these grants. And the point that Senator Nordquist made, and I absolutely agree with, is that north and south Omaha face some of the exact same environmental issues, redevelopment issues, as do many of our rural communities. And in this regard, it places Omaha in a position, particularly north and south Omaha, in a position to address some serious hazards that are presented by some of these dilapidated buildings that are allowed to remain standing for numbers of years. And we're talking about a bill that comes out of a department that deals with waste management and deals with hazardous waste management. As Senator Langemeier did accurately state, the city of Omaha budgets hundreds of thousands of dollars a year for the demolition of dilapidated and condemned buildings. However, what he neglected to advise you of is how quickly the city of Omaha exhausts those funds on an annual basis, because many of the buildings that have to be...they are demolished and then those hazardous materials taken away, are buildings that are full of lead-based paint, buildings that are full of asbestos, buildings that are full of other hazardous waste that increase the cost to the city of Omaha of carrying out that demolition. And as a result, if you were to look at the number of buildings that are identified on an annual basis as being in need of demolition and the number of buildings that are actually demolished on an annual basis, you would probably be surprised to see how few demolitions can be accomplished, even with the money that is provided. I believe that the fact that, again, this is a competitive grant process that is being provided by this measure, and that the amendment only allows for cities like Omaha to be an eligible applicant for those grants, and I would urge the body to support the amendment. [LB180]

SENATOR ROBERT: Thank you, Senator Council. There are no others wishing to speak. Senator Nordquist, you're recognized to close on AM60. [LB180]

SENATOR NORDQUIST: Thank you, Mr. President. This is not a...and I hope people don't see this as an urban versus rural thing. This is making the relationship between these communities of north and south Omaha that are struggling, make it, make that relationship known and put into statute like we have done in the past with the rural tier of the Nebraska Advantage Act. Those benefits apply to north and south Omaha, areas of high concentration of poverty. We've done it with our job training grants, that those places, north and south Omaha, would be eligible for those just like rural parts of our state. So I think it's important that we make that correlation, and we make these parts of

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our state that are struggling to revitalize and grow and develop, we give them the tools just like we're going to give the tools to rural Nebraska to revitalize and grow. So with that, I appreciate your support. I would ask for a call of the house and a roll call vote. [LB180]

SENATOR ROBERT: Thank you, Senator Nordquist. There has been a request for a call of the house. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB180]

CLERK: 29 ayes, 2 nays, Mr. President, to place the house under call. [LB180]

SENATOR ROBERT: The house is under call. Members, please return to your seats and check in. Senator Nantkes, the house is under call. Please return to the Chamber. Members, the question before the body is, shall AM60 be adopted to LB180? Mr. Clerk, please call the roll. [LB180]

CLERK: (Roll call vote taken, Legislative Journal page 323.) 24 ayes, 24 nays on the amendment, Mr. President. [LB180]

SENATOR ROBERT: AM60 is not adopted. Next item, Mr. Clerk, and I raise the call. [LB180]

CLERK: Mr. President, Senator Lautenbaugh would move to amend. (FA3, Legislative Journal page 323.) [LB180]

SENATOR ROBERT: Senator Lautenbaugh, you're recognized to open on FA3 to LB180. [LB180]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. My amendment is very simple. Instead of this bill applying to communities of 5,000 and entities of 5,000, it changes it to 15,000. I believe that will make it available to more small communities and counties throughout the state, and I'd urge your approval. [LB180]

SENATOR ROBERT: Thank you, Senator Lautenbaugh. Are there any others wishing to speak on this matter? Senator Nelson, you're recognized. [LB180]

SENATOR NELSON: Thank you, Mr. President. Would Senator Langemeier yield to a question? [LB180]

SENATOR ROBERT: Senator Langemeier, will you yield to a question from Senator Nelson, please? [LB180]

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SENATOR LANGEMEIER: Yes. [LB180]

SENATOR NELSON: Thank you, Senator Langemeier. I missed the debate on this on Monday, so these questions may already have been asked, but can you tell me about how much exists in this fund on an annual basis? [LB180]

SENATOR LANGEMEIER: They're collecting on the average about \$5.5 million, well, actually \$4 million on average, but last year it was \$5.5 million. [LB180]

SENATOR NELSON: All right. These grants are discretionary then. As you said, their applications are made so it's up to this board or whatever to make the determination? [LB180]

SENATOR LANGEMEIER: Yeah, it's not the board, it's the department of DEQ. [LB180]

SENATOR NELSON: Department of what? [LB180]

SENATOR LANGEMEIER: Department of Environmental Quality. [LB180]

SENATOR NELSON: Environmental quality, that's right. And about how many grants are made then on an annual basis, if you know? [LB180]

SENATOR LANGEMEIER: Oh, I have that number. I'll look it up for you. I just have it by counties, how many, but I'll get that to you. [LB180]

SENATOR NELSON: Well, are we talking about hundreds of grants or do you have any idea of the range? [LB180]

SENATOR LANGEMEIER: Every county receives something. I don't know the exact number of that. I was looking at dollars. I really wasn't looking at the number of applications or grants. [LB180]

SENATOR NELSON: All right. But the fact remains that the applications are made, and so it's at the discretion of this department what they award. And it would be, what, up to \$5,000, is that correct? [LB180]

SENATOR LANGEMEIER: This particular program would let cities with 5,000 in population or under apply under this category. And there's lots of categories you can apply under, but this one would be under 5,000. [LB180]

SENATOR NELSON: All right. Fine. All right. Thank you, Mr. Langemeier. [LB180]

SENATOR LANGEMEIER: Thank you. [LB180]

