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Natural Resources Committee
February 10, 2011

[LB64 LB248 LB442]

The Committee on Natural Resources met at 1:30 p.m. on Thursday, February 10, 2011, in Room 1210 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB64, LB248, and LB442. Senators present: Chris Langemeier, Chairperson; Ken Schilz, Vice Chairperson; Tom Carlson; Mark Christensen; Annette Dubas; Ken Haar; Beau McCoy; and Jim Smith. Senators absent: None.

SENATOR LANGEMEIER: Good afternoon, and welcome to the Natural Resources Committee hearing. My name is Chris Langemeier. I'm the Chairman of the committee. I'd like to start off by introducing the committee that's with us, starting...we'll start to my far right today, your far left. We have Barb Koehlmoos at the end of table. She is the committee clerk. When you come up to testify, we ask that you give your green sheet to her--and I'll talk about that in a minute--before you sit down and start your testimony; then we have Senator Beau McCoy from Elkhorn or the Omaha area; and then we have Senator Tom Carlson from Holdrege; and then we have Senator Annette Dubas from Fullerton. And then to my left, she'll come back, we have Laurie Lage, the legal counsel; and then we have...Senator Beau McCoy will be joining us shortly is from...

SENATOR CARLSON: He's right here.

SENATOR SMITH: Ken Schilz maybe?

SENATOR LANGEMEIER: Oh, shoot. (Laughter) I shouldn't go this way. Ken Schilz--I was thinking about, I think I know where he is--but from Ogallala. He will be with us. And then we have Senator Mark Christensen from Imperial, Nebraska; and then we have Senator Ken Haar from Malcolm, Nebraska; and then we have Senator Jim Smith from Papillion. Phew! We made it! Yeah. Those are for my benefit, not yours, and they got my name tag from my other hearing and got it for me here today. With that said, if you are planning to testify on a bill, you'll see these green sheets in the corner of the room. We ask that you fill these out in their entirety, and when you come up to testify you hand that to Barb Koehlmoos so it allows us to keep a very good record. If you're here in the crowd and you want to be on record as being here but you don't plan to testify, you'll see there's these spreadsheet-like forms in the corner. We ask that you put your name and address on there and whether you support or oppose a particular bill. Then you'll be part of the record and is part of our hearing. If you have anything you would like to hand out to the committee, we ask that you give us 12 copies. Also, if it's something that's personal of nature to you like a family photo that you want us to see, if you do hand it to us to look at, we are going to keep it for the record. So we ask that if it's something that you want to keep in your possession, please just show it to us from the table. And if one of the committee members would like to look at it the conclusion of that hearing, allow them to come up and look at it in more detail. At this time, I'd like you all to take your cell

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phones out and make sure they're either off or on vibrate so we don't disrupt the process, and that (laughter) includes the committee. If you would not disrupt the process as we start the hearing in a moment. As you come up to testify in the Natural Resources Committee, we do use the light system. You'll get five minutes to testify. Your green light will come on when you start; the yellow light will come on to warn you, you have one minute left; and then when you see the red light, we ask you to stop your testimony and allow yourself available for questions. When you come up to testify, we also ask that the first thing you do is say and spell your name. It helps us keep an accurate record of today's proceedings, and then proceed with your testimony. And with that said, we're going to take the bills in the order they were posted, LB64, then LB248, then LB442. And with that said, Senator Cornett is here, and welcome to the Natural Resources Committee and you're recognized to open on LB64.

SENATOR CORNETT: Thank you. I'm not actually sure if I've ever been in front of you before. [LB64]

SENATOR LANGEMEIER: I don't believe so. [LB64]

SENATOR CORNETT: First time in seven years. Good afternoon, Chairperson Langemeier and members of the Natural Resources Committee. My name is Abbie Cornett, C-o-r-n-e-t-t, and I represent the 45th Legislative District. LB64 defines what wildlife is, which species may be kept in houses. In order to keep certain types of wildlife, persons will need to apply for a permit with Game and Parks, display signs stating wildlife is on the premise, and have insurance. The bill will allow Game and Parks Department the ability to determine rules and regulations for the permitting process. The bill also defines the responsibility of wildlife owner should the animal escape for recovery and maintenance of the animal. The Nebraska Humane Society is here today to give you specific instances of why this bill is needed. They will be able to answer your more technical questions on the bill. I understand Game and Parks will be here today to testify in opposition to the bill due to some of the requirements in it, and we are more than happy to sit down and work an amendment out with them to address their concerns. I'm asking the committee to hold the bill until we have that amendment drafted. Thank you for your time and consideration on LB64. I will waive closing as I have a huge bill across the hall. [LB64]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Dubas. [LB64]

SENATOR DUBAS: Thank you, Senator Langemeier. Senator Cornett, did this bill come because of a specific issue you're trying to address? Have you got some problems out there with people? [LB64]

SENATOR CORNETT: Yes. This summer, a gentleman was killed in...just west of my district with a nine-foot boa constrictor, I believe it was. There have been instances of

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chimpanzees getting loose in the state. The Humane Society during flooding, I believe, picked up two snakes that were greater than ten feet or nine feet in length inside the metropolitan area or just on the outskirts of the metropolitan area. What we're looking at doing is just ensuring the safety and well-being of the citizens. Some of these animals really should not be household pets, and if they are, the people that have them need to take precautions. [LB64]

SENATOR DUBAS: All right. Thank you. [LB64]

SENATOR LANGEMEIER: Very good. Are there any other questions? Senator Smith. [LB64]

SENATOR SMITH: Thank you, Senator Langemeier. Senator Cornett, are you aware of any type of regulations that exist today that address this issue in part at least? [LB64]

SENATOR CORNETT: Yes, there are some. What we are trying to do with the bill is to harmonize those and make them more defined on what people can have and can't have and when a permit is necessary for an animal. [LB64]

SENATOR LANGEMEIER: Very good. Any other questions? Seeing none, thank you very much for your opening. [LB64]

SENATOR CORNETT: You're welcome. Thank you for your time and consideration. [LB64]

SENATOR LANGEMEIER: You bet. Appreciate it. Now we will move on. You have heard the opening on LB64. We will now move onto proponents, those testifying in support. Come on up. Welcome. [LB64]

KRISTIE BIODROWSKI: (Exhibit 1) Thank you. My name is Kristie, K-r-i-s-t-i-e, Biodrowski, B-i-o-d-r-o-w-s-k-i. I am a field director for the Nebraska Humane Society located in Omaha, Nebraska. We provide care for over 25,000 animals a year as both a humane society and as animal control. We service Omaha, seven municipalities, as well as Sarpy County. We respond to requests for assistance in investigating and prosecuting animal abuse and neglect cases from law enforcement throughout the state. Exotic animals can pose a serious risk to the health and safety of Nebraska citizens. Many exotic animals are by nature inherently dangerous and have been responsible for attacks on humans and domestic pets when they have escaped their enclosures or are improperly handled. There are reports from all over the country about people who are seriously injured or killed by exotic pets. When an animal escapes, it often takes numerous resources to contain that situation or if they are improperly handled. There are reports from all over the country of these instances occurring. In 2009, a Connecticut woman was brutally attacked, receiving life-threatening injuries to

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her hands and face by her friend's chimpanzee. Two police officers were also injured in this attack. Zoonotic diseases also pose risk to humans from exotic pets. Herpes B, monkey pox, and salmonella are all communicable to humans. Washington, Kentucky, Georgia, and Arkansas are a few examples of states that have used language for the model legislation used in LB64. Currently, the laws pertaining to the ownership of exotic animals in Nebraska are minimal to nonexistent. This is unacceptable and we must be proactive in protecting the safety of Nebraskans by restricting the ownership of certain animals and making those who choose to own them financially responsible for any incidents that do occur. When drafting this bill, Brenda Larson, Senator Cornett's aide, and I consulted with Game and Parks and had a meeting with them at their headquarters. At this time, we did address some of their concerns and made changes to the proposed bill. Since that time, Game and Parks has recently come forward with some additional concerns. We will work with them and the committee and Senator Cornett to make amendments to the bill that will, hopefully, satisfy all those involved. The incident that happened in Connecticut was well publicized and made national headlines. In Nebraska, we are not exempt from the dangers or potential threats that exotic animals pose. In September 2005, three chimpanzees escaped their enclosure at a nonaccredited zoo in Royal, Nebraska. Two police agencies had to respond and all three chimpanzees were shot to death. In June 2010, a 34-year-old Papillion, Nebraska, man died after he was strangled by his nine-foot boa constrictor. I want to thank you for your time today, and I am free to answer any questions. [LB64]

SENATOR LANGEMEIER: Wow! Are there any questions? Seeing none, thank you very much. [LB64]

KRISTIE BIODROWSKI: Thank you. [LB64]

SENATOR LANGEMEIER: Appreciate your testimony. Further testimony in support to LB64. Welcome. [LB64]

JESSI KREBS: (Exhibit 2) My name is Jessi Krebs, J-e-s-s-i K-r-e-b-s. I'm here representing Omaha's Henry Doorly Zoo. From its humble beginnings as a city park in the late 1800s with a small collection of animals donated by Buffalo Bill Cody to today with over 650 species and over 7,400 specimens, Omaha's Henry Doorly Zoo is all too familiar with the unique challenges that go along with properly housing and maintaining wild animals. The zoo is here to offer support for LB64. Maintaining wildlife in captivity requires extreme dedication and a tremendous amount of resources. To ensure the safety of both the keeper and the kept, special housing is mandatory. Each species has specific enclosure requirements that are critical for their overall well-being as well as for the protection of the individuals in the surroundings. Wildlife veterinary care is not readily available to the general public but is an essential component for animal husbandry. Many species have specialized dietary requirements that mandate exact nutritional parameters. When not met, the affects can be detrimental. All of these

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elements are necessary to meet the basic physiological and environmental needs of wild animals, and the zoo feels that this bill will help ensure that these conditions are followed by parties maintaining wildlife in captivity. We believe that LB64 is a reasonable piece of legislation and will help law enforcement agencies regulate the keeping of wildlife in the state. [LB64]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Haar. [LB64]

SENATOR HAAR: Well, first of all, I think you work for a world-class zoo, and I just think that we're so lucky to have the Doorly Zoo in our state. Do folks, just citizens, come up and ask you for help occasionally with their animals or, you know, to care about them or what to do with basically nontypical domestic animals? [LB64]

JESSI KREBS: Yes. We quite often get calls regarding specific exotic species and looking for recommendations on care and maintenance of them. [LB64]

SENATOR HAAR: Do you talk with people then or is there...are there insurance problems and you just say I can't talk to you? [LB64]

JESSI KREBS: No. We offer them husbandry advice. I mean, the zoo is concerned about the animal's well-being and the welfare of the animal, so we want to provide as accurate of information as we can to them. [LB64]

SENATOR HAAR: Gotcha. Thank you. [LB64]

SENATOR LANGEMEIER: Are there any other questions? I have one on that same note. As people call you and look for that advice on what to feed them, what to do with them, whatever it is, do you have on a regular basis or occasionally people come to you and say, hey, I can't control this anymore, will you take it? [LB64]

JESSI KREBS: Not under...I've never had anybody call to say I can't control the animal anymore, but people do become aware of laws. The Douglas County law is very specific. They realize that what they're doing is illegal and they are looking for somebody to take their animal for them. And quite often we don't have the space to do that, though occasionally we do work with the Humane Society to take the animals under...I mean, when they have very specific animals that they can't maintain themselves such as bears or rattlesnakes or alligators, things like that. [LB64]

SENATOR LANGEMEIER: Have you ever taken a bear out of the public? [LB64]

JESSI KREBS: Yes, two black bears. [LB64]

SENATOR LANGEMEIER: Senator Haar. [LB64]

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SENATOR HAAR: Could you just real briefly tell us what the Douglas County laws are? [LB64]

JESSI KREBS: To the best of my knowledge, I'm only familiar with how it refers to reptiles and amphibians, specifically large constrictor snakes, any snake that will attain an adult length over eight feet is illegal to have. Any lizard that will attain an adult length of over five feet is illegal. All crocodilians and all venomous reptiles are illegal. [LB64]

SENATOR HAAR: So if a person had like a nine-foot boa constrictor, it's illegal to have them and there's no permitting process for that? [LB64]

JESSI KREBS: Not in Douglas County that I'm aware of. [LB64]

SENATOR HAAR: Okay. Gotcha. Thank you. [LB64]

SENATOR LANGEMEIER: Are there any other questions? Just one clarification. When you talk about those lengths, that is the adult max length not...you can't keep it until it's five feet? [LB64]

JESSI KREBS: No. [LB64]

SENATOR LANGEMEIER: If it can get five feet or greater, you can't have it even if you bought it this long, right? [LB64]

JESSI KREBS: Yes, that's my understanding. [LB64]

SENATOR LANGEMEIER: Okay. Senator Smith. [LB64]

SENATOR SMITH: Thank you, Senator Langemeier. Mr. Krebs, so the Douglas County law sounds like this would pretty much, at least for reptilians, would reflect...Douglas County law would reflect similar with what we're looking for in this law? [LB64]

JESSI KREBS: Yes. [LB64]

SENATOR SMITH: Thank you. [LB64]

SENATOR LANGEMEIER: Seeing no other questions, thank you very much for your testimony. Appreciate it very much. [LB64]

JESSI KREBS: Thank you. [LB64]

SENATOR LANGEMEIER: Further testimony in support of LB64. Just out of curiosity,

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how many others just to testify on this bill either support, opponent, neutral? So a few more. Okay. Good afternoon. [LB64]

GREG LYONS: (Exhibit 3) Good afternoon. I'm Greg Lyons, G-r-e-g L-y-o-n-s. I live in Omaha and I'm representing the Feline Conservation Federation or FCF. The FCF is a nonprofit, nongovernmental organization that consists of wild feline managers, educators, conservationists, researchers, and all those who support the mission of feline conservation. For more than 50 years, FCF has supported conservation efforts worldwide through the leadership of our members who specialize in captive feline husbandry. FCF certifies instructors that in turn teach basic wild feline husbandry courses around the country, setting the standards for feline handler safety and feline management. FCF also accredits feline holding facilities to ensure that they operate with our higher standards of management and facility design while continuing to provide quality care and enrichment above all other zoological institutions. We support the passage of LB64. Enacting state statute 37-477 in 1986 was a mistake in the first place. The bill, whose passage became 37-477, claimed to be intended to ban the big cats, like tigers and mountain lions, but it reached much further than that. It banned private ownership of every single wild cat species. There was never any compelling case made for public safety during its legislative hearing. They mostly discussed animal control issues, and a few individual's opinions that exotic cats and other wild animals should not be pets. That was just about it. During that legislative hearing, it was stated that regulation of large snakes was felt to be more appropriately left to local governments, but no reason was given as to why. There's also no reason given as to why the regulation of cats could not be left to local government. The current law unnecessarily restricts commerce by prohibiting Nebraska residents from breeding small exotic cats and their hybrids, but it allows anyone to breed reptiles with no regulation. It unjustifiably prohibits Nebraska residents from buying any cats, except domesticated ones, while letting Nebraskans buy any reptile of their choice. And the current law keeps Nebraska residents from contributing to the conservation of the small cats by keeping their captive breeding and rescues out of state. LB64 will correct these issues by putting people who want to own cats and people who want to own reptiles on equal footing. There's a nationwide shortage of spaces and sanctuaries that can accept displaced cats. Re-legalizing, but regulating their private ownership in Nebraska would allow Nebraska citizens to step up and do their part to help. Zoos are incapable of saving cat species from extinction by themselves. If we are to preserve all the wild cat species, there needs to be privately-held captive populations as well as zoos. Zoo space is a precious commodity, and the decision of what species to put into available displays is often not driven by a species' need for conservation but by other factors, for example, whether or not the zoos in the animal's natural range are breeding them, the amount of regulation of a species in its home range, and a species' visitor appeal. Exotic cats as pets help in conservation of their relatives in the wild by being ambassadors for their species. When people see an animal close up and personal like they do with animals that are people's pets, it can motivate them to do something to help save that pet's wild cousins,

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completely unlike reading or just talking or being told about them. Pet is not a dirty word. And for an animal to be a caring and responsible person's pet is actually the best thing that could possibly happen to it. So we urge you to pass LB64 on to the Legislature in its current form. Thank you very much. [LB64]

SENATOR LANGEMEIER: Very good. Are there any questions for Mr. Lyons? Mr. Lyons, I do have one. First of all, just a note of humor, you're last name and what you do is kind of unique. (Laughter) [LB64]

GREG LYONS: Yeah, yeah, yeah. [LB64]

SENATOR LANGEMEIER: But in all seriousness, you said we need to leave this to local...should be a local decision, local control in your testimony. How many city councils across the state of Nebraska have sat down at one of their meetings where they're fighting over budget and snow removal and potholes thought, you know, we need to have a rule to deal with two black bears? I bet you couldn't find more than one. [LB64]

GREG LYONS: Okay. Yeah. And I guess I came across maybe a little bit differently. We don't necessarily...we don't support necessarily the idea that they should be just on a local basis. I guess my point was that it was curious in that hearing they said that the...the people were talking. I think one was a Game and Parks person and one of the senators I think. My point was that they felt that the big snakes could well be regulated locally, but they gave no reasons why the local people could do it better than the state. And on kind of the flip side of that, you would think that, well, okay, if you can...if they can...if the local people can regulate the snakes, then why can't they regulate the cats? I think it probably is better, Game and Parks, they have biologists and they can make...you know, they can make regulations, you know, that are founded in science and good husbandry and everything. I think they are the best ones probably to regulate, you know, to permit people and all that. [LB64]

SENATOR LANGEMEIER: So your concern is more about consistency? [LB64]

GREG LYONS: Yes. [LB64]

SENATOR LANGEMEIER: An exotic animal is an exotic animal whether it's a black bear or a cat, a snake or an alligator. [LB64]

GREG LYONS: Yeah. Like for instance cats, when 37-477 banned all private ownership of the family Felidae, that takes in cats from like the sand cat that's like 6 or 7 pounds all the way up to tigers that can...some of them can get 600, 700 pounds, and some of those, obviously, obviously on the big end, they're pretty dangerous. And it would take phenomenal...like the man from the zoo said, it takes phenomenal resources for

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someone to take care of an animal like that and to do it safely and to be good for the animal. Whereas some of the smaller ones, you know, the small ones are easily...maybe not in a city but if you're out where you have some significant ground, it's very easy...you know, it's much easier to keep some of these smaller animals. So it's a good thing for, like, Game and Parks with the biology knowledge to be the ones to regulate this statewide. [LB64]

SENATOR LANGEMEIER: Okay. Very good. Seeing no other questions, thank you, Mr. Lyons, for your testimony. [LB64]

GREG LYONS: Thank you. [LB64]

SENATOR LANGEMEIER: Further testimony in support of LB64. Seeing no more in support, now we'll move on to opposition, those that would like to testify in opposition. Come on up. [LB64]

PAUL RODRIGUEZ: Okay. [LB64]

SENATOR LANGEMEIER: You won the race, you win. [LB64]

PAUL RODRIGUEZ: I won the race. Excellent. [LB64]

SENATOR LANGEMEIER: I like to see that enthusiasm to come up. Good afternoon. [LB64]

PAUL RODRIGUEZ: (Exhibits 4 and 5) Good afternoon. My name is Paul Rodriguez, P-a-u-l R-o-d-r-i-g-u-e-z, and I come before you as both a private citizen and as the president of the Nebraska Herpetological Society. As a private citizen, I have kept reptiles for over 30 years, including some of the species that are proposed on this list. I am a professional herpetologist, having a master's degree in biology studying Nebraska reptiles, and I have authored a book section on how to care and breed some of the animals on the proposed list. As president of the Nebraska Herpetological Society, I've been a member for ten years. The Nebraska Herpetological Society was formed in 1979 as an organization dedicated to the research, conservation, and dissemination of knowledge of reptiles and amphibians in Nebraska and throughout the globe. Our members include "academians," professional and amateur herpetologists, natural historians, enthusiasts, and citizens who have an overwhelming interest in reptiles and amphibians. We are the only organization in Nebraska composed of experts on all facets of reptile and amphibian biology and, as such, we often provide expert opinions and testimony on their care. We are in opposition of LB64. Although we don't understand the motivation for it, we'd like to dispel some of the common reasons that are often proposed for support. While we understand that these animals often inspire fear and loathing, that fear and loathing is not supported by statistics. They are no more