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SENATOR NELSON: Members of the body, it seems to me that this is a reasonable amendment. It would raise the size. This is discretionary on the part of the department. It would give them a little more latitude, a little more leeway in deciding where to allocate this money or allocate these grants, and it was also expanded so it would cover cities a little larger than 5,000 up to 15,000. I think make it fairer across the state altogether. So I would support this amendment and I would urge your support. [LB180]

SENATOR ROBERT: Thank you, Senator Nelson. Those wishing to speak are Senators Schilz and Lautenbaugh. Senator Schilz, you're recognized. [LB180]

SENATOR SCHILZ: Good morning, Mr. President and members of the body. I stand to state my objection to this amendment. I think that as we look at things, like I stated yesterday, many of these communities that are larger than 5,000, larger than 10,000, have things in place such as community redevelopment authorities and TIF financing and things like that, that can be used for these projects. I look at this as an opportunity for some of the smaller communities without those tools to be able to utilize some of this, some of these funds. And that's why I stand in opposition to this, so thank you very much. [LB180]

SENATOR ROBERT: Thank you, Senator Schilz. Senator Lautenbaugh, you're recognized, and you are the last light on. [LB180]

SENATOR LAUTENBAUGH: Thank you, Mr. President, and I'll be brief. I think the bill speaks for itself. I won't...okay, I'll ask you to vote your conscience on this one. I don't know if it rises to that level or not, but that's fine with me. I think this would help a wider array of communities. I'd ask for your vote. I would ask again for a call of the house and a roll call vote on it. [LB180]

SENATOR ROBERT: Thank you, Senator Lautenbaugh. You've heard the closing on FA3. There's been a request for a call of the house. All those in favor say aye; all those opposed vote nay. Please record, Mr. Clerk. [LB180]

CLERK: 29 ayes, 0 nays, Mr. President, to place the house under call. [LB180]

SENATOR ROBERT: Members, the house is under call. Senators, please record your presence. Those senators outside the Chamber, please return to the Chamber. All unauthorized personnel please leave the floor. Senator Janssen, would you check in please. Senator Flood, Senator Sullivan, Senator Ashford. Senator Council, will you please return to the Chamber. The house is under call. Senator Lautenbaugh has indicated we may proceed. The question before the body is, shall FA3 be adopted to LB180? Mr. Clerk, please call the roll. [LB180]

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CLERK: (Roll call vote taken, Legislative Journal page 323.) 18 ayes, 25 nays, Mr. President, on the amendment. [LB180]

SENATOR ROBERT: FA3 is not adopted. Returning to discussion on LB180. Are there any wishing to speak, and I raise the call. Seeing none, Senator Nordquist for a motion. [LB180]

SENATOR NORDQUIST: Mr. President, I move LB180 to E&R for engrossing. [LB180]

SENATOR ROBERT: The question before the body is, shall LB180 be advanced to E&R for engrossing? All those in favor signify by saying aye. Opposed, nay. LB180 does advance. Next item, Mr. Clerk. [LB180]

CLERK: Mr. President, LB154. Senator, I have E&R amendments, first of all. (ER8005, Legislative Journal page 302.) [LB154]

SENATOR ROBERT: Senator Nordquist. [LB154]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB154. [LB154]

SENATOR ROBERT: Members, the question is, the adoption of E&R amendments to LB154. All those in favor say aye. Opposed say nay. The amendments are adopted. [LB154]

CLERK: Senator Avery would move to amend with AM50. (AM50, Legislative Journal page 304.) [LB154]

SENATOR ROBERT: Senator Avery, you are recognized to open on AM50 to LB154. [LB154]

SENATOR AVERY: Thank you, Mr. President, colleagues. This amendment is pretty straightforward. It removes the final reference to the Public Health Clinic Formulary Advisory Committee which was left in statute. The intent of LB154 is to repeal the advisory committee, but this particular reference was inadvertently left in the original bill. So all this amendment does is clean up the statute so that no reference to the committee remains in existing law. I urge you to approve this. Thank you. [LB154]

SENATOR ROBERT: Thank you, Senator Avery. You've heard the opening on AM50 to LB154. Those wishing to speak are Senator Pirsch. You're recognized. [LB154]

SENATOR PIRSCH: Thank you, Mr. President and members of the body, and I do support the bill voted yes insofar as I think it's important that we go back and look at

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programs that were created years and years ago that are archaic, and so I encourage this type of activity on an ongoing basis. I do understand that some parties may come forward with respect to on Final, an amendment to delete the Public Health Formulary Advisory Committee from the list that are going forward for consideration, and so...but I tell you, I think it is an important thing that we do to look at programs that have been created at times in the past and that are no longer useful to the state, and so...and delete them from the statutes, so. I will yield back the balance of my time. [LB154]

SENATOR ROBERT: Thank you, Senator Pirsch. Senator Avery, you're recognized. [LB154]

SENATOR AVERY: Thank you, Mr. President. Many of you have heard from the lobby on this and I just want to clarify one thing. This board would not be on the list for termination if it had been active. They have not met for three years. I understand that they have hastily called a meeting for later this month. But the truth is, that if it was an essential board to keep in law, it seems to me that they would have had something to do over the past three years, which they did not. And I would point out to you that existing law, if you look at the amendment, under 38-2889, existing law, which we are not striking, reads that "The board may appoint formulary advisory committees as deemed necessary for the determination of formularies for delegated dispensing permittees." So this does not prevent the Pharmacy Board from appointing a advisory committee if they need to. My hope is that we can regularly look at boards that are not active and terminate them. We have too many as it is. It was my hope that we would have more than 20 on the list. We did succeed in 20 and I would hope we could hold it at that, and we will be coming back at a later time to look at more of these. The staff put in a lot of time over the past year researching the issues and surveying all of these groups and boards and commissions to find out if there was some reason to keep them. The determination was that there was no reason to keep this board. They did not show up at the hearing to protest what we were doing, so I urge that you support this amendment. Thank you. [LB154]