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dangerous than any other animals. Requiring an insurance policy of \$250,000 is cost prohibitive for many individuals who keep these animals, particularly individuals who may only keep one or two. It is also...although we have heard some very dramatic testimony about injuries, the reality is, is we live in an interconnected society. We hear about these incidents that occur across the nation. They're very sensational, they're very dramatic, and they make great news stories. Statistically, however, the CDC has indicated that over 16 people per year die from dogs and, in fact, even Labrador retrievers and cocker spaniels have caused fatalities, but we don't have these sorts of requirements for those breeds of dogs. So to really...to create a law that targets reptiles simply because they aren't cute and cuddly or in some way, you know, what people anticipate as the average pet is unfair to the keepers. We'd like to dispel any myth that these animals could some day establish themselves in Nebraska as a wild population. That has been proposed in the past. The reality is, is that evidence-based science has demonstrated that these animals cannot establish themselves in Nebraska. The Burmese python who is often held up as the animal that will establish itself, last year in 2010, two studies--and the references are in one of the handouts that I provided you--were unable to survive a ten-day chill in Florida. We live in Nebraska. A ten-day chill for us is much different than one in Florida. If they couldn't survive a Florida one, they are not going to survive one in Nebraska. Additionally, the species list appears arbitrary, and we're unsure why these species have made it. For example, although the eight-foot limit does in fact target some animals that are known to get to very large sizes, there are many species that can reach eight foot that aren't, in fact, very dangerous to people. Carpet pythons, diamond pythons, Amazon tree boas, and even the boa constrictor can all potentially reach that size but aren't generally considered giant snakes or dangerous. There's no logic behind the species listed on the proposed list. According to the American Pet Products Association, 4.7 million households have reptiles for about 13.6 million reptiles total as pets. Many of these pets will fall under LB64. These people who hold these animals are aware of their special care and their requirements and the food requirements. That translates into money spent purchasing the supplies for these animals and providing their enclosures. As we heard, the zoo doesn't receive calls because people can't take care of their animals, but because they find out that there's a law preventing them from actually having that animal. So to expand such a law across the entire state will result probably in more calls not because people can't handle the animal, but because they find out that they are in violation of a law. So in conclusion, should the commission find that this bill is necessary, we would ask that it be postponed until...and that the Nebraska Herpetological Society be asked to participate in coming up with a fair and appropriate and well-balanced regulation instead of the one that's currently proposed. [LB64]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Haar. [LB64]

SENATOR HAAR: Yes. What do you do then for a profession? [LB64]

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PAUL RODRIGUEZ: For a profession? [LB64]

SENATOR HAAR: Yeah. [LB64]

PAUL RODRIGUEZ: I work for the Department of Corrections, though I am not here on that capacity. [LB64]

SENATOR HAAR: (Laugh) Okay. Okay. So Herpetology has become your hobby? [LB64]

PAUL RODRIGUEZ: It's more than a hobby. I do hold a master's degree in it. I continue to study wild Nebraska reptiles, specifically the copperhead in Nebraska. I've been doing this now for...this will be my sixth year, I believe, of studying, so I'm familiar with actually venomous reptiles that currently reside in this state. [LB64]

SENATOR HAAR: Good. Well, I have a grandson that's 11 years old and loves snakes, and so I'll pay particular interest to this particular one. Is there any leeway given to people such as you who obviously have professional training or you would not be allowed to have certain reptiles according to this law? [LB64]

PAUL RODRIGUEZ: It's unclear based on this current legislation. I don't know who's going to be in the committee that decides whether I can or cannot have these animals. I don't know what rules they're going to use to determine whether I'm allowed to have them, whether a permit is issued. I don't know any of the factors behind it, so I can't answer your question. I don't know. [LB64]

SENATOR HAAR: Okay. So you're saying there's some ambiguity as well in there. [LB64]

PAUL RODRIGUEZ: Absolutely. It could be a committee that simply rubber stamps and says anybody who has one can have one. It could be a committee that says absolutely no one is going to have these things. And at this point, this legislation does not spell out where that committee should fall and who makes up the membership. But, again, as Nebraska Herpetological Society, we are the experts and we weren't consulted at all on this...on the inclusion of reptiles in this bill. [LB64]

SENATOR HAAR: Okay. And this may be a stupid question but I'll ask it anyway. Is there anywhere in the nation where reptiles are permitted, where if you have a boa or whatever you have to get a permit just as you would with a cat or a dog? [LB64]

PAUL RODRIGUEZ: I don't know. I do know that other municipalities have imposed permitting systems similar to the one like is proposed here, and from what I hear from people, they are unable to keep their animals. They're forced to give them up, which

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results in many of them just not applying because, again, they care about these animals, they love these animals, they wanted to make sure that they're well cared for, and they're the most appropriate people to care for them. [LB64]

SENATOR HAAR: I guess the term I should have used is license, like you license cats and dogs. [LB64]

PAUL RODRIGUEZ: I do not know. [LB64]

SENATOR HAAR: Yeah. Okay. Very interesting. I agree that snakes are very fascinating, and we've got a lot of different species in Nebraska I know. [LB64]

PAUL RODRIGUEZ: And it's become a family affair for me, my nephews and my daughter. [LB64]

SENATOR HAAR: Okay. Thank you very much. [LB64]

SENATOR LANGEMEIER: Senator Smith. [LB64]

SENATOR SMITH: Thank you, Senator Langemeier. Mr. Rodriguez, Mr. Krebs previously had said that the Douglas County restrictions on reptilians are more or less similar to what this bill is suggesting. You don't live in Douglas County. [LB64]

PAUL RODRIGUEZ: I do not. [LB64]

SENATOR SMITH: If you were to live in Douglas County, would you be able to continue your profession or are you familiar with that law? [LB64]

PAUL RODRIGUEZ: I could not and I can tell you that I specifically chose my house because it was not in Douglas County. I was aware of the reptile laws before I moved to Nebraska ten years ago, and was unable to buy a house in Douglas County because of this law, the law as it stood at that time. This would make it...me unable to live anywhere in Nebraska, and I would have to give thought to leaving Nebraska. [LB64]

SENATOR SMITH: Okay. Thank you. [LB64]

PAUL RODRIGUEZ: Um-hum. [LB64]

SENATOR LANGEMEIER: I do have one question. [LB64]

PAUL RODRIGUEZ: Yes, sir. [LB64]

SENATOR LANGEMEIER: And it's kind of maybe a little irrelevant here, but your

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society on the testimony you gave us, it's the Nebraska Herpetological--hopefully I said that right--Society... [LB64]

PAUL RODRIGUEZ: Yes, you did. [LB64]

SENATOR LANGEMEIER: ...with the Department of Biology, University of Nebraska. What is the society's tie to the university? [LB64]

PAUL RODRIGUEZ: It was founded by members, by graduate students, and a faculty member back in 1979 and made that...that faculty member remains. He is actually a lifetime member and continues to participate in our meetings and in our position, helped draft this position statement as well. Graduate students at UNO, as well as UNL are members of our society. We have about 100 members fluctuating annually, so a lot of involvement. Our meetings are held at the university and we do a lot of... [LB64]

SENATOR LANGEMEIER: So, but no real tie other than the fact it was kind of started there and you have your meetings there but it's not an official... [LB64]

PAUL RODRIGUEZ: It's not a university organization. [LB64]

SENATOR LANGEMEIER: That's what I wanted to know. Very good. Are there any other questions? Seeing none, thank you. Further testimony in opposition? Welcome back, Mr. Douglas. [LB64]

JIM DOUGLAS: Thank you, Chairman Langemeier, Senators of the Natural Resources Committee. My name is Jim Douglas, D-o-u-g-l-a-s, and I serve as the deputy director for the Nebraska Game and Parks Commission. I'm appearing here today on behalf of the commission to testify in opposition to LB64, but I would say that we're not "unempathetic" to some of the apparent motivations for bringing such legislation before you. I would like to provide a little bit of information that could perhaps be helpful as you contemplate next actions: 37-477 was referred to. And that statute primarily gives the Game and Parks Commission authority to provide permitting for captive wildlife that is native to the state of Nebraska and to that wildlife that is naturalized, like pheasants. It sort of in one way mixes apples and oranges in that it does have specific prohibitions for the keeping of bears and cats and skunks and wolves. Additionally, statute 37-524 and 37-548 give the Nebraska Game and Parks Commission some pretty broad authority to ban the importation to the state of certain wildlife whether they're native or exotic. For example, in 37-524 it states that the commission, in consultation with the State Department of Agriculture, may ban the importation of certain wildlife or wild vertebrate species if it is deemed to cause ecological or economic harm to the state. That authority and also the authority in 548 does not extend to human health and safety as a stated cause. I think part of the issue in trying to determine whether or not there's certain wildlife species that are nonnative that should either be allowed or not allowed to be

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held in captivity goes to the fact that in what I can find and what we can find in Game and Parks, there's nothing specifically that allows for that determination by a particular state agency and whether it is a health or human safety issue. And normally the Nebraska Game and Parks Commission is not in a very direct way contemplating when it's...in its authorization to keep wildlife that are native whether or not it's actually a human health and safety issue. More often it's a wildlife disease issue that might go into that determination or it might be a genetic pollution issue where, for example, the Department of Agriculture and Game and Parks have said that red deer are not allowed in this state because they can breed...they can escape captivity, survive, and breed with elk, for example. So we look at...when we list those animals that we think should or shouldn't be banned, we're normally looking at aspects that I think aren't being considered by those that are bringing this legislation forward. So we're empathetic to the motivations and there may...we do have some ideas on some things that potentially could be done. There could be an expansion of the reasons given for certain animals to be banned under the authorities of 37-524 or 548, for example. There could be some more direction given under 477 as it regards to keeping of large cats and bears, for example. But in the current legislation, it would put an undue burden, I think at this point, to try to accomplish what's being accomplished by affecting the Game and Parks Commission by having us have 750 more species to consider on whether or not we're going to have rules and regulations as to how they might be kept, whether they should be kept or not, and we don't have the resources to do that. I think there are perhaps other ways that we could approach this problem. [LB64]

SENATOR LANGEMEIER: Very good. Are there any questions for Mr. Douglas?
Senator Haar. [LB64]

SENATOR HAAR: You just ended by saying there may be other ways to deal with this, and what would those be then? [LB64]

JIM DOUGLAS: Well, for example you could give more authority to Department of Agriculture and/or Game and Parks to consider the banning of certain animals. If there was some consensus on if there's particular animals of danger that you wanted to totally ban, you could list those like are listed now for bears and large cats and wolves. That would be another way. If there was authority given to Game and Parks to sort of pick and choose in consultation with Department of Ag and other entities, it would need to be clear in the authority given that there would be a process and what that process might be to do that. [LB64]

SENATOR HAAR: Thank you. [LB64]

SENATOR LANGEMEIER: Are there any other questions? So, Mr. Douglas, it's your intent to work with the introducer on trying to come up with some solutions to this issue?
[LB64]

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JIM DOUGLAS: It is. [LB64]

SENATOR LANGEMEIER: Okay. Thank you very much. Further testimony in opposition? Welcome. [LB64]

GLENN EISEL: (Exhibit 6) Hello. My name is Glenn Eisel, G-I-e-n-n E-i-s-e-l, and I represent Eisel Reptiles, as well as the Nebraska Reptile Breeders Expo. I am here to oppose LB64. I have completely read LB64 and consider it to be too strict for reptile keepers and breeders of Nebraska. I feel it was written by an individual who do not understand what it takes to keep reptiles in captivity. It seems as though reptiles have been lumped into a wild animal permit category that already exists in Nebraska. If the law already exists for the maintenance of wild mammals, then why not just keep the reptiles separate in their own well-written bill, as I'll explain later by presenting examples of other state's written laws specifically for reptiles. I feel that the \$250,000 liability insurance, the signage, and possibility of this permit system itself is too much for reptile hobbyists in Nebraska and is more suited for the larger exotic animals. Reptiles are ectothermic, which means their body temperature, their ability to digest food, to grow, to remain in good health, and to reproduce are all dependent on their environmental temperature. Therefore, all boas, pythons, monitor lizards, and crocodylians listed must be kept in temperature-controlled cages inside a constantly heated room. Heated rooms are located within our homes or businesses. Therefore, by simply keeping those animals in cages within homes, one can say that we keep our animals inside two cages to protect them from escaping to the outside environment. Additionally in Nebraska, the outside environment is harsh enough that it would make them ill or even kill the animal if they were to escape. Also, because Nebraskan reptile hobbyists conform to the strict personal standards for safety keeping reptiles, they have lived among us all these years for...I screwed up there, I'm sorry...they have lived among all of you for more than 30 years and never given anyone a cause for concern. Because of this, most of you never even knew we were here. A \$250,000 liability insurance policy just to keep my animals inside my home is too costly. The signage advertises that I keep in my home may lead to robbery or theft of those animals. If this particular permit system is approved, then I will be forced to comply with these new rules. I believe that Nebraska would benefit from a new reptile law similar to the laws currently passed in North Carolina. North Carolina's code, Chapter 14, Article 55, regulations of reptiles. In my opinion, North Carolina has the most fair reptile law ever written. I also like the honor system in which is similar to a hunting and fishing permit that Texas has chosen to use, and it's Texas PWC, Chapter 43, Subchapter V, Section 43.851, and it's titled nonindigenous snake permit. Both North Carolina and Texas have done their homework for us, and I think if we must have a legal permit system in place, we should start over and model our law after one of these or both of them. Thank you for your time. [LB64]

SENATOR LANGEMEIER: Are there any questions? Senator Haar. [LB64]

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SENATOR HAAR: I didn't know you exist. [LB64]

GLENN EISEL: I'm sorry. [LB64]

SENATOR HAAR: I say, I didn't know you exist as you said in your piece here. Just going back to what Senator Cornett said, in your opinion, what happened when the Nebraska man was killed by the boa constrictor? Was it his own...? [LB64]

GLENN EISEL: He did not stick to standard husbandry practices for a boa. You do not stick an animal of medium or large size around your neck. That is one of the guidelines that we follow that you just don't do. He was probably inexperienced because he started with an adult snake instead of starting with a baby and learning from there. [LB64]

SENATOR HAAR: Do you know in any of these other two states, do they require some kind of training so that people would know that? [LB64]

GLENN EISEL: They do not. I have attached the copies of the bills to your letter there for you to read. [LB64]

SENATOR HAAR: Okay. [LB64]

GLENN EISEL: Texas you just...you can pull into a Walmart and get it just like a fishing and hunting permit and, therefore, it's based on an honor system that you know how to take care of them. And then if you screw up, then you may lose your license or be fined or both. [LB64]

SENATOR HAAR: Okay. Thank you. [LB64]

SENATOR LANGEMEIER: Oh, Senator Schilz. [LB64]

SENATOR SCHILZ: One question, thank you. Thank you, Senator Langemeier. Thanks for coming in today. I don't know if you know this or not, but would you have any idea as to when you see these kinds of incidences with snakes and stuff, is it mostly the owner of those snakes that ends up in incidents or do you see it where it's outsiders that, you know, come in and get hurt from handling of the snake or something like that? Do you have any information on that? [LB64]

GLENN EISEL: I only know of one instance in Omaha that someone was hurt. A lot of these things that you see on the news are unfounded. By the time they come up with the complete investigation and stuff, it wasn't the snake's fault, it was incidents that was just blamed on the animal. [LB64]

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SENATOR SCHILZ: Um-hum. [LB64]

GLENN EISEL: Based on your question I guess it would just be the owner. It wouldn't be anyone else. [LB64]

SENATOR SCHILZ: That's my understanding too. Thank you. [LB64]

SENATOR LANGEMEIER: I just have one question and it's mainly for us to do our job here. But you brought up a good point. You said in here prior to today, most of us never even knew you existed, and that's very true. [LB64]

GLENN EISEL: Yes. [LB64]

SENATOR LANGEMEIER: But us as legislators, my question is a little off subject is, is how did you know this bill got introduced? [LB64]

GLENN EISEL: How did I know? [LB64]

SENATOR LANGEMEIER: Are we doing our job making sure that the community...because I assume I could go back to my home town and I bet I could talk to everybody I saw on the street tonight and there wouldn't be one person knew this bill was introduced. How did you find out about that? How are we...? [LB64]

GLENN EISEL: I am a member of PIJAC, the Pet Industry Joint Committee, Animal Committee or however it goes, and they have bulletins that they e-mail. And you guys put it out on the sixth or whatever and I got it on the ninth. [LB64]

SENATOR LANGEMEIER: Okay. So somebody is watching out for you. [LB64]

GLENN EISEL: Yes. [LB64]

SENATOR LANGEMEIER: Okay. [LB64]

GLENN EISEL: I'm a member of them, so that's what they do for me. [LB64]

SENATOR LANGEMEIER: Okay. Very good. Very good. We appreciate the feedback. Seeing no other questions, thank you very much for coming in. [LB64]

GLENN EISEL: Thanks a lot. [LB64]

SENATOR LANGEMEIER: Appreciate it. Good afternoon. [LB64]

JUSTIN HIYKEL: Good afternoon, Senator. Senators, my name is Justin Hiykel. I am a

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native Nebraskan originally from the Omaha area. [LB64]

SENATOR LANGEMEIER: I need you to spell that for me. [LB64]

JUSTIN HIYKEL: It's Justin, J-u-s-t-i-n, and Hiykel, H-i-y-k-e-l. But, anyway, I'm a native Nebraskan. I'm originally from the Omaha area. I now reside near Peru. We moved specifically because of the Douglas County law. We wanted to obey the law and follow the letter of it, so we relocated to the Peru area. I oppose LB64 because of the parts therein referring to the reptiles. I keep and breed turtles and lizards, including crocodilian, water monitors, crocodile monitors, and rock iguanas. I believe that the permit process within LB64 will be a financial drain on my business, as well as the state wildlife officers. Local city government has laws already pertaining to the subject, and the keeping of reptiles will not be an issue in a more rural area. Laws also dealing with reptiles that are not native to Nebraska should be left up to local city and county as well as the federal government. We sell, over the Internet, captive bred, bred from captive animals and hatched in captivity, alligators, caiman, water monitors, crocodile monitors, and rock iguanas. These are not wild animals, in my opinion. Thank you for your time. And I do believe that the boa incident in Omaha, none of us really know for sure if that gentleman was under the influence of alcohol or drugs while he was injured by his snake, so that's something that we should look into before we make any decisions. Thank you. [LB64]

SENATOR LANGEMEIER: Very good. Are there questions? Senator Carlson. [LB64]

SENATOR CARLSON: Thank you, Senator Langemeier. Thank you for your testimony. Is raising reptiles a hobby or vocation for you? [LB64]

JUSTIN HIYKEL: It started out as a younger age as a hobby and I moved up as a pet shop employee, and now I have my own business. We mainly do more turtles and smaller lizards that would not be affected by LB64. But I love my state, Nebraska, I'd hate to leave it, and I enjoy keeping crocodilian and larger monitor lizards. [LB64]

SENATOR CARLSON: So this is your full-time occupation now? [LB64]

JUSTIN HIYKEL: Yes, sir. [LB64]

SENATOR CARLSON: And...well, I admire you for moving to an area so you were within the law. And is it profitable? [LB64]

JUSTIN HIYKEL: In the past years it has been very profitable. It's tough right now because not much interest in these types of animals anymore. It was a lot more popular in the late nineties. [LB64]

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SENATOR CARLSON: What changed that? [LB64]

JUSTIN HIYKEL: I think it's, you know, people are more into their cute, cuddly animals. I think also the economic situation. People have to look out for their family first rather than larger reptiles. [LB64]

SENATOR CARLSON: Okay. Thank you. [LB64]

SENATOR LANGEMEIER: Senator Haar. [LB64]

SENATOR HAAR: And then just out of curiosity, how do you ship reptiles and so on? [LB64]

JUSTIN HIYKEL: You can ship alligators under two feet are allowed to ship through the U.S. Postal Service. [LB64]

SENATOR HAAR: Really? (Laugh) [LB64]

JUSTIN HIYKEL: And then any reptile that is not... [LB64]

SENATOR CARLSON: If it fits, it ships. (Laughter) [LB64]

JUSTIN HIYKEL: If it fits, yeah, sure. And then any animal that is not venomous, you can obtain permission through UPS to ship them as long as you follow their strict guidelines. And we also shipped via Delta and Continental. So as you're flying to visit family across the country, there may be, you know, lizards, turtles, or snakes underneath in the cargo hold. Yes. [LB64]

SENATOR HAAR: We'll give you Senator Carlson's address. (Laughter) [LB64]

SENATOR LANGEMEIER: Senator Schilz. [LB64]