SENATOR ROBERT: Thank you, Senator Avery. There are no other lights on. Would you just like to use that as your closing? The question before the body is, shall AM50 be adopted to LB154? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB154]

CLERK: 44 ayes, 0 nays, Mr. President, on the adoption of Senator Avery's amendment. [LB154]

SENATOR ROBERT: AM50 is adopted. [LB154]

CLERK: I have nothing further on a bill. [LB154]

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SENATOR ROBERT: Is there any discussion on LB154? Seeing none, Senator Nordquist for a motion. [LB154]

SENATOR NORDQUIST: Mr. President, I move LB154 to E&R for engrossing. [LB154]

SENATOR ROBERT: Members, you have heard the motion. All those in favor say aye. Opposed, nay. LB154 does advance. Next item, Mr. Clerk. [LB154]

CLERK: Mr. President, LB91. Senator, I have no amendments to the bill. [LB91]

SENATOR ROBERT: Senator Nordquist. [LB91]

SENATOR NORDQUIST: Mr. President, I move LB91 to E&R for engrossing. [LB91]

SENATOR ROBERT: Members, you have heard the question. All those in favor say aye. Opposed, nay. LB91 does advance. Mr. Clerk. [LB91]

CLERK: LB196. Senator, I have no amendments to the bill. [LB196]

SENATOR ROBERT: Senator Nordquist for a motion. [LB196]

SENATOR NORDQUIST: Mr. President, I move LB196 to E&R for engrossing. [LB196]

SENATOR ROBERT: Members, you have heard the motion. All those in favor say aye. Opposed, nay. LB196 does advance. Items for the record, Mr. Clerk. [LB196]

CLERK: Mr. President, thank you. Your Committee on Government, Military and Veterans Affairs reports LB7 to General File; LB55, General File; LB8 is indefinitely postponed. Education Committee reports LB20 to General File, and LB102 to General File with amendments. Those reports signed by the respective Chairs. Executive Board gives notice of public hearing. New A bill. (Read LB105A by title for the first time.) And I have an explanation of vote from Senator Sullivan. That's all that I have, Mr. President. (Legislative Journal pages 324-325.) [LB7 LB55 LB8 LB20 LB102 LB105A]

SENATOR ROBERT: Thank you, Mr. Clerk. Moving on to the agenda, General File. First item on the agenda, Mr. Clerk. []

CLERK: LB105, bill by Natural Resources Committee. (Read title.) Bill was discussed yesterday, Mr. President. At that time, Senator Langemeier presented the bill. I have no amendments pending...I'm sorry, I do have. We're discussing the committee amendments, Mr. President. (AM6, Legislative Journal page 303.) [LB105]

SENATOR ROBERT: Senator Langemeier, you are recognized to reopen on LB105

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and AM6, please. [LB105]

SENATOR LANGEMEIER: I'll give a brief reopening, very brief. LB105, we haven't left this that long ago. This is a catchall bill introduced by the Natural Resources Committee on behalf of Game and Parks. It is a bill that restructures the fee structures that they have for hunting permits, park permits, and a number of other things. And what we're handing around right now is a committee member...you always appreciate committee members that are willing to help. And so Senator McCoy made a data sheet, put this together for me, and I appreciate that, and you're going to get that. And when you get that, you're going to find out that Nebraska's current--I'm just going to use one of these; we could go through all of these but I'm just going to use one--is the annual small game hunt permit. It's currently \$14, and this bill would raise the top-end cap on that at \$21. If you look at the states around us, South Dakota is currently \$29 for this... these are all going to be the same type of permit. South Dakota is at \$29, Kansas is at \$20.50, Wyoming is at \$24, Iowa is at \$17.50, Colorado is at \$21, and Missouri is at \$10. As you can see, we are still going to be lower than our surrounding areas, and so we're still going to try and be responsible for game hunting in Nebraska. And so I encourage you to look at that. One of the discussions we did have yesterday was a 6 percent increase, and that is in current statute and it's in the front of that bill. And with that, that's my opening. I'll take questions if there are any. Thank you, Mr. President. [LB105]

SENATOR ROBERT: Thank you, Senator Langemeier. Those wishing to speak are Senators Friend, Pirsch, and Stuthman. Senator Friend, you are recognized. [LB105]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. The Natural Resources Committee and Senator Langemeier...I spent two years on Natural Resources when, I think, this came...actually the year after I left the committee is when there was a change in the fee structure. Now, as Senator Carlson pointed out yesterday, I think we're in agreement. I fully understand exactly what's happening here. And from a high level, I agree with him. But I also, I'd also like to dig down into the minutia and try to figure out why those numbers...I mean, was there a market analysis and were there reasons that those numbers were set at what they were? And I think the trouble a lot of folks have every three years is when Game and Parks decides to make these changes or everybody involved in the discussion tries to make these changes, they appear to be somewhat drastic in nature. These appear to be more drastic in nature than the ones that were being made three years ago, at least to my knowledge or to my recollection. On page 8 of the green copy, I found items that, I don't know if they disturbed me, but they kind of stick out. Thirteen...some of the things that I wrote down, I actually don't think these we're on page 8. They're scattered all over the bill. But the bottom line is, \$13 to \$21 for a hunting permit, \$17 to \$28 for a fishing permit, \$11 to \$18 for a three-day permit, \$8 to \$13 for a one-day permit. Now, Senator Schilz eloquently pointed out yesterday that right now we don't have border bleed. We've got a lot of folks maybe from Wyoming, maybe South Dakota. They look at these numbers