SENATOR SCHILZ: Thank you. Thanks for coming in today. And this is just purely for my own personal curiosity, but as you're...you know, you've got the alligators and the monitors and things like that, but how large are they when you usually sell them? [LB64]

JUSTIN HIYKEL: Usually all of these lizards will be under four feet. We specialize mainly in selling baby lizards. We do have a few larger monitor lizards, but they're not for sale as they're breeders. So we usually sell baby animals. On occasion we do get alligators back that we have sold in years past, and they'll be excess of six feet or seven feet, and those animals usually end up in zoological institutes. Around the country, most zoos aren't like the Omaha Henry Doorly Zoo where they would have...wouldn't have time or room for a more common animal like a water monitor or American alligator. But

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in other areas of the country they have smaller zoos that people really would, you know, love to have a larger alligator there. [LB64]

SENATOR SCHILZ: Sure. And then just, what's a two-foot alligator run a guy to buy one? [LB64]

JUSTIN HIYKEL: They're \$89 each or two for \$150. [LB64]

SENATOR SCHILZ: (Laughter) Thank you very much. [LB64]

SENATOR LANGEMEIER: I'll get you his address. (Laughter) Seeing no other questions, thank you very much. [LB64]

JUSTIN HIYKEL: Thank you very much. [LB64]

SENATOR LANGEMEIER: Very educational. Further testimony in opposition? Welcome. [LB64]

TODD LAUDENKLOS: Hi. My name is Todd Laudenklos, it's T-o-d-d L-a-u-d-e-n-k-l-o-s, and I just have some comments on some of these. I raise bigger exotic animals like your zebras, the bigger stuff, in captivity, and some of these rules and regulations would hurt me starting a business like to educate the young kids for generations on to keep the animal alive. Like some of this, it says: Such animal should be not traded, sold, or otherwise disposed of without written permission of the commission. Well, who's the commission? I mean, do we got to hire 20, 30 more people to make up the commission with our tax dollars or is it just going to be some other people making it up? The other thing is, you cannot sell or trade animals no more if this comes into law. So what are we supposed to do with them? Keep them for their lifetime? You know, if they have babies and more babies, you know, we can't afford to feed them all, so we have to get of rid of some of the offspring of them. I'm just a little bit nervous (laugh). [LB64]

SENATOR LANGEMEIER: Don't be. [LB64]

TODD LAUDENKLOS: And on the incidents, to me from listening to the people that was for this bill, in 2009, there was one chimp that hurt somebody. In 2005, the three chimps got out in Royal. And 2010 there was a snake that killed somebody. Most of these that you hear only kill their owner, not a "standbyer," you know. A person walking down the street, they're not getting killed by these animals, not like a dog. Most times you hear dogs killing somebody else. These animals mostly just kill their owners from not handling them properly or not taking care of them, you know, where they get out. That's all I have to say. [LB64]

SENATOR LANGEMEIER: Okay. Are there any questions? Senator Haar. [LB64]

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SENATOR HAAR: Yes. Where's your business located? [LB64]

TODD LAUDENKLOS: By Monroe. [LB64]

SENATOR HAAR: In where? [LB64]

TODD LAUDENKLOS: Monroe. [LB64]

SENATOR HAAR: Okay. Monroe. And so this bill would clamp down and would not allow you to... [LB64]

TODD LAUDENKLOS: Right, because if I'm going to open up like an educational zoo to educate the young kids, to me this would hurt me because it would shut me down because I'd have to get the insurance and it just cost extra dollars to go with the rate. If I already have the USDA permit, why do I have to have another permit to go along with this? [LB64]

SENATOR HAAR: So you do have a permit from the... [LB64]

TODD LAUDENKLOS: I'm working on my USDA permit... [LB64]

SENATOR HAAR: Okay. [LB64]

TODD LAUDENKLOS: ...to have the...because right now with my animals that I know of, I don't need a permit to have them as a pet. And my animals, my zebra, I've been to the Henry Doorly Zoo, that zebra maybe in maybe an acre. Well, mine runs on 35 acres in the summer out on pasture, running free. And then in the wintertime, we have a big building, we bring her in, we keep her warm. So most of these animals, you know, are well kept for in private ownerships. You know, you can...I can name 100 people around the United States that has very nice facilities that are private owner, a lot better than a zoo does. You know, them people that go to a zoo every day for work, that's their job. They go in there every day and work. When we get home from work, that's our life. We live with them animals every day, we live with them. So we don't want them to die. You know, we live there every...24 hours a day, 365 days a year, we're with our animals. So this would hurt us, you know that. [LB64]

SENATOR HAAR: So is this a hobby of yours then? [LB64]

TODD LAUDENKLOS: Yes. [LB64]

SENATOR HAAR: Okay. [LB64]

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TODD LAUDENKLOS: I did it for 15 years. [LB64]

SENATOR HAAR: Neat. I'd like to drive by and... [LB64]

TODD LAUDENKLOS: And see most...you know, a lot of people...you know, a lot of people don't know I have it. You know, a lot of...nobody knows unless you drive by and see it. And we got along so far in Nebraska without too many people getting hurt by these animals, so why start now? You know, I think it's kind of ridiculous bill to me because there's not very many incidents in Nebraska with exotic animals as if there was dogs hurting people. [LB64]

SENATOR HAAR: Thank you. [LB64]

SENATOR LANGEMEIER: Senator Schilz. [LB64]

SENATOR SCHILZ: Thank you. Thanks for coming in today. Do you...and you said it was a hobby, do you just have zebras or do you have other animals? [LB64]

TODD LAUDENKLOS: I have other exotics, mostly all hoof stock. [LB64]

SENATOR SCHILZ: Okay. What... [LB64]

TODD LAUDENKLOS: Hoof stock animals, yeah, like from Africa, most of them. [LB64]

SENATOR SCHILZ: Yeah. What kind of animals are we talking about? [LB64]

TODD LAUDENKLOS: Wildebeests, addax, attars (phonetic), yaks, Watusi. [LB64]

SENATOR SCHILZ: How many total animals do you have? [LB64]

TODD LAUDENKLOS: Probably around 400. [LB64]

SENATOR SCHILZ: Really. [LB64]

TODD LAUDENKLOS: Yes. [LB64]

SENATOR SCHILZ: Wow! [LB64]

TODD LAUDENKLOS: And I work a full-time job. I get home every night and I care for them animals no matter if it's 12:00 at night when I get home from work. I'm with them animals every single day. [LB64]

SENATOR SCHILZ: Now that's a hobby. Thank you. [LB64]

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SENATOR LANGEMEIER: Senator Carlson. [LB64]

SENATOR CARLSON: Thank you, Senator Langemeier. So all these obviously you breed then. [LB64]

TODD LAUDENKLOS: Right. [LB64]

SENATOR CARLSON: And zebras? [LB64]

TODD LAUDENKLOS: Right. [LB64]

SENATOR CARLSON: What's a good zebra bring? [LB64]

TODD LAUDENKLOS: For females, anywhere from \$5,000 to \$7,000. And I've saved everything I've had to own these. You know, I just...I don't have a real...I don't have a high-paying job, but I save every dollar I own to what I have so I make sure them animals are going to live. I'm not going to lose a \$7,000 zebra. [LB64]

SENATOR CARLSON: No, I wouldn't think so. Who would buy...who'd be interested in buying a zebra? [LB64]

TODD LAUDENKLOS: Well, most of like your educational parks, drive-through safari parks, you know, most of these people that have these, you know, educational programs, we're all in there to educate people on these animals, how to take care of them. You know, it ain't like going to the zoo and just walking around looking at them. We're out there, we're showing people the animals, trying to better their future. In our Watusi cow from Africa, our goal is to better the population. Over in Africa, they've been inbreeding for so many years, now they're starting to take our animals from here, shipping them over to Africa to get new blood in their line to get bigger horn structure like we have here in the United States. [LB64]

SENATOR CARLSON: Thank you. [LB64]

SENATOR LANGEMEIER: Senator Smith. [LB64]

SENATOR SMITH: Thank you, Senator Langemeier. You mentioned you have a permitting process already with your animals. [LB64]

TODD LAUDENKLOS: Right. [LB64]

SENATOR SMITH: Can you explain that, please? [LB64]

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TODD LAUDENKLOS: With the USDA? [LB64]

SENATOR SMITH: Yes. [LB64]

TODD LAUDENKLOS: You have to...I'm just starting it. It's a...you have to fill out a form so I don't know all the...you know, then you send it in, tell them if you want to be a Class A, Class B, or Class C. Class A is if you want to be, if I'm right, a breeder; Class B if you want to be...I can't think of it offhand; and Class C is like exhibits, roadside zoos, or if you take a petting zoo, too, like a fair or festival. So then you have to pick which class you want, fill in the paperwork, and then they come out and inspect your place to see if everything is in order, if you have the right proper fencing for the animals, if everything is in order before you get that permit. [LB64]

SENATOR SMITH: Okay. And that's a federal permitting process? [LB64]

TODD LAUDENKLOS: Yeah, I'm pretty sure that is. [LB64]

SENATOR SMITH: Okay. Thank you. [LB64]

SENATOR LANGEMEIER: Senator Dubas. [LB64]

SENATOR DUBAS: Thank you, Senator Langemeier. Thank you very much for coming today. This has been a very informative hearing and I live in...I mean, I live in Nance County, so. [LB64]

TODD LAUDENKLOS: Fullerton, yeah, I know...yup. [LB64]

SENATOR DUBAS: I had no idea that you existed, so that's a good sign on your part probably that there obviously haven't been any problems. I'm going to ask a similar question to what Senator Langemeier asked a previous testifier is, how did you know about this hearing and this particular bill? [LB64]

TODD LAUDENKLOS: I got a call last night saying you might want to help us out, and if you want to keep...I just built a \$60,000 barn to open up an educational program. And if this goes through, what am I going to do? I can't make no money off of this. I ain't going to make a lot of money anyway because, you know, I still got to work. So if this would go through, I mean, it'd just hurt us financially. You know, I'm already getting my proper permits to open, my USDA permit. I got to have a certain liability insurance already for a commercial if I'm going to have public there viewing my animals, so this would throw another ring in the loop, you know, if this goes through. [LB64]

SENATOR DUBAS: Very interesting. Thank you for coming. [LB64]

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SENATOR LANGEMEIER: Seeing no other questions, the Natural Resources Committee likes to go on tours. We'll be in touch. (Laughter) Thank you. [LB64]

TODD LAUDENKLOS: Thank you. [LB64]

SENATOR LANGEMEIER: Further testimony in opposition? Seeing no opposition, is there anyone that would like to testify in a neutral capacity? Seeing no neutral testimony, Senator Cornett has waived closing. That concludes the hearing on LB64 and we thank you all for your participation. We appreciate it very much. We learned a lot. We'll now open the hearing on LB248 and Senator Dubas is here. Good afternoon. [LB64]

SENATOR DUBAS: (Exhibit 7) Good afternoon, Senator Langemeier and members of the Natural Resources Committee. My name is Annette Dubas, A-n-n-e-t-t-e D-u-b-a-s and I represent Legislative District 34. The bill I have to introduce to you today, LB248, changes provisions relating to burning permits and range management burning practices. These changes do not...they don't change any of the basic practices that are currently outlined in existing statutes and that are currently being practiced on the ground. And I want to be very clear, I, in no way, do I want to restrict the use of prescribed burning. It is a very effective and oftentimes the only effective range and land-management tool if it's done properly. Nor do I want to take this permitting process away from local fire departments. I really do believe that's where it needs to stay. Our statutes are also very clear as to the process that needs to be followed when applying for a burn permit, so LB248 doesn't do anything to change that actual what's required in the permits. When you're wanting to do a burn, you submit your request to the local fire department, and again, I think that's where it needs to stay. Currently the fire chief, or his or her designee, may issue the permit. Probably the biggest change in LB248 would still be allowed...it would still have the fire chief being able to give a permit, but it would change who that designee would be and it would make that change to having to be somebody who is on the fire department. I think you may have received some phone calls or e-mails about this, so I'd be happy to discuss this with the committee and others interested in it further. Currently our statutes only allow this tool to be used on rangeland which means land that's used for grazing. We have many acres in Nebraska that are in CRP, that are not technically rangeland, but benefit from the practice of prescribed burn. So we've changed the definition in the existing statutes from range management to land-management use, which will allow burning on all grasslands, pastures or other land utilized for grazing. It further defines what this practice will achieve by controlling weeds, pests in grassland, pastures or forest to help prevent wild land fires and to manage watersheds, windbreaks, and forests. I do have an amendment that I'd like to pass out to the committee. Again, it doesn't really change the substance of the bill, but just further clarifies the purposes and adds for uses scientific research. The bill, with this amendment, brings statute in line with current practices. So in other words, we have a lot of prescribed burning going on right now, as I said, like with CRP lands. Technically

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CRP is not considered rangeland because CRP shouldn't be grazed. We cannot underestimate the value of this land-management tool, especially for the cedar trees. Any of you who have pasture land know that those are extremely difficult weed to control and outside of mechanical removal, prescribed burn really is the most effective way and I think some of us may have been on a tour this summer to see some of the great work that's been done with prescribed burns on pastures. We also have many landowner associations that have been formed around the state. They're coming together collectively to buy the appropriate equipment; work together collectively to help each other deal with these issues. Our NRDs are working really hard helping to educate landowners on the proper procedures that it takes if you're going to do a prescribed burn. And again, they're very active in this and I appreciate their efforts. What's important, and I guess what I tried to convey when we had the interim study last fall and then again through this bill, is this is a continual educational process. I know it's difficult to get farmers to follow the rules sometimes. But if this is going to be a tool that's going to be used much more frequently in the near future, we have to help our farmers understand why this process is in place; why they need to work cooperatively with their local fire department, because if they aren't communicating with their fire department about what they're doing, I mean, our rural fire departments are pretty much stretched to the max as it is right now. And they do a great job in protecting us and protecting our property and it would be very unfortunate if we had more than one burn going on at a time and for whatever reason they got out of control and they wouldn't have the adequate manpower to be able to take care of things. So I think it's an ongoing educational process, as I said, through the NRDs and other forestry service to help our landowners understand why the processes are in place. It's not to make things more difficult for them; it's just to help protect them and help our local fire departments. I've worked with some of the members from volunteer fire departments. I think they might come forward with a few concerns, but I don't they're insurmountable concerns, things we'd be able to address through any amendments. But I guess I'd also like to just reemphasize that prescribed burns are being used on a lot of lands right now that technically, probably wouldn't fall under our existing statutes. And what I was looking to do with this bill is to bring statute in line with what practices are going on out in the environment right now. So I'd be happy to answer any questions you may have. [LB248]

SENATOR LANGEMEIER: Questions? Senator Christensen. [LB248]

SENATOR CHRISTENSEN: Thank you, Chairman. Thank you. Senator, will this add in...farmers sometimes burn wheat fields or cornstalks, things this way, or is there another section or am I missing it here. Are we regulating this down so it misses that? [LB248]

SENATOR DUBAS: Well you have to get a permit to do any kind of burning. [LB248]

SENATOR CHRISTENSEN: Correct. Correct. [LB248]

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SENATOR DUBAS: And so what this would deal with, let me find the right place, so we're talking about changing it on existing matter, grassland, pastures, or other land utilized for grazing, so. [LB248]

SENATOR CHRISTENSEN: Cornstalks technically, you know, there's some times I've had so much no-till, I plug, so you'll burn them pieces out of there. And technically we're not covering that unless there's another section I'm not familiar with. [LB248]

SENATOR DUBAS: I guess I would probably seek more educated people who would be able to really give us an adequate answer on that. I mean, just looking at...like I said, we have to get a burn for whatever type of burning goes on. So I guess I would want to have clarification on that. [LB248]

SENATOR CHRISTENSEN: Okay. That was just interesting to me and you brought up. And I got a permit before to burn cornstalks, wheat stubble, but technically I didn't see it in here. That's why I asked if we're technically covered or not. [LB248]

SENATOR DUBAS: And again, this deals with a lot...it's mainly looking at dealing with the prescribed burn, so I don't know if that falls under that prescribed burn category or not. [LB248]

SENATOR CHRISTENSEN: Okay. Thank you. [LB248]

SENATOR LANGEMEIER: Senator Carlson. [LB248]

SENATOR CARLSON: Thank you, Senator Langemeier. I had the same concern that Senator Christensen had. If you go to page 3 and line 21, grassland, pasture, or other, and you read that, land; if "utilized" was changed to "suitable." [LB248]

SENATOR DUBAS: And I think, maybe, I'm thinking there might be some people behind me who may be able to better answer this question, and if not, the Fire Marshal. I know the Fire Marshal isn't here today, but did call and say if there were any questions we would be able to consult with him as far as getting those. I'm of the feeling that the type of burning you guys are talking about is handled in another way, but we need to make sure that we're clear on that. [LB248]

SENATOR LANGEMEIER: Seeing no other questions. Very good. You have heard the opening on LB248. Now we'll move on to proponents. Is there anyone who would like to testify as a proponent to LB248? Welcome. [LB248]

DAVID CARR: (Exhibit 8) Good afternoon, Senator Langemeier and members of the Natural Resources Committee. My name is David Carr and that's D-a-v-i-d C-a-r-r and I

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manage the prescribed burn program for Central Platte Natural Resources District in Grand Island. I was a burn boss for 11 years in Nebraska. I'm responsible for conducting about 20 prescribed burns every spring throughout my district and in neighboring areas. Today I'm testifying in support of LB248 on behalf of the Central Platte NRD and the Nebraska Association of Resources Districts. Prescribed fire can be an effective, affordable and efficient tool in managing Nebraska's natural resources. Proper planning and execution are key components in using fire as a conservation tool. LB248 provides several positive changes that allow resource managers and local fire departments to work collaboratively in utilizing this tool while at the same time minimizing any unintended consequences. The existing statutes are specific in only allowing a waiver of the open burn ban for the sole purpose of prescribed fire for range management. Many of the prescribed burns being conducted may not fit into the definition of range management, for example fields enrolled in Conservation Reserve Program, CRP. By providing the change from range management to land management, and including grasslands in the statute, all who intend to conduct a broadcast burn will be required to submit a burn plan for review by the local fire department. This clarification ensures fire departments are not issuing waivers to the open burn ban outside of the scope of the statute. The definition of land management does not expand the application of prescribed fire as a tool, excuse me, the definition of land management does expand the application of prescribed fire as a tool. Along with the additional circumstances where prescribed fire is utilized, I would ask that you also consider including the control of invasive species as a land-management activity. Along with clarifying language on the application of prescribed fire, the bill would require that only fire department officials be allowed to issue the waivers to the open burn ban in the form of a burn permit. The current language allows a designee to issue the permits in lieu of the local fire chief, but does not specify that the designee be associated with the fire department. It is understood the local volunteer fire departments are not continually staffed and access to a department official can at times be limited. However, in order to help ensure that burn permits are only issued when burning conditions are favorable and when the fire department is prepared to respond in the event of an escaped fire, it is important that this language be changed. Mobile phones and other technology certainly have made the local fire chief or other department members more accessible. Prescribed burns are becoming more prevalent in Nebraska as landowners seek to improve and maintain pastures and habitat. Additionally, the increased fuel load from eastern red cedar in many pastures has created a more complex and more dangerous environment to fight fires in our rangelands. The prescribed burners that I work with are conscientious, safety-minded individuals who have a definite need for prescribed burning and are working hard to make it the safest practice possible and appreciate the cooperation of fire departments and state officials in this endeavor. We are committed to working with local fire departments in any way possible to increase education, common understanding of concerns, new developments, and best standards and practices related to prescribed burning. I thank you for the opportunity to testify and I would answer any questions that you might have. [LB248]

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SENATOR LANGEMEIER: Very good. Are there any questions for Mr. Carr? Senator Haar. [LB248]

SENATOR HAAR: Yes. I have some...I have an acreage with some...grazing prairie and so on, and we've had some prescribed burns actually, on our CRP. Are there any licenses required or anything of the people who conduct the burns, because we've had a number of those and some are much more skilled than others at doing the process? [LB248]

DAVID CARR: Right now to my knowledge, the only thing that you have to have is a permit from the local fire chief to conduct the prescribed burn. [LB248]

SENATOR HAAR: Okay. Thank you. [LB248]

SENATOR LANGEMEIER: Senator Carlson. [LB248]

SENATOR CARLSON: Thank you, Senator Langemeier. You talk about expanding this to invasive species; what are some of those that you would use burn for? [LB248]

DAVID CARR: Well, the reason why I mentioned that is because a lot of the reason for burning CRP is because you have invasive or encroaching species including smooth brome or Kentucky bluegrass, which are not native to Nebraska, but are known to encroach upon those fields and threaten the native grasses that are in there. And so that's a main reason why we do burn, but it was not listed in the draft legislation that I saw. The closest thing mentioned weeds. Not many people would recognize a grass as a weed, so I just issued that recommendation for clarification. [LB248]

SENATOR CARLSON: Now, thank you, now you...how many in your NRD are qualified to help burn? [LB248]

DAVID CARR: Well we have in my...are you talking about the NRD staff or...? [LB248]

SENATOR CARLSON: Yes. [LB248]

DAVID CARR: Yeah, we have nine of us in my office that help do the prescribed burns. [LB248]

SENATOR CARLSON: I understand you don't have trouble getting people to help you. [LB248]

DAVID CARR: I don't have any trouble. [LB248]

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SENATOR CARLSON: It's addictive. [LB248]

DAVID CARR: Yeah. (Laughter) [LB248]

SENATOR CARLSON: Okay. Thank you. [LB248]

SENATOR LANGEMEIER: Any other questions? It's scary thinking fire is addictive to people wanting to do it. Seeing no other questions, Mr. Carr, thank you very much for your testimony. [LB248]

DAVID CARR: Thanks. [LB248]

SENATOR LANGEMEIER: Further testimony in support of LB248? [LB248]

SENATOR HAAR: Senator Carlson, it also gets hot quick, as I found out. [LB248]

SENATOR CARLSON: I know that. [LB248]

SENATOR LANGEMEIER: Welcome. [LB248]

JOEL CERNY: Good afternoon, Senator Langemeier and Natural Resources Committee. My name is Joel Cerny, J-o-e-l C-e-r-n-y and I'm with the...I'm the president of the Nebraska Firefighters Association this year. I live in Senator Langemeier's district, so try not to hold that against me. (Laughter) Chris and I always got... [LB248]

SENATOR LANGEMEIER: Deadly statement on the record. (Laughter) [LB248]

JOEL CERNY: I'm here today to testify in favor of LB248. Some of the main points that I want...the association wants to be aware of, we want to make sure it stays in the control of the fire chief or his designation which is good. And the next one, we're happy that it clarifies where the burn permits can be issued because I believe in the past it was pretty much up to the fire chiefs to decide whether he wanted to give a permit for a burn or not based on what it really said on the permits. And I think by this new law of clarifying it, that's going to help the fire chiefs. So any other questions for me? [LB248]

SENATOR LANGEMEIER: Are there any questions? Senator Christensen. [LB248]

SENATOR CHRISTENSEN: Thank you, Chairman. Thank you. Can you answer my question? Like if you want to burn cornstalks or wheat stubble, is there another area that deals with this, or is this just been done loosely under this? [LB248]

JOEL CERNY: I...if...I wish I would have brought one of the old permits with me, but I was thinking somewhere in the old permit it mentioned agricultural purposes. And that's

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always the line I used to get cornstalk fires, because I have issued them for cornstalk.
[LB248]

SENATOR CHRISTENSEN: Okay. As you mentioned that, I think I've had one that said agricultural purposes on it. [LB248]

JOEL CERNY: Um-hum. Yeah. Like I said, I didn't bring one of the old permits with me, but I'm pretty sure it mentioned that on the back. [LB248]

SENATOR CHRISTENSEN: So we're not affecting...limiting that out, in your opinion?
[LB248]

JOEL CERNY: I don't think so. [LB248]

SENATOR CHRISTENSEN: Okay. [LB248]

JOEL CERNY: It wouldn't bother me. [LB248]

SENATOR CHRISTENSEN: Okay. Thank you. [LB248]

SENATOR LANGEMEIER: I understand. Senator Haar. [LB248]

SENATOR HAAR: Now are you with the Nebraska Firefighter or volunteer fire? [LB248]

JOEL CERNY: Volunteer Firefighters Association, I'm the assistant chief with the Linwood Fire Department. [LB248]

SENATOR HAAR: Okay. Well I personally really thank you for what you folks do. We had a medical emergency at my place with some relatives that were there and in the middle of the night, you guys were there. [LB248]

JOEL CERNY: Thank you. [LB248]

SENATOR LANGEMEIER: Any other questions? Senator Carlson. [LB248]

SENATOR CARLSON: Yeah, thank you, Senator Langemeier. If it fits an agricultural purpose, and you're going to burn off a pivot, the stalks off a pivot, what kind of precautions would be important to take? [LB248]

JOEL CERNY: You'd probably want to disk around your pivot, you know, disk a strip, park your pivot in the disked area. Or sometimes I've seen where people have burned maybe one half of a field. When the wind is blowing from the north, they'll burn one half so it burns that side of the field; then they could move their pivot and when the wind is in

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the proper direction, they could burn the other half of the field. So it's just different ways you can go about it. [LB248]

SENATOR CARLSON: On something that big, how many people should be involved? [LB248]

JOEL CERNY: I would like to see at least four people, any kind of fire that they're going to try to do something like that. Depends on what kind of equipment they have. If they're just going to be with gunnysacks and shovels, you'd probably want a lot more. (Laughter) [LB248]

SENATOR CARLSON: And I can tell you when a tire starts on fire off a pivot it's hard to put out. (Laughter) And if it wasn't for the Good Lord stopping it to jump the fence line, I may end up being in prison today. (Laughter) [LB248]

JOEL CERNY: That's when you just need to start the pivot up and let it run. [LB248]

SENATOR CARLSON: Thank you. [LB248]

SENATOR LANGEMEIER: Now that we're done incriminating ourselves here. (Laughter) I see no other questions. Thank you. [LB248]

JOEL CERNY: All right, thank you. [LB248]

SENATOR LANGEMEIER: (Exhibit 9) Well done. Further testimony in support of LB248? Seeing no other...now we'll move on to opposition. Is there anyone that would like to testify in opposition of LB248? Seeing none. I do have one letter, what town is this? [LB248]

LAURIE LAGE: Unadilla. [LB248]

SENATOR LANGEMEIER: Unadilla, the chief of the volunteer fire department from Unadilla has submitted a letter in opposition. Is there anyone who would like to testify in a neutral capacity? Seeing none. Senator Dubas, you're recognized to close. [LB248]

SENATOR DUBAS: Thank you again, committee members, for your attention and true confessions. There's something about fire, I don't know. (Laughter) I will be sure to get clarification on that ag use, but I think what the chief said is true. I think there are different things you can check on, on the box, and this legislation is dealing with the prescribed burns. Again, it's just bringing statute in line with what's currently going on practices. And I too, like Senator Haar, would just like to be on the record thanking our volunteer fire departments and EMS. I don't know what we'd do without them. They just provide our state an invaluable service and that's why it's very much an honor for me to

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work with them. So I thank the committee for your time and attention. [LB248]

SENATOR LANGEMEIER: Very good. Thank you. That concludes the hearing on LB248. We will now move to LB442. Let's stand at ease for a second until Senator Avery gets here. [LB248]

AT EASE

SENATOR LANGEMEIER: We'll now open the hearing on LB442. Senator Avery, welcome to the Natural Resources Committee again. [LB442]

SENATOR AVERY: (Exhibits 10, 11, and 12) Thank you, Chairman Langemeier. My name is Bill Avery, B-i-l-l A-v-e-r-y, I represent District 28 here in the heart of Lincoln. I am bringing to you today LB442 that creates the Nebraska Outdoor Outfitters Licensure Act. Notice I left out the word "guides" and that gives me an opportunity to have the pages distribute a handout. You already have them? Okay. You'll see AM320 is rather extensive and let me explain why it is so extensive. The green copy which I have here, if you look at all the red marks, you'll see why we had this extensive amendment. This bill has had a tortured history. We're charting new territory here and when you do that, you learn a lot along the way as we did. My staff worked very hard over the summer drafting the green copy. And then after we had what we considered a fairly decent rough draft and a rather comprehensive bill, we started contacting the stakeholders. Went to the Game and Parks Commission and we worked very carefully with them to amend the bill so that it is much less ambitious than when we started and we hope much more acceptable to the people who would come under its authority. So what you have in the white AM320 is the amendment that incorporates all of the red marks on the green copy that I have in my left hand. If any of you want to look at this up close you can. I'd be happy to let you see it. But we...as we originally drafted this, we were hoping for the first time to identify and locate Nebraska's recreational, hunting, fishing, and watercraft outdoor outfitters for the purpose of organizing, registering, and licensing them with the Nebraska Game and Parks Commission. You have a list that my staff prepared of all of the outfitters that we could locate on the Internet doing business in Nebraska. This, by the way, is the only list that we know of that exists. As far as we know the Game and Parks Commission does not have such a listing; they don't have a registry. So we have I think 271 outfitters identified there. That does not count, of course, those outfitters who are flying so far under the radar that even we couldn't find them, that don't have Web sites. We are aware that regulating outfitters is not a new concept. It is new to Nebraska. It is not entirely new, however, to people in Nebraska who are in the Conservation Officers' Association. They commissioned a study several years ago now to look into the possibility of regulating outfitters. Where did this study go? Well, it went nowhere. In fact, the association had a hard time locating a copy for us when we asked for it. Once they found it, it was evident that they had some very good ideas in that document and many of them are being brought forward today. I received a lot of e-mail

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on this issue and I think you have too. A lot of that e-mail I think reflects a concern among a lot of people that perhaps we will start regulating something that has so far been unregulated in the state. It is clear that we have a large number of outfitters operating in Nebraska and it is also clear that they are flying pretty low under the radar and there is no code of conduct, no code of ethics, no way for the state to know, if in fact, the customers are being treated fairly. I'm bringing this to you because a constituent of mine had a problem. About two years ago a constituent in District 28 expressed a concern to me about a failed hunting trip to Canada. I believe he is here today and will share that story with you. But here is one of the problems that led me to this. You can buy very expensive hunting and fishing trips around the state or maybe even some that carry...will take you out of the state or some will take you to Canada. If you are going to Canada you need to know in advance what Canadian Customs officials require of you before you can get in. If, for example, you have a misdemeanor conviction here in the United States, in many cases the Canadians classify those as felonies and you will be barred. And by the way, you will probably lose your deposit on that trip. Now I believe that outfitters have a responsibility to the customers to inform them in advance so they don't get surprised when they get to the border. You want, it seems to me, to have as much protection for customers as you can. So after two years of contemplating this and careful thought, I decided to plunge into this uncharted territory. And the whole object here was to bring some sanity to bear in this very large category of outdoor activity, a very important one for our state, a very lucrative activity for the outfitters, and it's good for economic development in our state. The original draft of the bill, among other things, would have required that the outfitters disclose state and federal laws associated with any outdoor activity. That seems to me to be a minimum that we want to require. It was ambitious and you will see that I have proposed to strip out a great number of things that Game and Parks thought might be a little bit too ambitious at this point. For example, the requirement that outfitters provide...maintain and provide a safety record; that has been taken out. Another measure to require emergency management plans to be a part of their plan of operation, proof of hunting and fishing permits, proof of safety compliance with respect to leased or rented equipment and facilities, descriptions of land with respect to advertised recreational activities. Many of these things we might decide at some point that we would want to put into our law. But at this point we want to at least lay the foundation for some registration and some compliance with minimal rules. I am also eliminating all provisions to out-of-state outfitters doing business in Nebraska. The commission thought this might be asking too much of them at this point, so we agreed to that. I'm also eliminating tubing, rafting, tanking, water recreational activities from this bill. We're also excluding horseback riding, bird watching endeavors, but we do want to...we want to keep minimal requirements in here, but perhaps as you will see in the amendment, we are not going nearly as far as perhaps we could. I am excluding all licensing fees for guides; that's been taken out. I continue to think that it's important to hold guides accountable. At a minimum they should have some training in first aid. Why not? We're dealing in many cases with firearms, possible adverse hunting and sporting conditions. Maybe we're

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dealing with hunters that are minors or rookies. These are things that we might want to look into at some future time. It's also important, I believe, to keep in the requirement that outfitters have proof of liability insurance and annual certification courses as developed and administered by the Game and Parks Commission. I'm leaving in indemnity provisions for third party motels, hotels, and booking agents. Seems to be reasonable. I'm also leaving in criminal penalties, but as requested by Game and Parks, we are changing that to a Class II misdemeanor for outfitters who fail to complete the certification process. I'm also inclined to keep in the bill controlled shooting areas. Game and Parks may give testimony that would argue that they be taken out. Seems to me though that Game and...that the controlled shooting areas rise to the level of outfitters. Now they may not be large outfitters of the sort that you're looking at in your handout. They may not charge as much or make as much money, but they are by definition outfitters. They release wildlife in restricted areas for the sole purpose of inviting hunters to their property for expanded bag limits and extended seasons. So I think they belong in the bill. You may disagree. If you do, we can certainly talk about that. The fees were controversial from the very beginning. We based our first proposal on fees by looking at what outfitters charged for some of their sporting trips. And if you, I think you have in one of those handouts a list of some of the...some samplings of the trips that are available and how much they cost. Some of these fees are quite large. What we agreed to do after consulting with Game and Parks was to lower the registration fee to \$150. You may wish to change that to something else, but we thought that that is not an unreasonable registration fee. It's not going to make it impossible for small operators, small outfitters to do business. Some of the fees that were in the green copy were much larger than that. The Game and Parks also suggested the elimination of the Outfitters Cash Fund. They didn't like that provision very much. They wanted the registration fees and penalties to be dropped into the existing game fund. I think that it's better to have a separate fund for this. That way you have...it's easier to account for the funds. That way you're likely to know whether or not the actual registration fees are covering the costs of administering the program. So we left that in. I have e-mailed to each of you the Idaho Outfitters and Guides Association Web site. The Web site address is IOGA.org . If you haven't had a chance to visit that site, I invite you to do it. It is what I think the state of Nebraska should aim for. It is a central clearinghouse managed by their game and parks commission. It lists every outfitter and guide in the state of Idaho, the services they provide, their location, it also lists the application for outfitter membership, membership expectation and outfitters code of ethics and last minute deals provided by outfitters who have late cancellations. The Nebraska Game and Parks Commission suggested that we have a customer feedback section on their Web site. If this passes, I think that's a very good idea. We want to give legitimate, bona fide outfitters an opportunity to register with the state so that we can help them manage their activities and we can help them market their products. Right now they are on their own for the most part. It's also, I think, helpful to have hyperlinks to Game and Parks...on the Game and Parks Web site, hyperlinks to other Web sites that can provide additional information for hunters and fishermen. Now one thing that we noticed when we were

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doing this Web search and compiling that list that you're looking at, we noticed that a lot of the outfitters in Nebraska already provided a link to Game and Parks. Does this imply approval? If so, where is the process? Where is the procedure? Where is the registry? Where is the certification? Where is the material you would want to have in possession of the state if we're going to be associated with the outfitters in any way? I think that the time has come for us to take a very long look at this. One of the things that you might want to consider is the whole question of how can we know in this state whether or not outfitters are paying required sales taxes. If we don't even know where they are or how many there are or who they are, are they paying the sales tax? Are they paying the lodging tax? That's a part of our law and we don't know. How can you know if you don't know who they are or where they are? We, it seems to me, want to have the ability to help these outfitters market their products and help the state of Nebraska better manage this important activity. I'm not suggesting that outfitters are trying to pull a fast one on the state of Nebraska. I'm not suggesting that they're trying to get by with something or they're hiding anything. But if you're engaging in business and you've been doing it under the radar, so to speak, with nobody paying much attention to how you're doing it, then where is the protection for the consumer? Where is the protection for the taxpayers of this state? I ask you to advance this with the amendment to General File for fuller discussion on the floor. I'd be happy to entertain any amendments that you might want to make to the amendments that we have suggested. This is kind of a bare-bones proposal in the white copy here; the green copy was much more ambitious. Thank you. [LB442]

SENATOR LANGEMEIER: Start with Senator Dubas this time. [LB442]

SENATOR DUBAS: Thank you, Senator Langemeier. Thank you, Senator Avery. You mentioned a concern from a constituent who had a bad experience with a Canadian hunt. Have you heard from anyone in the state of Nebraska who has had an issue? [LB442]

SENATOR AVERY: This was not a Canadian outfitters. This was a Nebraska outfitter taking people to Canada. [LB442]

SENATOR DUBAS: Okay. [LB442]

SENATOR AVERY: And the information was not disclosed to the parties that you would have to meet certain requirements to get into Canada. I think in one case a person was fined a rather substantial amount and allowed to complete the trip, but was not prepared for that fine. But it is clear in Canadian immigration law what they allow and what they don't. In some cases you have to have had some kind of clearance or waiver from the consulate. Well if you know that in advance, well in advance, then you can prepare for that. If you don't know and you wait until you get to the border then obviously you don't, you're going to be out of luck. That is what prompted me to look at this. But that is not

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the only reason nor the principle reason why we need this law. [LB442]

SENATOR DUBAS: And then a question, you know, it's a very competitive environment out there, especially for businesses like this. Have you heard from...and they're pretty good about kind of policing each other and if they feel like somebody is out there doing something that either is going to give them a bad name or not playing fair the way they are, I think usually they're pretty good about... [LB442]

SENATOR AVERY: That's how I found out about the sales tax issue. [LB442]

SENATOR DUBAS: So are you hearing from other outfitters who are saying, hey, I know that Joe Blow down the road is not operating the way he should be. [LB442]

SENATOR AVERY: Yes. They haven't named names, but they say we know this is going on. I have heard that. [LB442]

SENATOR DUBAS: Okay. All right, thanks. [LB442]

SENATOR AVERY: And I've heard some other things too. One is that I am a senile freak. [LB442]

SENATOR DUBAS: Okay. [LB442]

SENATOR LANGEMEIER: This is the day of confessions. Senator Haar. [LB442]

SENATOR AVERY: Mark is saying, I know that's no surprise to anybody. [LB442]

SENATOR LANGEMEIER: We'll give that as a given. Senator Haar. [LB442]

SENATOR HAAR: And what was the Web site again? [LB442]

SENATOR AVERY: IOGA.org . [LB442]

SENATOR HAAR: IOGA.org . Well obviously I'm interested also in hearing the testimony for and against, but we've been...we've had a number of cases here where we're changing the ownership of a land like from Game and Parks to a local community for small parks and I think it's really important that even though parks and rec doesn't still own that park, that those go into our Nebraska brochures because it will help local businesses and so on. One benefit I see of doing this, and again we'll listen to both sides, but is to open up the door to more tourism for Nebraska. [LB442]

SENATOR AVERY: The Game and Parks could become the Good Housekeeping Seal of Approval for an outfitter. You know they say I am registered with the state of

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Nebraska. Then that would give confidence to the consumer that this outfitter is going to meet some minimum standards of conduct in how that I'm treated on this trip. [LB442]

SENATOR HAAR: And also the go-to place to see what the options are in Nebraska. [LB442]

SENATOR AVERY: Yes. Yes. [LB442]

SENATOR LANGEMEIER: Senator Carlson. [LB442]

SENATOR CARLSON: Thank you, Senator Langemeier. Senator Avery, I admire you for all the work that I think your staff went into to put this material together. [LB442]

SENATOR AVERY: I'm not sure they admire me for that, Senator. [LB442]

SENATOR CARLSON: I bet they don't. Under Section 12 in your amended version, that's defining an outfitter, and I really can't tell by reading this, but if I own land and I give somebody permission for a fee to come in and simply hunt on my land, am I an outfitter? [LB442]

SENATOR AVERY: That came up in our discussions. I believe the answer to that would be yes. If you provide a person with...you advertise yourself as having this activity available, services, facilities, then you would be classified as an outfitter. If you look here starting with line 12, outdoor outfitter does not include...those are the exclusions and I don't believe that the situation you mentioned is excluded. [LB442]

SENATOR CARLSON: But you added a little bit, and it says that in here, to my question, the outfitter means someone who advertises. Well, if somebody takes it upon themselves to contact me because of where my land is located and they want to hunt there and I charge them a fee and I didn't advertise, they came to me. Then they tell their friends about it, I don't advertise, they come to me, I didn't advertise. [LB442]

SENATOR AVERY: Well it also says, or holds him or herself or itself out to the public for purposes of providing facilities. [LB442]

SENATOR CARLSON: Well how is somebody coming to me and asking if they can use my land, how am I holding myself out to the public? [LB442]

SENATOR AVERY: I suspect that in most cases that you have indicated a willingness to do this, so the person, perhaps, would not be knocking on your door. [LB442]