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that Senator Langemeier tossed out and they say, that's a great deal; I'm going to Nebraska and I'm going to hunt some antelope or I'm going to go fishing. But what does the market analysis tell us? I'd like to know. And by the way, if I'm sitting in Wyoming, if I'm sitting in Wyoming and I'm going to go to Nebraska to get an antelope, it's going to be because it's a lot cheaper, a lot cheaper. Why travel to Nebraska to shoot an antelope for the same price? I'm not trying to be trite here. What I'm saying is, that argument is great when there is a significant difference, but we're encroaching on that difference here. Let's switch gears here for a second again. I had mentioned Pat Bourne yesterday in the discussions that we had three or four years ago. We can call this anything we'd like. We can call them fees. We can call them anything else. You know what, to a hunter? To a hunter it's a tax. The hunter is going to turn around and say, I'm going to get it anyway. Everybody says, well, a sales tax, a fee. What's the difference, folks? They're both regressive. If I choose not to buy something, I'm not affected by the sales tax, right? We have a dysfunctional sales tax system in this state. It's extremely regressive, and we go around every two or three years and decide, well, let's exempt this person, let's not exempt this commodity, let's exempt this product, whatever. We're picking on hunters, fishermen, call them whatever you...all through this bill, and we're hammering them... [LB105]

SENATOR ROBERT: One minute. [LB105]

SENATOR FRIEND: ...because we know they're going to go do it anyway. That's what's a little bit offensive to me. They're from out of state; that's okay, let's bilk them. All right, we're bilking the guys in-state, too, folks. Don't forget it. Thirteen dollars to \$21 for a hunting permit. That's significant. Somebody tell me I'm wrong. I can go in and start dropping amendments. I would rather just bracket the bill and talk about it more. I stood up last year and probably got way too angry and overzealous about a gas tax hike of 1 cent. And I probably alienated myself from people like Lavon Heidemann and other folks who were trying to do what they feel is right. Well, you know what? I haven't heard...I haven't alienated myself from anyone on this yet. I can. [LB105]

SENATOR ROBERT: Time. Thank you, Senator Friend. Those wishing to speak: Senator Pirsch, Stuthman, and Wallman. Senator Pirsch, you are recognized. [LB105]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. I appreciate the debate that has gone on thus far on the bill. I wonder if Senator Langemeier might yield to a question or two that I bear relevant. Senator Langemeier. [LB105]

SENATOR ROBERT: Senator Langemeier, will you yield to a question from Senator Pirsch? [LB105]

SENATOR LANGEMEIER: Yes. [LB105]

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SENATOR PIRSCH: I appreciate that. In helping me get a lay for the land or an understanding of who these increased fees may fall upon, you know, I think it is, and I certainly appreciate the talk, the discussion Senator Friend has in talking about the effect that this may have on out-of-state hunters. But I'd like to kind of broaden the scope of what we're talking about here today and get a better idea of, first of all, the majority, who are the hunters in Nebraska? Is the majority domestic Nebraskans who are taking out these licenses or are a majority out-of-state hunters? Because the answer may turn, you know, the results here. If 99 percent of this money is coming from people out of the state, then, you know, that might differ my opinion as far as whether or not this would be beneficial to the state, as opposed to if 99 percent of the licenses are being taken out by Nebraskans. [LB105]

SENATOR LANGEMEIER: I don't know. If you are asking if we sell 1,000 fishing permits that...or hunting permits, I don't know that 900 of them are from Nebraska and 100 are from out of Nebraska, but I can find that out for you. [LB105]

SENATOR PIRSCH: Great. And I'm sure it does vary from, you know, type of hunting, type of fishing. You know, obviously, deer may be different than elk, etcetera, as opposed to fishing. But I think having an understanding of how much of the business, if you will, is coming from out of state as opposed to internal would help answer some of the questions I have. And so, with that request, I will yield the balance of my time to Senator Langemeier, if he desires to take it. [LB105]

SENATOR ROBERT: Senator Langemeier, 2:23. [LB105]

SENATOR LANGEMEIER: I don't need it. I will find out that piece of information for Senator Pirsch. Thanks. [LB105]

SENATOR ROBERT: Thank you, Senators Pirsch and Langemeier. Senator Stuthman, you're recognized. [LB105]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I've been doing a little research on this, and I think we're discussing something that is a perception out there, the fact that raising these fees from \$13 to \$21. And in my opinion, this \$21 is really not attainable. It won't go into effect, mainly because of the fact that what we have in statute right now is the fact that it is at \$13 and it can...we had a bill several years ago that they can raise it 6 percent for three years and then they have to come back to the Legislature. So and I do not know exactly what year we put that into effect. It might have been last year. It might have been the year before. So I think the Game and Parks has to come back to the Legislature when this takes place, when those three years are up, and to see if they can raise the fees again. If the three years are up next year or in two years or in three years from now, they have to come back to the Legislature for the increase. Maybe the legislative body at that time won't allow it to

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go anymore than that, and to stay at that fee. This to me is a cap that we won't get to, you know, for many, many years. And to tell you the truth, I don't know why we put a cap in there because it's currently at \$13, can go up 6 percent a year for three years, then the Game and Parks comes back to the legislative body to see at what rate they can increase that fee again. I would like to ask Senator Langemeier a question. [LB105]