SENATOR CARLSON: I don't know. Maybe we'll have some testifiers in opposition that would...I do know some people that own land and I don't think they're involved in any

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kind of advertising, but it's gotten to be known their land is available and they don't do anything other than just allow them to come in. [LB442]

SENATOR AVERY: Just say yes, you can go hunt. I think that that can be handled by committee if that is an issue. [LB442]

SENATOR CARLSON: Okay. Thank you. [LB442]

SENATOR LANGEMEIER: Senator Christensen. [LB442]

SENATOR CHRISTENSEN: Thank you, Mr. Chairman. Thank you, Senator, for coming in. Do you know of more additional problems other than the one crossing incident that you're heading after here and then the tax deal, because I see the tax deal is something that could be handled outside of having a bill like this? The situation, you know, getting into Canada could be very easily a learning curve on both sides. I wouldn't have thought to check that out personally. [LB442]

SENATOR AVERY: No, most people wouldn't. But an outfitter ought to know. [LB442]

SENATOR CHRISTENSEN: Well, it's good awareness that they have learned through this deal, but I'm not sure that if I was an outfitter I would have thought to check that out before I had someone go there. [LB442]

SENATOR AVERY: But if you were registered with the state of Nebraska and you had a kind of a code of ethics that you had to abide by, you would know to do that. Because the registry would...the certification process would require you to know all the rules. [LB442]

SENATOR CHRISTENSEN: Well provided that it was written that way. [LB442]

SENATOR AVERY: Yeah. [LB442]

SENATOR CHRISTENSEN: It's a situation...you know, is there additional problems you're trying to handle there? Have you had other problems you've heard about? [LB442]

SENATOR AVERY: That was the one that started me thinking about this. And I didn't jump right in. It took me two years to decide that this was something that needed to be looked into. There are other cases, in fact, you'll have people testifying after me that will probably be able to give you some title and text of instances that I don't know about. But they're not as limited as you might think. They're probably much more widespread than will even come out in testimony today. If you are freelancing as an outfitter, you don't have to be accountable to anybody but customers. There are all kinds of opportunities

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there for customers not to get what they paid for or to expect something that is not really in the package that they thought was going to be there. [LB442]

SENATOR CHRISTENSEN: But I also know as many a people that's involved in this and with the ones I know do such an excellent job, free enterprise have shut them down pretty fast. One bad hunt can just about take you down. [LB442]

SENATOR AVERY: Well, but they would benefit enormously from a registry with Game and Parks. Because if I'm looking for an outfitter and I go to the Game and Parks Web site and I see that you've got all these outfitters here, these are all the options, this is what it's going to cost me, here are some last minutes deals if I get a cancellation on one that I've already paid for, I get a refund on that, here's a last minute deal I can get, that's a tremendous service to the customers, tremendous service to outfitters which they don't have right now. There's a small association of outfitters, it's a private association, has only 18 members. You have 271 on that chart we gave you. And the Game and Parks Commission could have a registry with 271 names on it and 271 Web sites to refer hunters to and fishermen. [LB442]

SENATOR CHRISTENSEN: I think Game and Parks and economic development people would want to have them all on their sites anyway to promote Nebraska. [LB442]

SENATOR AVERY: Yeah. They ought to be all over this bill. I think they will be, but I'm not quite sure which side. (Laughter) [LB442]

SENATOR LANGEMEIER: Senator Schilz. [LB442]

SENATOR SCHILZ: Thank you, Senator Langemeier. Senator Avery, thanks for coming in. The fact...to piggyback off of Senator Carlson's questions and being a landowner and having dealt with some of this, let's say that a guide or as you want to put it, an outfitter comes to me and says, hey, I'd like to lease your land. Okay, does that make me an outfitter then? [LB442]

SENATOR AVERY: Under the definition in Section 12, page 3, if you hold yourself out to the public for such purposes, leasing your facilities, yes, you could be classified. You guys you might want to... [LB442]

SENATOR SCHILZ: Okay. But the outfitter has already paid his fee and I'm just a...am I a client then? [LB442]

SENATOR AVERY: You might be able to...you might be able to avoid being defined as an outfitter if you are contracted with a licensed outfitter. All you're doing is providing the land. [LB442]

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SENATOR SCHILZ: Right. Okay. [LB442]

SENATOR AVERY: And you would be a third party in that circumstance and you would be, according to the way this is written now, you wouldn't have any liability. The liability would come through the outfitter and they would have liability insurance. [LB442]

SENATOR SCHILZ: Okay. Thank you for that. And then...because I think that's pretty important because as far as I understand it, you see, you look at these numbers here and you think, oh my gosh, that looks like a lot of money. But what you have to figure is that most of those guides and most of those outfitters understand what it costs to go find a good place to hunt and so I'm guessing that what certain people see as a huge payday, these folks are seeing as, hey, this is just what it takes to survive. And I think that's important to keep in mind. [LB442]

SENATOR AVERY: And the lease for your land would be a good portion of that fee, I presume. [LB442]

SENATOR SCHILZ: It could be. But there could...I mean there could be a lot of things going on. I'm sure we'll hear about some of those. But that was one thing, I want to make sure that we're not doubling up. And then the other question I have and this is the same kind of question is up in controlled shooting area. [LB442]

SENATOR AVERY: Um-hum. [LB442]

SENATOR SCHILZ: We've already got them paying a fee to become part of that. And I think...people can correct me if I'm wrong, Game and Parks, I think, has a registry for those. [LB442]

SENATOR AVERY: They do. And I think it's interesting... [LB442]

SENATOR SCHILZ: Are we doubling up there too? [LB442]

SENATOR AVERY: Yeah. It's interesting that the CSAs are in kind of a separate category with the Game and Parks than other outfitters. Game and Parks will probably testify that we ought to take the CSAs out of this bill. I'm not going to fight you on that if you want to do that. [LB442]

SENATOR SCHILZ: Okay. Thank you, sir. [LB442]

SENATOR LANGEMEIER: Senator Haar. [LB442]

SENATOR HAAR: Were you already senile two years ago when you started this?
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SENATOR AVERY: Well, you know, I'm a lot smarter now than I was then. I get smarter every day. [LB442]

SENATOR HAAR: Very good. Well, in terms of the taxation issue that Senator Carlson asked, if you're selling a product or whatever, I wonder if that under Nebraska law makes you liable for sales tax? I mean maybe it isn't very much, maybe one or two. [LB442]

SENATOR AVERY: If you are selling a product or if you are selling a service, you are...according to what we...we could find out. In the tax code you are liable or you are required to pay a sales tax on that service. [LB442]

SENATOR HAAR: On that anyway, no matter whether you... [LB442]

SENATOR AVERY: Yeah, on what we defined as outfitter, you would be required to pay the sales tax. [LB442]

SENATOR HAAR: Okay, gotcha. Thank you. [LB442]

SENATOR AVERY: Now...but how would we know if the state is collecting the sales tax owed to it if we don't even know where they are or who they are? [LB442]

SENATOR LANGEMEIER: Senator Schilz. [LB442]

SENATOR SCHILZ: Thank you. Senator Avery, I don't want to belabor this, but as we've talked here, we talked about...we're talking about basically hunting and fishing here. I know there's a lot of guides and outfitters who take people on, you know, like the tubing. [LB442]

SENATOR AVERY: That's excluded. [LB442]

SENATOR SCHILZ: Right, right. [LB442]

SENATOR AVERY: We took that out. [LB442]

SENATOR SCHILZ: The question is, why? Can't those people provide one set of advertising... [LB442]

SENATOR AVERY: You might want to...yeah... [LB442]

SENATOR SCHILZ: ...and then the next thing you know they didn't get what they what they...I'd like to know what the difference is. [LB442]

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SENATOR AVERY: Size of operation, I think, and the Game and Parks Commission's recommendation that they be excluded just as they recommended the CSAs be excluded. I think you might want to quiz them on that. Jim Douglas is here, he may be testifying. [LB442]

SENATOR SCHILZ: Okay. I appreciate it. Thank you. [LB442]

SENATOR LANGEMEIER: Senator Avery, I'll be real honest with you, I don't know where to start with my questions. [LB442]

SENATOR AVERY: Well just forgo them. [LB442]

SENATOR LANGEMEIER: Forgo them? You wouldn't like what happens to this bill if I forgo them. But when you talk about the hotel tax and you talked about we don't know whether they're paying a lodging tax, do we currently...and we're in an area here I know nothing about, but do we currently register our hotels and bed and breakfasts across Nebraska? [LB442]

SENATOR AVERY: I think we do. And we have a hotel or a lodging tax that's applied throughout the state. It's in a document here I have dated October, 2010, Information Guide, Nebraska Local Taxes on Lodging. And it's pretty clear that the lodging that accompanies many of these trips would be included in that. [LB442]

SENATOR LANGEMEIER: So if we register hotels and bed and breakfasts and things that do lodging now so they pay their hotel tax or we can keep track of them, if I'm an outfitter and I have a big cabin that I provide stays and it's in your example here where I can take a 4-night stay and shoot turkey for a thousand dollars, I'm already in violation of the law if I'm not registered with that now, right? [LB442]

SENATOR AVERY: There are exceptions in the tax law and Game and Parks would be able to enforce this with their knowledge of current tax code. And whether that bunkhouse would be considered a lodging, I'm not quite sure. [LB442]

SENATOR LANGEMEIER: Okay. Well I think I'll hold off until we get to Game and Parks. Senator Haar. [LB442]

SENATOR HAAR: Well sort of going back to an earlier point, independent of whether CSAs are included or whatever, I would like to be able to refer people to Game and Parks as a place to see what kind of recreation is available in Nebraska whether it's just canoeing or shooting or whatever, or hunting. Sometimes I think we've got more to offer than we're willing to show. So, just a comment. [LB442]

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SENATOR AVERY: Yeah, I agree. [LB442]

SENATOR LANGEMEIER: Seeing no other questions; you're going to stick around for closing? [LB442]

SENATOR AVERY: I will. [LB442]

SENATOR LANGEMEIER: Good. [LB442]

SENATOR AVERY: I think I've finished up in all my other committees. [LB442]

SENATOR LANGEMEIER: Okay, great. You've heard the opening on LB442. We'll now go to proponents of LB442. Mr. Douglas, welcome back. [LB442]

JIM DOUGLAS: Thank you, Chairman Langemeier, Senators of the Natural Resources Committee. For the record my name is Jim Douglas, D-o-u-g-l-a-s. I serve as the deputy director of the Nebraska Game and Parks Commission. The commission is testifying in support of this bill based on several things I'd like to share with you. One is that we're quite aware and have been involved in discussions about licensing outfitters and guides for at least 15 years. There's been a couple of bills that have been introduced in the past before this committee to license outfitters and guides. And the Nebraska Game and Parks Commission did not support those bills. At the time of those bills, and I cannot give you specifics on the dates of those bills, but at those times in the discussions within the commission, we did not want to be placed in a position of being an arbitrator for some items that might be better settled in a civil suit for fraud or something of that nature. We were concerned about the resources that must be brought to bear to undertake such an effort. And we were also concerned that we did not want to support anything that was overly onerous towards the entrepreneurship that we see as a positive thing for the development of outfitting, guiding, wildlife watching, etcetera. All of those concerns are still shared within the Nebraska Game and Parks Commission. And we would like to thank Senator Avery for listening to a host and variety of concerns that we expressed to him. It sounds as if many of the concerns that we expressed might be mitigated by amendments. We did not have an advanced copy of those amendments. So I think the most productive way for me to provide information on the position of the Game and Parks Commission would be to provide to this committee the same inputs that we provided to Senator Avery's office and the same inputs that we provided to the Nebraska Outfitters and Guides' Association with whom we have conferred recently. And with that I would say that our commission is concerned that in any attempt to register or certify outfitters and guides that the net that is used to sweep in those people affected not be too large. And again, because our interest in this would be to promote the outdoor activities that Senator Haar you are referring to. And so our inputs are directed in that fashion. Because of that we would suggest that if there is consideration given to this that you would exempt, for example, the water guiding

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interests. And our reasoning for that is that many of these are fairly new; many of these require some capital input. We don't want to place on them any undue burdens at this time. We believe that if you had a registry, for example, that there would be, perhaps, persons who would be required to undergo the registry and any certification that was done. But others could, perhaps, join voluntarily so that associated with this registry, if Game and Parks, for example, had a Web site with the links that Senator Avery referred to, then people that joined voluntarily would still be listed on that Web site. We would also exclude controlled shooting areas because of the fact that we already regulate those entities. We know who they are. They pay \$150 fee. We would also use the North Dakota method of defining outfitters and guides to the extent that it excludes those persons who own land or lease land for bona fide agricultural purposes and derive the majority of their income from that source. So we would want to limit the definition of outfitters and guides extensively. We would also like to exclude fees paid or advertising for lodging, restaurants, etcetera. We believe that requirements for certification would be those, perhaps, that were within the rules and regulations of the commission so that we could confer with the outfitters and guides and development those jointly. For example, there's also abilities to use the extension service to develop course work that could serve as certification for outfitters and guides. We believe that we would like not to be put in a position where we are, as I said, an arbitrator of certain kinds of disputes, but rather the certification would be dependent upon their adherence to the game law and that in addition to that, if there was a Web site it should allow the commission, if we were the host of that Web site, to allow customer comments about their experiences with the outfitter or guide that is on the registry. Much like you do now when you ask...when you go to a Web site to purchase something, often there are customer comments about their experience. And we believe that that would serve a good purpose for protection of the consumer, perhaps even more so than other kinds of penalties might. So we would also say that a fee should be very modest. I think we recommended originally something like \$30, certainly less than \$100. With that I see that my time is up and I'd be happy to answer any questions. [LB442]

SENATOR LANGEMEIER: Are there any questions? Senator Dubas. [LB442]

SENATOR DUBAS: Thank you, Senator Langemeier. Thank you, Jim, you just mentioned even scaling the feedback farther than what Senator Avery has mentioned in his amendment. And just considering, I mean, we've already cut your budget as well as everybody else's, knowing the changes in how you're operating the commission, cuts, and services, etcetera. And now we're asking you through this bill to take on something else with what seems to be a relatively small fee for what you would be looking at doing. Do you really think you could do what this bill is wanting done with the \$30 to \$150 fee? [LB442]

JIM DOUGLAS: I think that we could do what we have envisioned would be the responsibilities of the commission. Now perhaps not everyone is thinking the same thing

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what those responsibilities would be. What we are thinking is that we would have a registry, that there may be an associated certification, and only because, really, the outfitters and guides from time to time have come to the commission asking that we act in some sort of role like that so that they can advertise and put themselves out, so to speak, as having had some sort of stamp of approval which they think would help their business in their advertising for their business with the consuming public. But that, as I said, might be able to be done through the extension service which wouldn't require much input on our part. So primarily what we were looking at in a low fee, again, is to not exclude people. We want to promote outfitting and guiding in the state of Nebraska. And so we were looking at the minimal amount that might be necessary. [LB442]

SENATOR DUBAS: I'm just...you know, it was mentioned earlier about, you know, some of these outfitters flying under the radar and I'm not so much sure that they're flying under the radar, I think they're staying small because they're a mom and pop business; they're trying to supplement a ranch income. They aren't really looking to grow the business. They're just looking at, you know, this is what we're going to do to supplement the income. We don't really want to advertise, word of mouth, you know, we get a good customer, we keep that customer. So, again, I'm just...I can see the advantage for those who maybe want to be out there, who want that staff, who are really looking at it as a business as their sole business versus those who are just, like I said, looking at it as a sideline, a supplement, no plans to grow it, no plans to...just doing what they're doing. [LB442]

JIM DOUGLAS: Yeah. We would agree with that. And that's why we would in our recommendation, we would exclude those landowners and those people that are leasing land, primarily for agricultural purposes and have a bona fide ranching or farming operation and are doing exactly what you just said. [LB442]

SENATOR DUBAS: Thank you. [LB442]

SENATOR LANGEMEIER: Senator Christensen. [LB442]

SENATOR CHRISTENSEN: Thank you, Mr. Chairman. Are you hearing problems out there? Are people calling Game and Parks and saying, you know, we're having problems with outfitters out there or are we just trying to get ahead of a problem? [LB442]

JIM DOUGLAS: We're aware of problems. I would say that it's less than a dozen per year. Some of them, I think, are misunderstandings. There have been some that have problems that have resulted in game law violations and federal law violations. So, but I guess the quantity is not large. Certainly the circumstances can be trying for the individual consumers that are involved. [LB442]

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SENATOR CHRISTENSEN: And you pretty much know where every one of these are at, correct, because you sell the permits? Or do individuals out of state buy their own permit and just come hunt there? Typically, don't the hunting outfit bring the permit in; how is that done? [LB442]

JIM DOUGLAS: Typically, individuals will buy their permits, perhaps over the Internet which is the way that we sell permits. Depending upon the type of permit, the guide or outfitter could purchase that for them, so we're not really aware of the individual relationships or contracts or arrangements that are going on between the customers and the outfitters. [LB442]

SENATOR CHRISTENSEN: Okay, thank you. [LB442]

SENATOR LANGEMEIER: Senator Haar. [LB442]

SENATOR HAAR: I'm exploring kind of a similar issue with the energy office in terms of energy auditors. Right now it's hard to find energy auditors. You can't find it in the yellow pages. And I would like a one-stop shopping place, but their concerns are some of the same of liability and so on. Is it reasonable to say you're the tourism people when it comes to the one-stop shopping because that's what a lot of states seem to be doing and, you know, to advertise what we have available in Nebraska. [LB442]

JIM DOUGLAS: Well, I think that different people are going to start out their search in different places. As so as was mentioned, if the Nebraska Game and Parks Commission, for example, did host on our Web site a list or registry of outfitters and guides, those that are required and those that would voluntarily want to be included, some people would go there. Some people might go to the...through their navigation and end up at Department of Economic Development tourism site, but you would have links between those so that could find it wherever they looked. [LB442]

SENATOR HAAR: Well I mean I think the new license plates even have the Web site for Nebraska on there. I don't have one yet, so I don't know exactly what it is, but...and what are your concerns then about you being the go-to place for a listing of these things? [LB442]

JIM DOUGLAS: Well, if we're the go-to place for listing, that's not such a concern for us. [LB442]

SENATOR HAAR: Okay. [LB442]

JIM DOUGLAS: Except that those people that have issues will then also come to us. [LB442]

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SENATOR HAAR: That's a good point, yeah. [LB442]

JIM DOUGLAS: And if they have issues, what our commission has said is that we can provide information to them and we can provide services to them for issues that involve violation of the game law. If there is a violation in what the customer thinks is a trust or a false advertisement or so on, that's something that's a lot larger, I think, than the commission's capability to be the arbitrator for. And so that's why we would rely upon the customer comments to provide that consumer protection or some level of consumer protection. But that...I think that there are civil remedies for some of the other things that might occur. [LB442]

SENATOR HAAR: And you bring up a good point, and the same thing with the auditors we're talking about, if there is a complaint, they're going to come back and so where would you direct? One of the frustrations that people have with government is they go in a circle and it's one person tells them to call another agency and finally they wind up back with you and they just, you know, say we're all a bunch of jerks. So what could you...other than having customer comment, so that when somebody calls you they don't just hear, well, put your comment on the Web site. [LB442]

JIM DOUGLAS: Well we...we've fielded some of those complaints heretofore, and we referred them to the State's Attorney General's Office if it sounded like they had a complaint that they wanted to file that required some legal action. [LB442]

SENATOR HAAR: So in the case of the person Senator Avery is talking about, if they come back to you now because you're the source and they said, you know, we have these fines and everything, what would you say, buyer beware or what would you say in a case like that do you think? [LB442]

JIM DOUGLAS: If the Nebraska Association of Outfitters and Guides had a code of conduct, I might refer them to talk to them and I would also refer them, if they thought they had a legal action, to the...either the appropriate level of either county attorney or state's attorney. [LB442]

SENATOR HAAR: Okay. Thanks. [LB442]

SENATOR LANGEMEIER: Senator Smith. [LB442]

SENATOR SMITH: Thank you, Senator Langemeier. What order would they be listed? [LB442]

JIM DOUGLAS: We haven't thought of that. [LB442]

SENATOR SMITH: If I had AAA Outfitters on my...give preference, if it was alphabetical,

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and I guess a concern I would have is putting the state in the position of appearing to endorse one over another. And to be filling a role that is currently provided by nongovernmental, quasi private organizations such as the Better Business Bureau, you can be, from what I'm hearing described, you may be...you may meet all of the conditions of certification, but you still may be a poor business operator. And we're putting the state out there as the source for folks to make their decisions. [LB442]

JIM DOUGLAS: I believe that that comment goes to the concern that our commission has expressed before about being an arbitrator of certain aspects of the contractual relationship. It is a difficult question. And as I mentioned before, it's not a burden that we're overly enthusiastic about. What we presented to you is those things that we would be willing to do to help outfitters and guides and promotion of recreation in the state. [LB442]

SENATOR SMITH: Thank you. [LB442]

SENATOR LANGEMEIER: Senator Haar. [LB442]

SENATOR HAAR: Just one more question going back to this tourism. Do you work now with...I guess we have a department of tourism. What is your working relationship with them? How do you dance with them? [LB442]

JIM DOUGLAS: It's a good working relationship. And they have an employee within their department actually who focuses on outdoor recreational activities and we confer with that person quite often. [LB442]

SENATOR HAAR: Okay. Thanks. [LB442]

SENATOR LANGEMEIER: Senator Carlson. [LB442]

SENATOR CARLSON: Thank you, Senator Langemeier. I could see an advantage of a registry, and I believe your intent would be to help outfitters; and then a modest fee, but then there is carried with that, if I were looking at that registry, I'm thinking you have approved it. It's got your approval. So, then you get some complaints and there can be a bad actor or two, I would think you wouldn't want them on your list anymore. Would you? [LB442]

JIM DOUGLAS: Well, what we have decided up to this point is that as far as we would be willing to go is to only consider removing them from a list if they violated the game law. [LB442]

SENATOR CARLSON: Okay. Thank you. [LB442]

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SENATOR LANGEMEIER: Thank you. I do have a question. Game and Parks, on your Web site now, you don't take any advertising, do you? [LB442]

JIM DOUGLAS: I do not believe we do. [LB442]

SENATOR LANGEMEIER: I've been on it. I ordered my window sticker, park permit the other day. Two days later I had it in the mail; thank you. So if we went to this registry, it almost becomes on your Web site, almost becomes advertising if we had a link to outdoor activities not sponsored by Game and Parks and you had a list of, in alphabetical order, turkey hunting, alphabetical order, lists of deer hunting. So that takes you in a whole new realm which I don't think you've been in before which makes me nervous, but I do understand we need money for Game and Parks, so maybe if you could get a hundred bucks this is good. But anyway, I think this whole thing, even though if we get clear down to a micro level and just say, hey, we're going to register people and then allow them to be on a Web site, I think it takes us down a whole new path that I'm not sure I'm comfortable going. [LB442]

JIM DOUGLAS: We're not entirely comfortable with that aspect of it as well, but we do want to look into ways that we might be able to promote. I don't know if advertise is the right word, but promote outdoor activities and certainly there's absolutely zero monetary motivation for any support we would lend to that kind of promotion. [LB442]

SENATOR LANGEMEIER: Okay. Very good. Are there any other questions? Seeing none, thank you very much for your testimony. Further testimony as proponents to LB442. You bet, come on down. Good afternoon. [LB442]

JERRY THOMAS: (Exhibit 13) Good afternoon. My name is Jerry Thomas and I live in Lincoln, Nebraska and I'd like to compliment Senator Avery. [LB442]

SENATOR LANGEMEIER: Jerry, I need you to spell your name for me please. [LB442]

JERRY THOMAS: Oh, J-e-r-r-y T-h-o-m-a-s. [LB442]

SENATOR LANGEMEIER: Thank you. [LB442]

JERRY THOMAS: And I'd like to compliment Senator Avery. I talked to him several months ago about this and he's truly a man of his word. He's doing his best to get the job done. My primary concern is Canada, the outfitters in Canada. If a person wishes to go to Canada on vacation, hunting trip, fishing trip, etcetera, they must be made aware of the difficult of entering into Canada as you will see from the attached documentation. This could quite possibly happen when a persons uses an outfitter or travel agency and puts down a deposit and tries to get their deposit back after they have been denied entrance to Canada. They should be made aware of these circumstances prior to

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putting money down for a trip to Canada. I got this off the Internet, you all have a copy, and I highlighted some of the things here. Customs and Immigration officers have ultimate authority to permit and deny entry into Canada. Almost all convictions, including DUI, DWI, reckless driving, negligent driving, misdemeanor drug possession, all felonies, domestic violence, assault IV, shoplifting, theft, etcetera, can make a person inadmissible to Canada. It is always the final decision of the officers at the ports of entry to decide whether a person should be allowed to enter Canada or not. And when you sign up for a trip, for example, at sport shows at Omaha, you're never advised that you may not be able to enter Canada and that these restrictions would prohibit you from entering Canada. So I think one should be advised before they put their money down to an outfitter in Canada to go up there that they may not be able to get in. And so they go up with their family and their teenage son has a shoplifting and they say he can't come in. Well then the whole family has to turn around and because you gave your money to an out-of-the-country person, how you get your money back from somebody in Canada? And I called the Canadian consulate in Washington and they told me that if...I told them I would like to go to Alaska fishing and how would that affect me, these regulations. And they said, if you have any of these on your record, you cannot enter Canada by air, water, or by ground. And I said, how would I get to Alaska? And they said you would have to fly to Russia and then from Russia to Alaska. And I hope that you all take, and I'm sure you will, take time enough to read this because, believe me, there is a lot of people sign up for trips, put their money down, and they get to the border and they find out they can't cross. And usually they are with their family and it's a family member and they can't leave the family member there; or it's with a group of friends. One case I know, a little league baseball coach who was taking his baseball team to Canada and he wasn't allowed to enter because he had one of these on his record. So he had to stay at the motel at the border while the other coach took the little league baseball team into Canada to play baseball. Now I could go on and on about this because I've been involved...I've been going to Canada for 40 years, sometimes twice a year. And...but I won't, I won't take your time up, but I hope that you have time to read this and understand that entering Canada is not a walk in the park. And if you put down money with an outfitter to enter Canada and you can't enter, you can't get your money back because you're dealing with a foreign country and attorneys in foreign countries. Thank you very much for your patience and if you have any questions, I'd be happy to answer them. [LB442]

SENATOR LANGEMEIER: Senator Haar. [LB442]

SENATOR HAAR: So you actually hadn't given your deposit money to a Nebraska outfitter, right, that would take you there? [LB442]

JERRY THOMAS: No, no, Canadian. [LB442]

SENATOR HAAR: Yeah. [LB442]

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JERRY THOMAS: Canadian outfitter. But I never had any problems because I never had any of these on my record. [LB442]

SENATOR HAAR: Right. [LB442]

JERRY THOMAS: I'm here on behalf of other people who don't realize that they may put their money down and they have these on their record, like a shoplifting, and the kid, 17 years old and he's with the family, they put their money down and they get to the border, and said you can't come in. And they give it to a Canadian outfitter and he's going to say, take a hike, you missed the window of opportunity to get your money back and we're not going to give it back. [LB442]

SENATOR HAAR: How would they know if your 10-year-old son had a shoplifting? [LB442]

JERRY THOMAS: You know, that's a good question. They got documentation at the border on people going back, I know, for 40 years. People, older people, that they say, well you had a DUI, or you had a shoplifting, or whatever several years ago. I brought my daughter-in-law here; it happened to her. Maybe she can help you with that question. [LB442]

SENATOR HAAR: Thank you. [LB442]

SENATOR LANGEMEIER: Any other questions? [LB442]

JERRY THOMAS: Any other questions? [LB442]

SENATOR LANGEMEIER: I have one. As I go through and I'm reading this quickly as I get here, and I look at a lot of these criminal offenses that are on here and shoplifting, we use that, my understanding is that if it's a low amount it's a misdemeanor; if it is a high-dollar shoplifting, it's a felony. And this bill talks about hunting and that's a use of a firearm. In most of these situations, even in Nebraska, you're not allowed to have a firearm if you have some of these violations. [LB442]

JERRY THOMAS: That's right. [LB442]

SENATOR LANGEMEIER: So hopefully if you know you can't have a firearm in Nebraska, you don't think you're going to Canada because you aren't going to get in if you can't even get a firearm in your own state. [LB442]

JERRY THOMAS: Well if you're going up there to hunt; but if you're going up there to fish or whale watch or ski, or something like that, it wouldn't have anything to do with

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firearms. [LB442]

SENATOR LANGEMEIER: But none of that is covered under this bill unfortunately. [LB442]

JERRY THOMAS: Well I'm bringing that up. [LB442]

SENATOR LANGEMEIER: Yeah, okay. I appreciate it; I appreciate you coming in and testifying. Seeing no other questions, thank you very much. We appreciate you coming down. [LB442]

JERRY THOMAS: And again, I'd like to thank Senator Avery for all the work he's done on this. [LB442]

SENATOR LANGEMEIER: You bet, we can tell it's a lot. [LB442]

JERRY THOMAS: Thank you. [LB442]

SENATOR LANGEMEIER: Thank you. Further testimony in support. Good afternoon. [LB442]

SUSAN EPPS: (Exhibit 14) Hi. I'm Susan Epps, S-u-s-a-n E-p-p-s. Thank you for giving me this opportunity. I am the chief operating officer of the American Red Cross, Cornhusker Chapter. And the Red Cross would like to express support for the first aid provision in the bill. We'd like to request consideration in adding CPR training and also in removing our agency name in regard to open water rescue. The American Red Cross supports the promotion of first aid and CPR training for the public as a whole. This is especially important for those whose professions take them to remote areas where definitive care by a healthcare provider or rapid transport is not readily available. Timely and proper treatment can and does mean the difference between life and death. The American Red Cross offers a variety of diverse first-aid training for both the general public and, of course, specific to outdoor and wilderness activities. The wilderness and remote first-aid course provides skills needed to respond to emergencies when help may be delayed including head, neck, and spinal injuries, heat-related emergencies, wounds, and wound infection. In addition to first aid, we encourage the inclusion of current certification in CPR to LB442. CPR increases a cardiac victim's chances of survival by keeping the brain supplied with oxygen until the victim receives advanced medical care. Without CPR the brain will begin to die in four to six minutes. CPR is a combination of chest compressions and rescue breaths. Chest compressions are a method of making the blood circulate when the heart is not beating. Given together, rescue breathing and chest compressions artificially take over the functions of the lung and heart. American Red Cross first aid and CPR training is readily available through over 13 training sites across the state of Nebraska and is also available on-line. Water

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and aquatic safety is another important priority for the American Red Cross. Our aquatics programs teach over 27,000 Nebraskans each year and learn to swim and lifeguarding skills. However, the American Red Cross of Nebraska does not offer a readily available open-water rescue curriculum. We have also been unable to find an equivalent training in Nebraska by other agencies. We ask that the reference to the American Red Cross be removed as a provider of open-water rescue and that's on page 7, line 13. While we do provide training in lifeguard, this 30-hour training does not cover rescue techniques in open water such as lakes, rivers, and streams. And I'd be happy to answer any questions. [LB442]

SENATOR LANGEMEIER: Very good, thanks for coming in. Senator Haar. [LB442]

SENATOR HAAR: Going back to this whole tourism idea and let's say that there was a registry at Game and Parks and people had to have current Red Cross training and I'm just trying to figure out, because this is some of the same issues I'm coming over with the energy thing. Would they come to you to find that out? And then when somebody's training expires, would you contact Game and Parks or how does that work? [LB442]

SUSAN EPPS: I don't know how they would want to go about doing it. But what I can tell you is we are a licensed first-aid team. And so our first-aid team, by law in Nebraska, has to have current CPR and first aid. It is our responsibility as the provider of that first aid to make sure that that's happened. And so we have to keep meticulous records. [LB442]

SENATOR HAAR: Okay. [LB442]

SUSAN EPPS: And if somebody is expired and we don't catch it, then we're in err. Somebody isn't, you know, automatically telling us. So it's a recordkeeping issue. [LB442]

SENATOR HAAR: Does your training actually expire or do people just...okay, like what would they do for CPR training? [LB442]

SUSAN EPPS: Two years. We feel that training more than two years old, especially in professions that it's not used very often, that that information and those skills will not be at the forefront. [LB442]

SENATOR HAAR: Sure. So there would have to be some kind of back and forth... [LB442]

SUSAN EPPS: Right. [LB442]

SENATOR HAAR: ...to make sure that people had current certification. [LB442]

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SUSAN EPPS: Um-hum. [LB442]

SENATOR HAAR: Okay, thank you. [LB442]

SUSAN EPPS: Uh-hum. [LB442]

SENATOR LANGEMEIER: Any other questions? Seeing none, thank you very much for your testimony. [LB442]

SUSAN EPPS: Thank you. [LB442]

SENATOR LANGEMEIER: Further testimony in support, proponents. Good afternoon and welcome to the committee. [LB442]

TRACY THOMAS: Thank you. Hi. My name is Tracy Thomas, T-r-a-c-y T-h-o-m-a-s. And I am basically just here today to tell you a story of my experience crossing the border getting into Canada. In May, May 30, 2002, my fiance' at the time and my daughter were headed up to Canada for a fishing trip. And once we got to the border we were asked if any of us had had any misdemeanors and I said, yes, I had a DUI in 1997. So while I was there, I was charged \$135, even though I had paid my fines here and did my probation and they kept us there for two hours. I had to fill out a form and luckily, I guess let me back up there, they weren't going to let us cross the border. They were going to have us go back home. But a gentleman there, Ed Rampel is his name, and he is the manager of the Citizenship and Immigration Center, and he just so happened to be there that day and was able to go over my paperwork and okayed us to cross the border. So basically that's my story and do you have any questions? [LB442]

SENATOR LANGEMEIER: Are there any questions? No. I do have one. You paid them the money; what did they call that? A fine, a fee, an entry permit? [LB442]

TRACY THOMAS: Well they...a minor violation of the Immigration Act and it was for \$135. [LB442]

SENATOR LANGEMEIER: Interesting. [LB442]

TRACY THOMAS: Here's the receipt. [LB442]

SENATOR LANGEMEIER: Very interesting. Senator Haar. [LB442]

SENATOR HAAR: Just curious, were you already on Canadian soil when they? [LB442]

TRACY THOMAS: We were at the border trying to cross through North Dakota into

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Canada. [LB442]

SENATOR HAAR: So they didn't even say if you want to get across, you've got to pay a hundred, they just said... [LB442]

TRACY THOMAS: Actually they said that they wouldn't even allow me to cross, but I was lucky because the gentleman that can okay me was there that day. So I had to fill out a bunch of paperwork pertaining to the night of the DUI, the sentence, and then go through that again with him verbally and then they took my photo and then they charged me \$135 and they said, okay, you can cross. [LB442]

SENATOR HAAR: So it was a crossing fee. [LB442]

TRACY THOMAS: I bet, basically, it was a crossing fee. [LB442]

SENATOR HAAR: Yeah, wow. [LB442]

TRACY THOMAS: But they could have easily just...had he not been there, we would have had to turn and went back home. [LB442]

SENATOR HAAR: And paid it and then turn around. [LB442]

TRACY THOMAS: Well, I don't think we would have had to have paid it, but I think, basically, turn around and drive back 500 miles to Lincoln. [LB442]

SENATOR HAAR: Yeah. Sounds a bit like extortion, but. [LB442]

TRACY THOMAS: On the outfitter's aspect, I guess, a person, if, you know, if they're from Canada, if they're going into Canada, that's something that would be nice for a consumer to know. [LB442]

SENATOR LANGEMEIER: Seeing no other questions, very good, thank you very much, appreciate your testimony. [LB442]

TRACY THOMAS: Okay. Thank you. [LB442]

SENATOR LANGEMEIER: Further testimony in support, or proponents. Seeing no other testimony, is there anyone who would like to testify in opposition? Come on up. There's seats in the front row if you want to come get in line. [LB442]

MARK CHRISTENSEN: (Exhibit 15) Hello. My name is Mark Christensen, don't hold that against me. (laughter) It's spelled just like his, M-a-r-k C-h-r-i-s-t-e-n-s-e-n. And I don't think we're related in any way or form. But I wanted to come today and tell you that

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even with the amendments that I heard about earlier, I still don't like this bill. And I haven't gotten to see the amendment, but just from what I heard. I'll tell you a little about myself. My wife and I own and operate a business called Cedar Valley Hunt Club. We're in Stanton, Nebraska. We're between Stanton and Pilger, Nebraska, actually. We offer pheasant, quail hunts, deer hunts and turkey hunts. So I am a controlled shooting area for my pheasant and quail hunts, but I also offer deer hunts and turkey hunts and those types of things too. And according to the old fees, a lot of my stuff that I'm going to talk about here would have reasonably been on the old fees. So I'm a little thrown on that. I feel that LB442 is harmful to the small business. My wife and I started this business in 2000. We have a number of part-time employees, independent contractors that work anywhere from 2 to 12 days a year, but not a lot more than that. Otherwise, my wife and I, as Senator Dubas talked about, it's a small business. We take care of it ourselves. Our customers are like family a lot of times, so. My wife cooks for them, we do everything for them. We're invited to their children's and grandchildren's birthday parties, that type of stuff. We are taxed and licensed. And I have seen the Game and Parks...I shouldn't say the Game and Parks, that was wrong. I have seen the Nebraska Department of Internal Revenue or the Revenue Service actually go around and walk through sporting shows and actually walk up to people and ask them if you have a tax license. And we've always had one. We never, ever thought we would get away with that. But they have went around and some people didn't have it and they got caught at those shows. So there is someone out there looking for those people that are avoiding the law. We also are listed in the Nebraska Department of Tourism Web site and we're also listed in the...it's the Nebraska Department of Agriculture's Web site. So there are two Web sites already that we are held on through the state of Nebraska. And this is not a hit against the Nebraska Game and Parks, but I don't feel me personally listed on the Nebraska Game and Parks Web site, it would do any good for my business. I am selling a personal experience. We take care of our customers. I feel a lot of people have lost faith in the Game and Parks and it's not because of the people that work there, it's because they don't have enough people that work there. There's not enough people to take care of the game violations. There are not enough people to do all that. So I feel bad in that way. I'm not against the Game and Parks. I just feel like they don't have the ability to do the job that I wish they could do. If you have a problem in Nebraska, and I feel there's a lot of things that should be held a personal responsibility. I've been to Canada many times and hunted. I checked in the rules before I ever thought about leaving or even thought about sending a check to somebody. That's, in my code, a personal responsibility. I wouldn't ever try and go to another country without doing those things. So I feel like when we're penalized for somebody who couldn't get up there, that's a sad part of today's society. I had a lot of stuff wrote down here about how much my guides make and those types of things, but most of my guides that work for me make under \$3,000 a year. So most of these people all have professions. They just love being in the outdoors and they love meeting with people and taking care of customers. Red Cross certification, I had been Red Cross certified many times; I was a lifeguard when I was in high school. I was certified in my former profession, but like I said, I just

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haven't seen a need for it in the last 11 years. The fees, I had a lot of stuff wrote down here about fees: contractors \$40 a year; veterinarians \$250 a year, originally it was going to be somewhere around \$1,500 a year for my business, so I'm glad that it dropped, but I still don't like it. We are in competition with all the other states around us. And alone with all the competitors we have in Nebraska, we're in competition with South Dakota and they're beating us bad. If you look at North Dakota, same type deal. Kansas, Iowa, and I feel like if we're hurt even further, that will make the competition even more unfair. And most states do not have an outfitter licensing guide. I will quit now because the light turned on, but. Do you have any questions? [LB442]

SENATOR LANGEMEIER: Very good. Well, Mr. Christensen, you got a lot taller and a little different hair style. (Laughter) [LB442]

MARK CHRISTENSEN: I'm a lot younger. [LB442]

SENATOR LANGEMEIER: We aren't going to go there either. No more confessions. Senator Haar. [LB442]

SENATOR HAAR: How did you get on those two Web sites? [LB442]

MARK CHRISTENSEN: The tourism deal actually looks for outfitters. And I also belong to my local chamber and those type deals. And then there's also a Nebraska tourism guide that they actually send a deal out every year to anybody who is in the outfitting business and ask us to fill out our information. And so we originally signed out that paperwork and someone found us from that, whether it's our Web site, we advertise in national magazines; we go to a lot of sports shows. So right now we're spending all the money to get people to come to Nebraska and buy permits and those types of things. But they did find us. We didn't...like I said, I think they have a really good group of people at the tourism department. [LB442]

SENATOR HAAR: So they're looking. What about ag, how did you get on that one, do you know? [LB442]

MARK CHRISTENSEN: That one, I became a controlled shooting area, that is...they have a list of all the people that are on the controlled shooting areas. [LB442]