SPEAKER FLOOD PRESIDING []

SPEAKER FLOOD: Senator Langemeier, will you yield for a question? [LB105]

SENATOR LANGEMEIER: Yes. [LB105]

SENATOR STUTHMAN: Senator Langemeier, are you aware of when this three-year period would take place as to when did we pass legislation that the 6 percent can be added on for three years and then they have to come back to the Legislature? Would it be next year or in two years from now? [LB105]

SENATOR LANGEMEIER: I don't know. I will find out for you. [LB105]

SENATOR STUTHMAN: Okay. Okay. I think it was possibly at least a year ago when we put that into a statute and that can take place. And this putting this cap on is, to me, very artificial, that they can't, they can't attain that, because they have to come back to the Legislature to increase the fees, the 6 percent or more than a 6 percent, because that was passed by the legislative body. So I'm still a little bit concerned as to the perception that the majority of the people are going to get out there that these fees are going to be raised from \$13 to \$21. They really can't do that. They can only raise it the 6 percent and if it's up two years ago, maybe it's up now, I'm not sure. I need to get that information as far as, you know, when that three-year period is ended and when they have to come back to the floor to see what they can raise. Maybe at that time, if this bill would pass, that it would be taken off and they could go up to that \$21. Maybe that's the intent of the bill. I do not know. But I just think that these dollar figures in the eyes of the fisherman, the hunter, the trapper, they're going to say, oh my word, these fees are going to go up to \$21; they were \$13; that's a 60 percent increase. But they really can't. And they may never get to that \$21 if it continues the way we have in the past of 6 percent a year for three years, and then it is determined by the legislative body at that time as to what type of an increase they're going to allow... [LB105]

SPEAKER FLOOD: One minute. [LB105]

SENATOR STUTHMAN: ...the Game and Parks to do at that time. So I think the figure of \$21, you know, won't be attainable for at least eight or ten years. But I think there's a method in place right now that we really don't have to, have to have this. We really don't need to pass this bill, in my opinion, because there is something in place that increases

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the fee already. Thank you, Mr. President. [LB105]

SPEAKER FLOOD: Thank you, Senator Stuthman. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR8. Continuing with discussion, Senator Wallman, you are recognized. [LR8 LB105]

SENATOR WALLMAN: Thank you, Mr. President and members of the body, and thank you for Senator Stuthman's comments. And I too like to see hunters and fishermen in our area, but do we want to increase fees? I've been hearing from the hunters and fishermen, it's too high, and we try to promote youth in hunting and fishing instead of declining. So I think maybe we're going about this the wrong way. I think we ought to have more deer permits out there. I have plenty of deer in my area. I think they could give four times as many and promote that more hunting and fishing, and that's why I have tremendous trouble with raising fees at this time. Thank you, Mr. President. [LB105]

SENATOR ROBERT PRESIDING []

SENATOR ROBERT: Thank you, Senator Wallman. Those wishing to speak are Senators Hansen, Price, Pirsch, and Harms. Senator Hansen, you are recognized. [LB105]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. I think there's some really good points in this bill, I really do. I think that raising the fines--I want to make that clear: the fines, not the fees--I think it's a great idea to have Game officers out there catching people, fining people who poach, road hunt, and hunt without a license. I think that is good. I think it's great that we encourage our youth to join the rest of the hunters in the state. I think that we need those hunters. We need to control some of the wildlife in the state, and to encourage youth hunting I think is great; turkeys and deer especially. And I think it's good to pay landowners something from Game and Parks' fees to get some more areas, some more land, some more acres for free hunting. I think that free hunting in this state has a long history and I think it needs to continue. I do have a question, though, about why we want to raise fees, why Game and Parks want to raise fees and to spend them in the way they want to spend them, and in the context of what I'm going to say, defer doing what I think is right. I have a constituent in District 42 that lives in the Platte Valley and he also has summer range and two pivots in McPherson County, which would be Senator Fischer's area, her huge district, but the constituent actually lives in my district. He lives 20 miles north of the North Platte River. It's in a radius about 20 to 30 miles from the next closest alfalfa field, if you can see where I'm coming from this. During the late summer, early fall, and all winter, mule deer bunch up on his two pivots, and again it's about a radius of 20 miles to 30 miles from the next closest alfalfa field. Mule deer prefer alfalfa as a protein source during the winter. When the native grass is dried up and the protein level has gone

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down, these mule deer still require a certain level of protein. And if the alfalfa is available, that's where they go. During the growing season the deer seem to prefer the cornfield, because every year at harvesttime he finds a circle about somewhere between a 100- and 150-foot circle around the outside of that cornfield that have been eaten by mule deer. These are not crop circles from aliens. They are crop circles from deer, and mostly mule deer. And then another thing that the Game and Parks has done this year is to not allow the taking of does in McPherson County because of the deer count. Well, I think we've found the deer count and where it is. Damages from wildlife to this constituent is a count of about 150 mule deer every night that congregate on his two pivots. All winter they take shelter in his windbreaks. He's spent a lot of money doing the windbreaks. I mean, they are very welcome of the windbreaks but also they use his bale piles for bedding and other bodily functions. He's met with Game and Parks. It's not that he just lives up there and whines about it. He has contacted Game and Parks and he's talked to the biologist, Richard Nelson, to show him what those damages are. And he feels that Game and Parks should be partially responsible for the damages from the deer. He would agree to build a \$10,000 deer-proof fence around his bale yard, and he said he would cost-share it if Game and Parks could come up with half the price, but they are unwilling to do that. And he would also like in this bill somewhere that a landowner... [LB105]

SENATOR ROBERT: One minute. [LB105]

SENATOR HANSEN: ...would be able to sell additional deer permits to pay for the damage of the deer. These are just some of the ideas that he has. And Mr. President, I'll put my light on and talk again about, specifically, the permit fees. Thank you, Mr. President. [LB105]

SENATOR ROBERT: Thank you, Senator Hansen. Senator Price, you are recognized. [LB105]

SENATOR PRICE: Thank you, Mr. Chairman, body. I would like to ask Senator Langemeier a couple of questions if he would yield. [LB105]

SENATOR ROBERT: Senator Langemeier, will you yield to a question? [LB105]

SENATOR LANGEMEIER: I will. [LB105]

SENATOR PRICE: Senator Langemeier, in reviewing the bill, I would like to ask about line 22, on page 21, where it states that "Up to thirty percent of the money received from the sale of aquatic habitat stamps may be used to provide public waters angler access enhancements and to provide funding for administration of programs related to the aquatic habitat..." Do you know yet what the percentage is now, because that hasn't been called out before, so what is the operating percentage they have now? [LB105]

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SENATOR LANGEMEIER: There is no percentage. Right now, they don't...matter of fact, they're putting that restriction on themselves as the Game and Parks to let the public know that they are going to put at a minimum of 30 percent of those fees back into habitat production and habitat quality. Right now, there's nothing. [LB105]

SENATOR PRICE: So, it'd be fair to say that we don't have a benchmark to tell whether we're saving or spending more or less, correct? [LB105]

SENATOR LANGEMEIER: I think you have a benchmark that tells you exactly that they are putting money towards habitat, versus before, you may not know within their big budget what they're actually doing. With this, they're "self-saying" we are going to put 30 percent or more towards habitat for aquatic. Right. [LB105]

SENATOR PRICE: And I agree with you, with that. But again we just don't know how much the operating costs is right now; whether we're paying 60 percent, 12 percent. Are we increasing their budget for operations? Are we decreasing their budget? We just don't know. I understand what you mean by self-governing, but we just don't know. [LB105]

SENATOR LANGEMEIER: Actually, with putting this restriction on, they're saying they can only spend 70 percent for administration, for example. This would say, we can only spend 70. They are limiting the amount of administration. Prior to this language, if this isn't in here, they could spend 100 percent of it for administration. [LB105]

SENATOR PRICE: And I am in agreement with you. My question still remains, we don't know what it is today. We know what it will be if we pass this, but we don't know what it is today to create or establish a benchmark. [LB105]

SENATOR LANGEMEIER: True. [LB105]

SENATOR PRICE: Thank you. The next question I have, Senator Langemeier, we're talking about a lot of fee changes for all the hunters and anglers, but as we read further in the statute we see penalties for poaching or wrongful taking of game. And in particular, if we turn to page 61, line 14, we are talking about changing a \$5,000 for each of the mountain sheep taken wrongfully to \$15,000. And in our conversation, I believe you alluded to the current cost for a license is \$80,000, correct? [LB105]

SENATOR LANGEMEIER: Right. Those license go out in a raffle and that raffle for that particular animal is \$80,000. [LB105]

SENATOR PRICE: So a \$5,000 penalty is actually kind of cheap. I can go bag one for \$5,000, eighty, so the thought being that we'd like to go up to \$15,000, correct? [LB105]

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SENATOR LANGEMEIER: Correct. To get you to go through the process and not just go shoot one and pay the \$5,000 fine. [LB105]

SENATOR PRICE: If I could buy a house for \$15,000 instead of \$80,000, I think I'd still do it. So is it really punitive enough, is my question. [LB105]

SENATOR LANGEMEIER: That's always a question we can ask, but they hope this will be a continued deterrence. [LB105]

SENATOR PRICE: Do we know yet in the past years how many fines have been levied? [LB105]

SENATOR LANGEMEIER: None. [LB105]

SENATOR PRICE: In this range? [LB105]

SENATOR LANGEMEIER: None. [LB105]

SENATOR PRICE: Okay. Thank you very much. I yield any time I might have to Senator Langemeier. [LB105]

SENATOR ROBERT: Senator Langemeier, 1:15. [LB105]

SENATOR LANGEMEIER: Thank you, Senator Price. I'm just going to follow up on one question Senator Pirsch had asked. With a little research here and some...we didn't get it down to the number but, basically, of the permits sold in Nebraska for hunting, 90 percent of them are Nebraskans, with 10 percent being out-of-state people coming into Nebraska to hunt. Thank you. [LB105]

SENATOR ROBERT: Thank you, Senator Langemeier and Senator Price. Senator Pirsch, you're recognized to speak next. [LB105]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. I wonder if Senator Langemeier might yield to a couple quick questions. [LB105]

SENATOR ROBERT: Senator Langemeier, will you yield to a question? [LB105]

SENATOR LANGEMEIER: Yes. [LB105]

SENATOR PIRSCH: And I appreciate getting me the answer to my question so quickly. And this might have been addressed. I turned on my light to ask you a question with respect to the catalyst of this bill. Was this bill a response to an increase in costs that

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the...well, first of all, Game and Parks administers this, correct? [LB105]

SENATOR LANGEMEIER: Yes. [LB105]

SENATOR PIRSCH: And they are a cash funded, operate on a cash-funded basis, correct? [LB105]

SENATOR LANGEMEIER: For the most part, yes. [LB105]

SENATOR PIRSCH: Okay. So they pay for all...for their services, they...I'm sorry, they collect the fees and utilize them to pay for their administration and whatnot. They're not largely dependent upon transfers of funds from the General Fund from the Legislature, correct? [LB105]