SENATOR HAAR: Okay. [LB442]

MARK CHRISTENSEN: And actually both of them are very good sites. And they actually produce in the tourism part a whole booklet that they send out, or put in all the areas along the rest areas on I-80, I-29, that type of stuff, and it lists all of our businesses by what county we're in. And, you know what, like water, tubing trips and that type of stuff, all that's covered underneath there. [LB442]

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SENATOR HAAR: Okay. Thanks. [LB442]

MARK CHRISTENSEN: So if you need a list of my competitors that would be there. [LB442]

SENATOR SCHILZ: Any other questions? Senator Carlson. [LB442]

SENATOR CARLSON: Thank you, Senator Schilz. What was your former occupation? [LB442]

MARK CHRISTENSEN: I actually was a wrestling coach. [LB442]

SENATOR CARLSON: I thought I knew that. And so having known that, I'm sure you can whip the other Senator Christensen, but you'd have to catch him first. (Laughter) [LB442]

MARK CHRISTENSEN: I have scars on me today because I'm a volunteer coach now and I go up and help almost every day and I help with the kids especially getting ready for district wrestling now. [LB442]

SENATOR CARLSON: Now you've been here twice to testify this week. Is that your first time testifying at the Legislature? [LB442]

MARK CHRISTENSEN: Yes. That was my first, this is my second. [LB442]

SENATOR CARLSON: Okay. Well you've done a good job. I want to ask you, you mentioned the states around us and that we're at a disadvantage to them; why? [LB442]

MARK CHRISTENSEN: Oh there's lots of things that we're...and actually a few years ago Senator Flood had the Game and Parks and a bunch of people come to Norfolk and we had a whole discussion on it. I wish I knew. Many of the reasons though that people go to some of the other states, in South Dakota they have a lot more outfitters and they have made hunting a really big business. And Nebraska has a good business. Turkey hunting in Nebraska is amazing. Deer hunting in the last few years in Nebraska have been amazing. Pheasant hunting, not so good. The reason many of us are controlled shooting areas is because of that. We want to make sure when people do come they have opportunities. But I wish we could figure that out. That's a \$26 million question probably. I think they said they made \$26 million in two months in South Dakota. I would love to see something like that in Nebraska. [LB442]

SENATOR CARLSON: Okay. Thank you. [LB442]

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SENATOR SCHILZ: Any other questions? Senator McCoy. [LB442]

SENATOR McCOY: Thank you, Mr. Christensen. Did your industry, was there an outfitters show in Omaha within the last month or six weeks? [LB442]

MARK CHRISTENSEN: Yeah, it was...we had a...well, there's been a couple. There was one a few weeks ago at Pheasants Fest; and they had the large one at the Qwest Center. And then I believe there's one coming up here, the Omaha Boat and Sport Show coming up soon. I think that's the end of...well I know it is, the end of this month. But I'm not going to that. I go to some in Texas. I go to other states, those types of things. But I did go to the Pheasant Fest one. [LB442]

SENATOR McCOY: The reason I asked that question is based on Senator Carlson's question, and I was just curious and more as a question on the issue that you were talking about where surrounding states have become a problem. Have those shows seemed to help the industry? [LB442]

MARK CHRISTENSEN: That show, they had a large area just on this exact question. How do we get more pheasants in Nebraska? How do we have more people have more habitat for Nebraska. I think our number one mistake or number one enemy in Nebraska is actually our good farmland. Good farmland is farmed and that's exactly why you're, as an American, you buy land and you farm it. But in some other states, they don't have as much quality farm ground as we have. They don't have the irrigation we have and therefore you have more pheasants. [LB442]

SENATOR McCOY: Thank you. [LB442]

SENATOR SCHILZ: Thank you. Any other questions? Senator Christensen. [LB442]

SENATOR CHRISTENSEN: Thank you. Since you hit that out, I've had another bill on mowing and there's been several suggestions from people and I wanted to hit it on you because there's a requirement by statute that forces farmers to mow their road ditches twice a year by a certain time and things this way. If that was altered to where you only mow certain intersections, things that way, would that help the pheasant population by not mowing the rest of the ditch on the straight right-of-ways or things or is that something that would not help? [LB442]

MARK CHRISTENSEN: I really don't...I'm not a biologist, I'll start out by saying that first. But I manage my ground, I have the most wildlife possible and I read everything I can. I don't feel it would. I think the ditches are too narrow. I think there's too many predators and I think it would...there's just not enough there. And the narrow strips of grass just, in my opinion, don't do enough. Even if you went in and interseeded different...whether it's...and I've read on the same subject where some people are saying, hey, we can get

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some...a lot of that is brome, A, and brome doesn't do a lot for pheasants. But I think if we had more other things in there, I still don't see it as enough. It's just too small of a corridor, too many predators, too many people driving around in trucks. [LB442]

SENATOR CHRISTENSEN: Okay. [LB442]

MARK CHRISTENSEN: That's a whole other level. [LB442]

SENATOR CHRISTENSEN: Thank you. [LB442]

SENATOR SCHILZ: Any other questions? I guess I'd have one for you. [LB442]

MARK CHRISTENSEN: Yeah. [LB442]

SENATOR SCHILZ: Just to get a kind of an idea, I would guess that most of your customers are from out of state? [LB442]

MARK CHRISTENSEN: I'd say 50 percent are instate and 50 percent out. [LB442]

SENATOR SCHILZ: Okay. And how many customers will you have in a year? [LB442]

MARK CHRISTENSEN: That's tough. Like last year I didn't have a single customer because of the weather from December 7 through the end of February. So last year was tough for many of us. And this year, the last month or so has not been that great either. [LB442]

SENATOR SCHILZ: The cold? [LB442]

MARK CHRISTENSEN: Yeah, the cold and the snow. But, especially for our people that are retired and have spare time, it's tough to walk in 2-foot snow drifts, that type of stuff. But, you know, to answer your question, we try and, I call it per person, if you would come 6 times, I would call you 6 people. And many of our customers are repeat people. We average between 400 and 500 people. I would say 20 of them add up to probably...they come at least 10 times. So there's that part. It's tough to say how many individuals came, but I have many customers that will come up to 20 times a year. [LB442]

SENATOR SCHILZ: Sure, that's what you want. [LB442]

MARK CHRISTENSEN: Yeah. [LB442]

SENATOR SCHILZ: Then you don't have to advertise as much. [LB442]

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MARK CHRISTENSEN: And like I say there again, I feel that if I do that, they come that much, we are obviously taking care of business properly. [LB442]

SENATOR SCHILZ: Right. [LB442]

MARK CHRISTENSEN: And I care about my business, so if they didn't come I would be calling them saying, hey, did I do something wrong? [LB442]

SENATOR SCHILZ: Right. Absolutely. Thank you. Anything else? Thank you, sir, very much. [LB442]

MARK CHRISTENSEN: Thank you. [LB442]

SENATOR SCHILZ: Next opponent. [LB442]

TERRY KRIZ: (Exhibit 16) My name is Terry Kriz. I represent Oak Creek Sporting Club. [LB442]

SENATOR SCHILZ: Excuse me, sir, could you spell your name please. [LB442]

TERRY KRIZ: Oh sorry, spell it. Terry, T-e-r-r-y, Kriz, K-r-i-z. Again, I represent Oak Creek Sporting Club, a hunting preserve just a little bit north and west of Lincoln and I'm also vice president of Nebraska Gamebird Association. After opening remarks and everything that has happened and the new proposal, everything I wrote down that I wanted to say today is out the door. I brought a price list to kind of...you had many price lists in front of you of what operations are...sell for around. I thought I would give you a comparison plus you got more options now to choose when you choose to go hunting. I guess I'm still against LB442 in the standpoint, and I guess not seeing everything that's on there, the guiding side, I have 11 different individuals that guide for me and I want to make sure that I guess that does stay out of it because the fees that were proposed of up to \$800 a guide, these guides guide for me anywhere from 5 to 12 times a year or more. I think last year of the 11, \$2,000 was the most made by any guide that I have. On the insurance side, I do carry \$2 million policy for any liability so that would be covered under there. As far as the comments made being going under the radar and everything, I mean, I am a CSA. [LB442]

SENATOR SCHILZ: Excuse me, can you move back from the microphone just a bit. [LB442]

TERRY KRIZ: Oh, am I too loud? [LB442]

SENATOR SCHILZ: Yeah, you're... [LB442]

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TERRY KRIZ: Running under the radar, I guess we are a CSA, we are licensed through the Game and Parks. We do pay a permit fee every year to be licensed and I guess...I think we're being represented there and I'm not sure what an additional fee would be used for. And in regards to taking care of customers, we do have customers coming in and out of state at all times. Listening to some of the individuals for this, you know, I do have a lot more questions to ask customers, but I don't know that it is my responsibility to do background checks on all hunters and all that for that situation. I mean, we trust that...we check valid licenses; we do what we best can. I don't know how much more this...what this bill is going to force us to be doing. And I think it does show some negativity towards that. And I guess with those changes it did take away a lot of what I wanted to say and I just wanted to say I still think we are against that in this sense. [LB442]

SENATOR SCHILZ: Thank you. Any questions? Senator Carlson. [LB442]

SENATOR CARLSON: Thank you, Senator Schilz. On your sheet here, one-year membership \$150, and the spouse \$175, that means for the two of you it's \$175? [LB442]

TERRY KRIZ: No, \$25 extra for a spouse. (Laughter) Your wife will come cheap. [LB442]

SENATOR CARLSON: I thought that was bad discrimination. [LB442]

TERRY KRIZ: No, no, no. Good question. [LB442]

SENATOR CARLSON: Thank you. [LB442]

SENATOR SCHILZ: Any other questions? I guess I would have one, and it goes down to, did you say, and I apologize, did you say that your guides, are they employees or do you just contract with them, how does that? [LB442]

TERRY KRIZ: We just do contract. All of our guys have jobs and they just have dogs and they run them all for. [LB442]

SENATOR SCHILZ: Do your guides ever bring people to hunt that they solicit on their own? [LB442]

TERRY KRIZ: I guess that question...yes, I mean they have friends that would come hunt and they may guide them, but I don't...I mean, they're not out selling hunts for me, if that... [LB442]

SENATOR SCHILZ: Right. Okay, that's what I was wondering. [LB442]

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TERRY KRIZ: Yeah, no, no. [LB442]

SENATOR SCHILZ: Okay. Thank you. Anything else? Thank you, sir, very much. Next opponent. [LB442]

KIM SNOW: Thank you to the resource district. One thing, I've just been sitting back there listening and I've been encouraged today just because your questions are getting to the bottom of all this. And I appreciate that. You just...you're taking the time, you're obviously not in a hurry to go anywhere and I just appreciate that. I've been just as a farm boy, I just appreciate what you do. [LB442]

SENATOR SCHILZ: Can you introduce yourself and spell your name please. [LB442]

KIM SNOW: Oh, I'm sorry. My name is Kim Snow, that's K-i-m S-n-o-w. I'm the president of the Nebraska Gamebird and Hunting Association. I'm also just a farm boy that just looks for ways to raise my family on the farm. I'm the fourth generation and my kids are the fifth on a farm in Tekamah. And so these are reasons why we just try to work with things to get revenue to stay on the farm. My one paragraph really respectable thing of your time just turned into a bunch of notes also because this all changed. But...so I'll just roughly mention a few things that I wrote down. The sales tax issue, I just really feel, you know, we have a revenue service. I've been audited. I'm a business out there. Any business, if you're selling a product or service, pay your sales tax. I don't think we should be targeted to say that we're running under the radar any more than the grocery store is or anybody else. And I just...I pay sales tax on hunts and so I don't think our industry should be targeted and say we're running under the radar anymore than anybody else who is getting cash for something and isn't reporting it. And so I don't want to be singled out for that. Many of your comments today I really appreciate because they're the same comments I have toward this, but I think this bill, if passed, would regulate the outdoor hunting industry. There are already avenues in place for consumers to confront unfair treatment by any business. We got farm bureaus, we got lawsuits, we got the whole works. One comment someone made and, you know, if you're freelancing as a outfitter, one bad hunt, I'll tell you what, in this business it will finish you. You won't be in business. And I appreciate that because that's true, you'll finish yourself off real fast. Or the other ones will finish you off because they'll get the business and they'll do it right so they keep it. I appreciate that. The outdoor hunting industry in Nebraska largely includes rural landowners, family farms, and small private entities by assessing any licensing fees, certifications, more regulations will simply result in less opportunity for the small rural business to generate additional income. For instance, a farmer charging a deer hunter would no longer be feasible. He's not going to mess with getting certified, licensed, and paying fees and doing this thing and that's going to hurt our economy. I, for instance, take four deer hunters from Michigan on our farm every year. They pay me two to three thousand dollars to do this. They also spend

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almost that in the bars, restaurants, hotels in our little town of Tekamah right there. If we want our economic rural development to grow, we can't come up and keep doing things like this. Who has the resources to enforce these things that come up? I mean, I haven't heard that answer yet. Everybody is saying, you know, and I appreciate that. I appreciate the Game and Parks comments on it; Jim Douglas, I appreciate what he said. He's trying to do the right thing, although they're...I know our game warden gets a bigger territory constantly and can't handle it. So who's going to regulate all this stuff? I don't see any answers there. As far as going to Canada, I just wanted to use myself as an example. If I want to go to Canada, I'm going to hold myself responsible to see if I have felons on my record or something to see if I can get in. I feel the buck is being passed. If I want to go to any country, I'm going to make sure I'm legal to go there before I start buying programs to go visit or do something. And so in respect of time I've got some other comments, but I'm just going to leave it to any questions and I appreciate your time. [LB442]

SENATOR SCHILZ: Thank you. Thank you. Any questions? Senator Dubas. [LB442]

SENATOR DUBAS: Thank you, Senator Schilz. Do you get most of your customers, do you do a lot of advertising or do you rely on word of mouth? [LB442]

KIM SNOW: I have, we've been in the hunting business about 20 years and we just about all done word of mouth. And it kind of relates to if I do bad hunts, that don't work. But we were one of the largest controlled shooting areas in Nebraska. I am probably the largest pheasant raiser in Nebraska and it's all done word of mouth. I don't even have Web sites. I don't like computers. But if I don't tend to my customers right, pay my taxes, obey the law, I don't have a business, so. Did that answer your question? [LB442]

SENATOR DUBAS: Yes. And I'm a farmer also, so I know the profit margin for farming is narrow. I'm going to guess that's pretty much the same for any kind of outfitting business. While these numbers may look pretty large like you just mentioned. [LB442]

KIM SNOW: Yes, it is. Yeah, and I appreciate that, because as an outfitter you see a thousand dollar hunt. Well our expenses are probably \$800 by the time we...and this just adds to it. And so it...you know, it just...that's why we try to keep expenses low so we can even continue to do this. [LB442]

SENATOR DUBAS: And I talked to another outfitter who...I mean he wasn't necessarily supportive of this bill, but he was supportive maybe with just the concept of keeping the bad actors out. What do we do to keep the bad actors out? Is it something like this that keeps those bad actors out or I think you've kind of already answer with word spreads quickly for the type of business that you do. [LB442]

KIM SNOW: Oh yeah. [LB442]

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SENATOR DUBAS: Would that...do you think that's enough policing to take care of those bad actors? [LB442]

KIM SNOW: It's worked in the past, you know. And I think that one instance comes up and as I listen to the instance, I don't know how it would even pertain to Nebraska outfitters really. The gentleman said I paid my fee to the Canadian government, I have problems up there, it didn't work out, they wouldn't give me...okay, why did this come back on us in the first place? That just...you know, as what I'm seeing. That's my question, what...you know, change Canada's laws I guess is what I hear this being about today. And we're not going to do that. Obey their laws or don't go to Canada, I guess. [LB442]

SENATOR DUBAS: Thank you. [LB442]

KIM SNOW: Thank you. [LB442]

SENATOR SCHILZ: Senator Langemeier. [LB442]

SENATOR LANGEMEIER: Kim, I do have a question. You and I are getting to know each other pretty well, from Revenue Committee to Natural Resources. [LB442]

KIM SNOW: Yes, yes. [LB442]

SENATOR LANGEMEIER: Do you give tours? [LB442]

KIM SNOW: Do I give tours? I sure would. Yeah. [LB442]

SENATOR LANGEMEIER: Okay. After we go for a zebra ride, maybe we're going to come up for a pheasant tour. (Laughter) [LB442]

KIM SNOW: Yeah, I do get the request quite often on the pheasant farm, yes. [LB442]

SENATOR LANGEMEIER: Okay. [LB442]

SENATOR SCHILZ: Thanks. Any other questions? No. Thank you, sir, appreciate it. [LB442]

KIM SNOW: Thank you. I appreciate your work and time on this. [LB442]

SENATOR LANGEMEIER: Further testimony in opposition. Welcome. [LB442]

LANCE KUCK: (Exhibit 17) Senator Langemeier, members of the Resources

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Committee, I'm testifying today in opposition of LB442, but I haven't seen... [LB442]

SENATOR LANGEMEIER: Name. [LB442]

LANCE KUCK: Lance Kuck, K-u-c-k. [LB442]

SENATOR LANGEMEIER: Thank you. [LB442]

LANCE KUCK: Sorry about that. Anyway, we're testifying in opposition of LB442 today, but I think an asterisk may need to go by that because of some of the changes that we haven't seen yet. And I also hope too that Senator Avery left contact information with that pricing that he left out there in case anybody here is...isn't that what we're all working on? (Laughter) Anyway, I'm a rancher and hunting outfitter from Bassett, Nebraska. As president of the Nebraska Outfitters and Guides Association I'm testifying today in opposition to LB442 as directed by members of the association. The Nebraska Outfitters and Guides Association supports the intent of Senator Avery in introducing this bill, but we feel it is too broad and cost prohibitive. Our members are primarily hunting outfitters and my suggestions will only apply to the hunting component of this bill. I think we've already narrowed it down to that now. Any licensing should apply to anyone engaged in hunting as a means of generating revenue. This could include controlled shooting areas as well as any animal kept in an enclosure for the purpose of trophy hunting. A major exception to this recommendation would be to exempt hunting guides from license requirements. Guides in Nebraska, as you've heard so far, are mainly part-time employees of outfitters and in my case they largely consist of friends or relatives and they help out on an as-needed basis. Any action that could limit the availability of individuals to function as guides would be a significant burden on outfitters to the extent it may put some outfitters out of business. Another exception may be an outfitter operating on land they own. However, if we want this to be a consumer protection bill, if that's the desired goal, you need to define who the landowner is specifically and the state of Wyoming does that by exempting any landowner who is actually doing the outfitting and his name is specifically on the deed. Otherwise you start running into liability issues on who is liable, who is hunting, so on. With any licensing there needs to be oversight that not only controls license allocation based on criminal history and violations of applicable game laws, but also takes into account unethical behavior or business practices of an outfitter as well as unfounded client complaints. Those do happen sometimes. It is the association's belief that such oversight would be better suited to a board separate from the issuing agency, in this case the Nebraska Game and Parks Commission. The board could function similarly to the Nebraska Bar Association. Outfitter oversight boards currently exist in other states: Wyoming, Montana, I believe Idaho has a board too. A seemingly innocent part of this bill is the requirement to describe physical boundaries of the land on which the recreational activities will be conducted. I believe that was taken out. I'll touch on it anyway though. This requirement is potentially a significant and unnecessary burden. Many outfitters

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have access to large parcels of land and each parcel may only be available during certain times of the year and for certain species. Also, an outfitter may acquire or lose different parcels throughout the year making it difficult to only continuously update the license issuing body, but to effectively enforce the adherence to those boundaries. The proposed fees, we've gone through that. I think that's been addressed, but I will touch on that too that they were overly burdensome and would present a significant barrier for a large number of outfitters to continue to do business. If the proposed licensing program requires such significant fees to fund its administration then it's cost prohibitive and should not be pursued. We've had several lengthy discussions with the Nebraska Game and Parks personnel regarding their concerns with this bill. It has been brought to our attention that the Game and Parks would prefer a simpler and possibly voluntary registration with minimal requirements for inclusion. I think we've heard that a little earlier here. If this direction is something being considered we would support such a registry and consider any possible requirements we have discussed with the Game and Parks Commission as reasonable. We feel this would be a good first step towards outfitter oversight. Thank you and I would be happy to answer any questions. [LB442]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Haar. [LB442]

SENATOR HAAR: Just going back to the promotion aspect. How do people find you? [LB442]