SENATOR LANGEMEIER: I believe Game and Parks does get some General Fund money for some particular items. I can't tell you exactly what it is, but for the most part they are cash funded. [LB105]

SENATOR PIRSCH: Okay. So the question I had and I'll just be a little bit more specific. I'm not sure if it was addressed with Senator Price there in the last go around, but was the catalyst for this bill the fact that costs of administration, you know, with inflation, with other factors, tend to go up over the years, and was it now that we feel that the costs of administrations are creeping to the point where they are either meeting or exceeding the cost of administering the program? [LB105]

SENATOR LANGEMEIER: Well, I think the department is being proactive. When you can only raise your rates at 6 percent a year, you have to make sure you get those steps in early enough that you can actually stay with those costs as they do continue to increase. And I believe the number of hunters is going down, as well, so double compound. [LB105]

SENATOR PIRSCH: Okay. So the fees...the number of hunters are decreasing, so the total amounts in the last past years of revenues collected in terms of fees from hunters has gone down or flattened, has that been the trend? [LB105]

SENATOR LANGEMEIER: I'll ask. [LB105]

SENATOR PIRSCH: Okay. And, yeah, and that was my question. I'm just trying to figure out, are we trying to put together...allow for an increase in fees? Even though we're not mandating an increase in fees, are we trying to allow for an increase in fees so that the Game and Parks has the opportunity to pool, in future years, pool monies to perhaps expand hunting opportunities in the state or perhaps advertise more greatly in other states, which I think is a worthy endeavor, or is it just because the cost of staying

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the same, administering the same programs that they've been administering over the years grows so high that they're starting to push the level of what they're actually collecting? So with that, I'll yield back the balance of my time. [LB105]

SENATOR ROBERT: Thank you, Senator Pirsch. Those wishing to speak are Senators Harms, Hansen, and Carlson. Senator Harms, you are recognized to speak. [LB105]

SENATOR HARMS: Thank you, Mr. President, colleagues. Senator Langemeier, would you yield for a question, please? [LB105]

SENATOR ROBERT: Senator Langemeier, will you yield? [LB105]

SENATOR LANGEMEIER: Yes. [LB105]

SENATOR HARMS: Senator Langemeier, the purpose of what we're doing here for the last couple of days has been to try to make up for the loss of revenue for the Department of Game and Parks, is that correct, to a certain degree, to help them out? [LB105]

SENATOR LANGEMEIER: Correct. [LB105]

SENATOR HARMS: Okay. Then, with the loss of revenue, what is creating the loss in revenue? I mean, why are we having this problem? [LB105]

SENATOR LANGEMEIER: I think you're seeing increased costs over the loss of revenue. That's a factor for the Game and Parks as costs increase. Fuel costs are higher, they've got to mow our parks. Those are big factors within their budget. [LB105]

SENATOR HARMS: Well, you were quoted in the Omaha World-Herald as saying that the offset, the decline in the number of hunting and fishing licenses being sold, is that an accurate statement? [LB105]

SENATOR LANGEMEIER: I think those numbers are declining, but I think your costs are a driving factor over that. [LB105]

SENATOR HARMS: Okay. But what I'm driving at here is the fact that the number of licenses or permits that we are selling are declining, is that correct? [LB105]

SENATOR LANGEMEIER: That's my understanding. [LB105]

SENATOR HARMS: According to at least to your quote here, and I'm not trying to pin you down, Senator. [LB105]

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SENATOR LANGEMEIER: That's my understanding. [LB105]

SENATOR HARMS: Okay. All right. The purpose behind this is that my concern is, in a declining, in a troubled economy, the people who financially are struggling are not able to purchase these permits and these licenses. That's why I believe they're going down. I've talked with too many people that said, you know, I used to fish all the time but I don't have the money today to be able to do that. By the time I buy my lures, by the time I pay for my fishing license, by the time I've...if I'm going hunting, the time I buy my shells and do those things, I can't afford to do it. And I think what's going to happen here is you'll have less people being able to enjoy the outdoors and the sport that they love because they just can't financially handle it. And that's the thing I'd like for you to consider. There's another side, I think, to this story, and that simply is, there are people right now, who cannot do it. And by increasing these fees, we will have less people who will be able to do it. And for some people, this puts food on the table. So what I think is going to happen, and I hope I'm wrong, that you'll find people being...because they cannot afford to do it, will not purchase a license, and take the risk. And so that's the only thing I'd just like for you to think about, Senator Langemeier. And thank you, Mr. President. [LB105]

SENATOR ROBERT: Thank you, Senator Harms. Senator Hansen, you're recognized. [LB105]

SENATOR HANSEN: Mr. President, members of the Legislature, I would like to continue a little bit on the line that Senator Harms just hit upon about the people that do buy the hunting and fishing licenses. I represent District 42, Lincoln County, which has the largest railroad classification yard in the world. One hundred fifty, at least 150 trains come through North Platte every day carrying coal from Wyoming to coal-fired electrical plants around the United States. That service continues to go. In the economic situation the United States finds itself in right now, the main line is not. They are laying off people. They're furloughing people. In the district that Lincoln County is in, Union Pacific has laid off 150 Union Pacific employees. That's 150 families affected. And what the furlough means to Union Pacific is that if they can find enough work for that worker, that he will work eight days a month and still continue his benefits, which I think is pretty generous of the Union Pacific. That those 150 people, and if it includes any kids, they are the avid outdoorsmen. They're the ones that work hard on the railroad, turn around on the weekends and, if they work nights, they'll hunt and they'll fish during the daytime. These are the people we're talking about. One hundred fifty people, 150 families in my general area alone have been furloughed and have lost their ability to make a full living. I think that the fines that we're...(laugh), I'm sorry, we talked about fines last time, now we're talking about the fees. The fees are not in the line that we're talking about in this economic situation we're in. Even if it's limited to 6 percent per year, in two years, three years, some of these permits are going to be out of hand for these people, especially the ones that are struggling now, and people are going to continue to struggle.

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Nebraska's been pretty fortunate up to now on the recession that grips our nation, but it's coming and don't forget that, that it is coming. I think that Game and Parks is going down the wrong road. I think this bill, like I said before, had some really good parts to it. The increase in the permits is not the good part. I think that they should look at what they are doing, cover some of their damages from wildlife, increase the number of permits that they give out for deer. They've done that to turkeys. I'm not exactly sure but I think on one permit you can harvest two wild turkeys. The wild turkey population in my area is expanding, is exploding, and that type of wildlife needs to be harvested more and more, too, but not with an increase in the permit cost. I think at that time I'll conclude, Mr. President. Thank you. [LB105]

SENATOR ROBERT: Thank you, Senator Hansen. Senator Carlson, you're recognized. [LB105]

SENATOR CARLSON: Mr. President and members of the Legislature, I think the discussion on this bill is good. I think one of the things that's of concern that's maybe an overconcern, is perception, but perception is important. Senator Stuthman referred to it. But maybe to address this a little bit, I'd like to ask Senator Langemeier to yield if he would. [LB105]

SENATOR ROBERT: Senator Langemeier, will you yield to a question? [LB105]

SENATOR LANGEMEIER: Yes. [LB105]

SENATOR CARLSON: In these requests for, I'm going to say increased ceilings on various permits, where, other than in the bill itself, if this bill passes, in printed material where would this appear? And I'm not trying to stump you, but in my mind I'm thinking we're talking about legislation here. We're talking about ceilings on various permits, the highest that it can get to. At the same time we're concerned what's the public see when they pick up a piece of literature. I don't think they see these ceilings. I don't think that's in literature any place that the public gets its hand on, that really affects perception, would that be true? [LB105]

SENATOR LANGEMEIER: Correct. They'd pick up the hunting guide for that year and it's got the current rates in it. [LB105]

SENATOR CARLSON: So I think there's maybe a little bit too much worry about the perception that people might have. Now, on the other hand, Senator Hansen brings up some good points, and if he's available I'd like to address Senator Hansen. [LB105]

SENATOR ROBERT: Senator Hansen, would you yield to a question? [LB105]

SENATOR HANSEN: Yes, I would. [LB105]

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SENATOR CARLSON: Senator Hansen, in talking about some of your constituents and some of the things they're facing, and realistically that's unfortunately not going to be much different from people in a lot of other counties in the state, although we hope that is at a minimum as time goes along. We both know how Game and Parks is funded. We both know that it takes a certain amount of money to operate, and you know that well in your business. So if we don't okay any kind of a fee increase...in fact, this bill by itself doesn't do anything to stop fee increases because they've still got some leeway at the positions they're in to raise fees. And not trying to put you on the spot, but I'll do it anyway, what's the answer? [LB105]

SENATOR HANSEN: Probably to adjourn. (Laughter) Senator Carlson, I know it's getting late but there has to be a look at the fees. But the fee schedule that's in here...and you go back to your perception, the perception of this...and if this body okays this perception, I think we're going to be in a lot of trouble. There are going to be people...you know, that may be enough for them to leave the state, and that's not a good deal. We need to keep the people in here and we need to encourage youth hunting, we need to encourage hunting by adults, mainly to harvest the animals that we have here now. If we would lower the permits, we may get more hunters, and Game and Parks may be better off than they are now. I don't know, Senator Carlson. I'm not sure what the answer is, but I think buying more land around the rivers, along the rivers, and keep that from private hands, I don't think is the answer either. [LB105]

SENATOR CARLSON: Okay, thank you, Senator Hansen. We may have a weakness in our system. I don't know that we do, but it makes it difficult for people on a committee when you have a hearing on a bill and everything there in terms of testimony is positive... [LB105]

SENATOR ROBERT: One minute. [LB105]

SENATOR CARLSON: ...and there isn't anything negative, and then...but part of our responsibility when a bill comes to the floor is to bring up things that are of concern. I would encourage the people of our state to pay attention to what kind of bills are being heard in committee, and as they object to some of the things that are in those bills, come forward and share your thoughts because we need to consider those. But when there aren't any objections it makes it a little bit easier to pass a bill on. And so with that, thank you for listening. [LB105]

SENATOR ROBERT: Thank you, Senator Carlson. Mr. Clerk, items for the record. [LB105]

CLERK: Mr. President, Judiciary Committee chaired by Senator Ashford reports LB201 to General File with amendments attached. I have a hearing notice from Judiciary

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signed by Senator Ashford. Amendments to be printed: Senators Avery and Haar to LB53. Name adds: Senators Lautenbaugh and Cook to LB252; Senator Howard to LB276 and LB277; Senator Sullivan to LB653. (Legislative Journal pages 326-328.) [LB201 LB53 LB252 LB276 LB277 LB653]

Mr. President, a priority motion. Senator Hansen would move to adjourn until Friday morning, January 30, at 10:30 a.m. []

SENATOR ROBERT: Members, there's been a motion. The question is, shall we adjourn until Friday, January 30, at 10:30 a.m.? All those in favor signify by saying aye. Opposed, nay. We are adjourned. []