LANCE KUCK: There's so many different ways. I always kind of feel like you make your money on referrals and repeats and kind of waste your money on advertising and you try to keep a guy as long as you're...or a woman as long as you can hunting. But, you know, they move on and you have to go to other sources. My business is fairly diverse. We hunt deer, turkeys, upland birds, ducks, geese. I raise buffalo, so we hunt buffalo too. And anything else that's probably in season we try to hunt. So each segment of that business has different requirements on how you acquire clients. That's really diverse. [LB442]

SENATOR LANGEMEIER: Senator Dubas. [LB442]

SENATOR DUBAS: Thank you, Senator Langemeier. How many members do you have in your association? [LB442]

LANCE KUCK: Right now I believe it's 18 or 19. [LB442]

SENATOR DUBAS: And how long have you been an association? [LB442]

LANCE KUCK: Since...the first meeting would have been in...has it been 8 or 10 years? Somebody has to help me out here. I can't remember for sure. [LB442]

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SENATOR DUBAS: So you're still kind of in the building stages of your association. [LB442]

LANCE KUCK: It would start out large, get smaller, then builds. We get some attrition. There's a lot of people that aren't outfitters anymore. [LB442]

SENATOR DUBAS: Do you do any type of group promoting of the people who are members of your association? [LB442]

LANCE KUCK: On our Web site you have a contact information on the Web site. We've tried to do some different things with the Game and Parks and they've been leery because they obviously...the points that have been brought up here today, are leery about promoting a business that may or may not be something they want to promote. Travel and tourism has been good and we've had some grants to where we promoted the association at trade shows which you find whether it's the association or you specifically as an outfitter is you tend to kind of keep searching and you'll find your little niches where certain exposure works versus other avenues that don't. [LB442]

SENATOR DUBAS: Thank you. [LB442]

SENATOR LANGEMEIER: Very good. Are there any other questions? Seeing none. Thank you very much for your testimony. [LB442]

LANCE KUCK: Thank you. [LB442]

SENATOR LANGEMEIER: Further testimony in opposition. Good afternoon. [LB442]

ERROL WELLS: Good afternoon, Senator. I am Errol Wells, E-r-r-o-l W-e-l-l-s. I'm from Elba, Nebraska. Our farm family also operates an entity called Buckshot Run Outfitters, LLC. I am speaking in the capacity of the secretary/treasurer of the Nebraska Outfitters and Guides Association. I promised myself I wouldn't repeat anybody so I really don't have anything to say. Except I'm going to talk a little bit about history today. As outfitters we have wrestled with this issue for several years and it has been discussed and cussed and we really thought maybe we should become proactive with this. So a year and a half ago I invited our local senator, Senator Sullivan, to our annual meeting in August, 2009. And she was gracious enough to accept. And we had a very nice roundtable discussion, a lot of exchange of ideas of what would happen if and when...and when is here now, a bill was ever presented to the Legislature. And there has been off and on discussions with the senator and amongst ourselves of what would be fair and equitable for everybody. And I guess we were caught flatfooted. There had been no discussion with anybody that I know of in the outfitting community from Senator Avery's office before this bill was introduced. I guess we were hoping to be part of the solution. And we're hoping to be part of the solution now. But at the present time, I

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would just suggest that you delay this; do not advance it until we can more fully discuss it. There's two things I'd like to talk about though that concern me are the bad actors in the outfitter community and there are some. Thank god, there are not very many, but there are some. Our outfitters and guides bylaws have specific criteria whereby we can expel those bad actors. And lest you ask, yes, we have. And that does not expel them from being an outfitter in the state. It just expels them from our organization. Our organization prides itself on ethical and honest treatment, following the game laws, and being very fair with our clients. And we do not really tolerate somebody that's not going to follow the laws of the state of Nebraska and treat their clients fairly. One other thing I'd like to talk about before I run out of time is agritourism. I would hopefully suggest that you do not do anything that would hurt our ability to bring in out-of-state dollars into the state of Nebraska. And lord knows there's money everywhere but Nebraska. But there's one thing that we're concerned about, if there are some things that are put on this some people may back out, they may quit bringing in hunters, they may quit outfitting, they may just find another loophole to get around it. And I can tell you right now that 90 percent of our clients, excluding poachers and trespassers, are from out of state. And we'll see what happens. And that's why I would like to continue on with promoting tourism in our state. And with that I conclude my remarks. [LB442]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Haar. [LB442]

SENATOR HAAR: Talking about promotion, is there anything that you think the state could do to promote your industry that the state isn't doing right now? [LB442]

ERROL WELLS: Well, if it would be through the Secretary of Agriculture has a booklet. [LB442]

SENATOR HAAR: Or whatever, yeah. [LB442]

ERROL WELLS: And tourism is doing a tremendous job of trying to help us out. I think the Game and Parks is interested. And we're doing it ourselves and, of course, we should take on responsibilities for ourselves to promote ourselves and our organization and our state also. I don't have any real other... [LB442]

SENATOR HAAR: Okay, sure. [LB442]

ERROL WELLS: ...other than what we're doing right now. [LB442]

SENATOR HAAR: But did the Department of Tourism actually approach you or was it the other way around? [LB442]

ERROL WELLS: You know, I think it's mutual. We're always interactive with these people all the time. We have a booth at the Governor's agri-economic tourism

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conference and we interact with these people continuously and they've been a great help. [LB442]

SENATOR HAAR: Thank you. [LB442]

SENATOR LANGEMEIER: Any other questions? Seeing none, thank you very much for your testimony. [LB442]

ERROL WELLS: Thank you. [LB442]

SENATOR LANGEMEIER: Great job. Further testimony in opposition. Good afternoon. [LB442]

CLAY BECK: Good afternoon. Senator Langemeier, my name is Clay Beck, that's C-l-a-y, last name Beck, B-e-c-k. I represent a family-owned and operated hunting operation in north central Nebraska in Keya Paha County. I strongly oppose LB442 for several reasons. My family and I already pay around \$51,000 in real estate taxes every year to Nebraska and most of these funds don't even stay in our county as we drive on some of the worst roads in the state and in the tri-state area. In the year 2000, just 11 years ago, Keya Paha County, that's 11 years ago, was the second poorest county per household income per capita next to McPherson County in the whole United States. I have that...and I should have had these printed off, it was the article out of...off the New York Times Web site. I think that I'm speaking...you know, a lot of people have covered everything and you all have asked some great questions in response to the bill, but I'm just going to hit on a few things. I don't think we as landowners, outfitters and guides should pay a fee to have a license to capitalize off of natural resource such as wildlife when it's not to get rich in a lot of cases, but just generates enough money to pay some of our real estate taxes in a era when taxes are becoming out of control due to out of control spending. These out-of-state and some in-state hunters come to our operations to have a vacation and hopefully harvest an animal on their hunt, knowing there are no guarantees but that we will put our best effort in helping them be successful. I don't think we need the state nor anyone else...I don't think we need the state nor anyone else to regulate who can guide or outfit on our properties, do we? These people come into Nebraska and rent motels, buy food, buy things they need for their hunt, buy fuel, pay out-of-state sales tax, there's an additional fee to their hunt and generates approximately \$10,000 or more in our operation for the state of Nebraska, not to mention our vehicle licensing fees that add up in the thousands, as well as our personal property tax. When do you draw the line? Where do you stop before it's not feasible to try and run an enterprise because of the taxes, fees, and regulations that make it cost prohibitive? This would be a lot different if we were operating on BLM Land such as Wyoming, Idaho, or Canada. Canada, obviously, not in the United States, but most of it is government ground. But that's not the case in Nebraska. Please consider also that we're feeding a lot of deer and elk right now in our area. I can take you for a 20-minute

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drive on the ranch and show you over 500 to 600 deer, white tail most of them, and thousands of dollars of damage that they do to our alfalfa and fences. I recently talked to the Nebraska Game and Parks in our region about some stack-yard fencing for next year as we've been hit pretty hard the last few winters. They told me they have a cost-share program of \$500. That barely would cover the corner post. And they took in over nearly \$10 million just off of deer license fees in 2010, right at \$9.5 million just off, out-of-state deer licenses and in-state deer license. It was a record year for Nebraska deer harvest and also for their income. So my question is, where do all them funds go? What are they funding, obviously, with that money? And how are they going to come up with the resources to police this organization if this bill was to be passed into legislation? I believe it would be a self-destructing bill if it was made into law. If any of you are interested in the New York Times article, I would gladly have it printed and given to you all. That about sums it up. I guess the old saying goes, if it's not broke don't fix it. And that's kind of how I feel about this bill. I don't understand what Canada has to do with licensing outfitters in Nebraska. I'm a fifth generation on the ranch and like I said, if we can just pay our land and real estate taxes that's all we're looking to do and not...it's not a huge lucrative business. And you take a look at South Dakota, Iowa, and Kansas, none of them, to my knowledge, have a guides license mandate so why should we? Our local warden covers most of Rock, Brown, Boyd, and Keya Paha in our area; I'm lucky to see him once a year. So there...I think they would be trying to cover...take off a little more than they can chew. I think that covers about everything. Oh, I wanted, excuse me for going over just a little bit, but I did have some stats. South Dakota takes in \$179 million of revenue in 2009 and my question is, why can't we as Nebraskans do the same thing? I don't think this legislation would help that in any way. So with that in closing I'll be glad to take any questions. [LB442]

SENATOR LANGEMEIER: Very good. Are there any questions for Mr. Beck? Senator Carlson. [LB442]

SENATOR CARLSON: Thank you, Senator Langemeier. That last figure, \$179 million, that includes all revenue into the state. It's an estimated revenue into the state as a result of hunting? [LB442]

CLAY BECK: Yes, sir, it is. It aired on KELOLAND which is a CBS channel out of Sioux Falls. But it is estimated the out-of-state hunters spent \$179 million in South Dakota during its last year's pheasant hunting season. It's the potential for that kind of revenue that's making businesses and organizations visible to the hunters. [LB442]

SENATOR CARLSON: Okay, thank you. [LB442]

CLAY BECK: And I just think the more regulations and stipulations you put on these small mom and pop businesses, they're just not going to mess with it. I mean, I can't...we already have a CSA; we've been in operation for 15 years. I just can't...and

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the paperwork, my mom does all the cooking for the hunters; my brothers guide; it's a family operation. We've been, like I said, in it for 15 years and I just can't understand having more and more regulations. And when does it end, you know? [LB442]

SENATOR CARLSON: Okay. Thank you, thank you. [LB442]

SENATOR LANGEMEIER: Seeing no other questions, thank you very much for your testimony. [LB442]

CLAY BECK: Thank you. [LB442]

SENATOR LANGEMEIER: Well done. Further testimony in opposition. Just out of curiosity, how many more are choosing to testify? Just two more? Okay, that's fine. Welcome. [LB442]

JIM KUHN: My name is Jim Kuhn, J-i-m K-u-h-n. I am a co-owner of Nebraska Trophy Bucks and Birds. We operate out of just north of Halsey, Nebraska. We lease...I'm a little different than what most of these guys are here. I don't own any of the land. I'm just somebody who enjoys hunting and I've hunted my whole life since I was able to walk and my dad could take me. And basically I enjoy hunting and I take people on hunts and I get to do everything but shoot it. So, you know, I get to harvest a lot of animals per year by taking clients out and that's my enjoyment of it. So I'm in this to try and make a little extra money. My real job, I'm a real estate appraiser, I'm a licensed real estate appraiser, and in talking about some of the taxes portion of it, I know a lot about that, I work for an assessor's office. Some of the things that, you know, just hearing...my biggest concern was the cost that was initially proposed on this and it sounds like that's has been taken care of. With what we make and just having a couple of guides that are local ranchers guide for us five days a year, there's no way we could have done that at that cost. But I had no clue there was 271 outfitters in Nebraska and I don't know how many of you even thought you could have come up close to a number like that. And I think the fact that there is 271 outfitters in Nebraska and you haven't seen a single article in the Omaha World-Herald all the way to Chadron about a bad experience with an outfitter in Nebraska pretty well shows that, you know, like Clay just said, if there's not a problem, don't fix it. Seems like the biggest underlying element of this bill is to make sure that everybody is paying their taxes. All right, I have a CPA, she gets all of our stuff, I guarantee you, we're paying our taxes. And I think anybody that runs a business that is any good at it is going to do the same thing. There's no getting away from it, you just can't do it. And like Senator Christensen said earlier, one bad hunt in this day and age of the World Wide Web, you're done. Okay, and we appreciate the World Wide Web for that too because it helps us out. We've heard a lot...you're asking a lot about how do we advertise ourselves? I'm heading to North Carolina the first week of March, Dixie Deer Classic, 50,000 people walk through the doors there. It's a hunting expo and I have a booth at it and I'm going to...I mean, our name is all over it, Nebraska

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Trophy Bucks and Birds, that's why we chose that name for a business. And we're showing 50,000 people, hey, Nebraska has got some stuff. You turn on the Outdoor Channel anytime, you're going to see Iowa, Illinois, Kansas, South Dakota, you don't see hardly anything about Nebraska, except for this last week. We actually were on the Outdoor Channel. We've contacted Mossy Oak, they've come out and filmed a couple of shows with us. They just aired this past week and it's incredible the amount of attention that we get off of just one show. I booked 13 turkey hunts yesterday in one day after the show aired. So that's how we...we got to go out, but we have to give away hunts to do that. And when you're giving away hunts and you're still paying guides, you're still paying gas, you're still paying lease, and you're still paying everything out there, given away hunts isn't something you can do every day just to try and get recognized. I've tried to get assistance in going to North Carolina to help pay some of the costs that I feel I'm promoting Nebraska, all right. It says it right in our name. And the only thing I can get from Nebraska anywhere is they'll send me some brochures to hand out for them. I got airfare, I got hotels, I got food, and I mean, I got to go out there with my wife only. I can't even afford to take our guides with us because I can't afford to. It's..and my wife is going to go shopping so I'm going to sit in a booth for three days in a row all day which isn't a lot of fun. It sounds easy, but it's not that easy. So, you know, some of this stuff would just kind of tack on some problems that are with the business. We're not getting rich at it. I mean, if we were, I wouldn't be working in a county assessor's office, I can guarantee you that. I'm more than welcome to take any questions you guys have. [LB442]

SENATOR LANGEMEIER: Very good. Are there any questions? Seeing none, thank you very much, appreciate your testimony. Further testimony in opposition. [LB442]

BRAD ARROWSMITH: Senator Langemeier, Brad Arrowsmith from Bassett, Nebraska; rancher. A few points in... [LB442]

SENATOR LANGEMEIER: Brad, got to spell it. [LB442]

BRAD ARROWSMITH: Arrowsmith, phonetically, not like the band, A-r-r-o-w-s-m-i-t-h. (Laughter) I'm terribly pleased to see the scaling back of this bill as much as it...from what it was yesterday to what it is today, but even with that I still don't like the bill. I mean, you've heard compelling testimony across the board from very large operations on small acres to very small operations on large acres, nobody is in favor of this. Going through a line-item, even with the proposed changes, just going through notes here, code of conduct and ethics. How do you regulate morality? Just because you have a code of conduct makes you a better person? You signed your name on a piece of paper and you're going to follow this code of conduct and ethics and you're still going to go out and be a crummy hunter, but you signed your name to it. That doesn't change anything. Plain and simple, you've heard testimony across the board from everyone of these gentlemen; success, quality. It's about marketing the product, it's about marketing the

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experience, it's about providing what people paid for. That breeds success. You don't do it, you're out of the business. You can only get so many people so many times. Word travels way too fast. Secondly, existing remedies for the Canadian situation that's supposedly the root of this, I mean, Better Business Bureau, civil lawsuits, whatever, like I said, personal responsibility for not checking into Canadian immigration laws. Granted, this was far enough before that they would have needed a passport to go there, and had they had to apply for a passport to go to Canada, I mean, they clearly would have found that out then. We're talking, this is nine years ago. So all of a sudden this is a problem from something that happened nine years ago from Canada and we have to rewrite state law and punish the outfitters of Nebraska? I just don't follow...in my e-mail that I sent to you earlier this week, where is the genuine need? I really do not feel that this situation qualifies here. The potential cost of implementation, you senators have asked around the table, a nominal fee? How are you going to go out? How are you going to cover that much real estate even at \$150...\$150 times 271? Trust me, there's more than 271 outfitters in this state. You might as well add a zero on the end of that. There's more mom and pop outfitting going on than Carter has liver pills. Don't kid yourself. Yeah, they're flying under the radar. They're flying under the radar to pay their own taxes, keep groceries on their own table. They're doing it for subsistence operations. They don't want the exposure. If they can scrape \$500, \$1,000, mom's got grocery money, kid's got Christmas presents. It's that simple. Putting the outfitters on a state Web site listing, I kind of correlate that to mandatory premise ID as proposed by the cattlemen and that really does not set well with me. Let's face it, not everybody is in love with Game and Parks. They have their good points; they have their bad points. Landowner relations has never been a good suit of Game and Parks. They're great at selling permits. If you want to look back on Greg Wagner's weekly radio show yesterday, he was announcing the deer harvest numbers: permits sold--141,573; 11,255 youth permits; 15,300 nonresident permits. Doing a rough tabulation, you're looking at \$9.3 million in permit sales. There's not 90 cents of promotion. Not every one of these 15,300 nonresident hunters did a guided hunt. No doubt about it, there are people that are coming to public ground or just coming to Nebraska to hunt that are not guided. But it's not very many of them. The largest component of nonresident hunters are out of state. People in-state don't spend the bucks to do guided hunts. They'll go to Wyoming; they'll go to Colorado to do an elk hunt, deer hunt, whatever. They're not spending it at home. And you can ask any one of the outfitters sitting here. Pheasant hunters, a little different deal, but we're talking about a lot different dollars. The exclusion of water-based resources, the senator made the point about dollar levels. Well what difference does it make if I'm booking five people for \$15,000 to \$20,000 worth of guided hunts or they're booking 150 people for \$15,000 to \$20,000 worth of guided canoe water experiences? Fifteen to \$20,000, \$15,000 to \$20,000. I'm operating on private ground. Last I checked, state of Nebraska kind of has control of the surface water in this state except for certain little segments where you get in arguments with the National Park Service on scenic rivers and stuff like that, but, you know. You understand where I'm coming from. I'm paying for my own resource and I'm supposed

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to be taxed for my own resource and they're using a public resource for free and Game and Parks wants to exclude them why? I have fundamental problems with that. Sales tax and lodging tax--sold calves two weeks ago. They didn't charge me sales tax on the calves. And I got to pay sales tax for deer that were eating out of the same pile of wet distillers and ground hay? Four-legged animals with hooves and it's eaten, but I got to pay for him and not for them? Where is the equality in that? I mean, I don't mean to sound like a retard here, but on come folks. There's the gentleman from Stanton that said, he'd been in long enough that these are repeat customers that are family, they're friends. They stay in your own house. You cook for them. I mean, it's...you set your calendar by deer season when they're coming back next year, let's face it. And I'm supposed to collect lodging tax for putting them up in my own bed? I have real moral objections against that. Apply the 51 percent rule. Where do you make 51 percent of your money? Some years it's ranching, but anyway. I'm not making money by running a hotel. Where does this fly? At the end of the day, how can anyone logically come to the conclusion that this bill can actually help the situation in any way, shape or form. Other points that other individuals have touched on very briefly, as far as competition, yeah, Nebraska is behind the curve. Travel and tourism is trying. Yes, I understand South Dakota is a beautiful state; there's lots of things to go look at, not just hunting opportunities, but they push their hunting opportunities. Nebraska Game and Parks doesn't push hunting opportunities. We push hunting opportunities by taking money out of the coffers and giving people that had CRP, what \$10 an acre for walking payments. I have a little problem with that too because we all paid for it to be taken out of production for CRP. And then we got to pay for it again to be grassed back over and the weeds not controlled and then we get to pay for it again so John Q. Public can go hunt. And that's creating better hunting opportunities in the state of Nebraska. I didn't have a Canadian thistle problem until CRP happened. Hmm, wind blows from the north, do you suppose I picked up anything out of CRP in South Dakota? May have. There's just so many things on so many levels so that Nebraska Game and Parks is looking at selling permits; they're not looking about providing quality. Hey, you want pheasants? You're not...you said it before, good farmground is going to get farmed. Where's the inspiration to not farm it? I mean I can think back to when I was a kid we used to go pheasant hunting out in Rushville; tons of pheasants, but they didn't use chemicals. Been walking those corn rows full of weeds, yeah, there were birds, there were lots of birds. Roundup is not helping the pheasant population. I mean there's...folks, there's plenty of information out here to come to consensus on this piece of legislation. I'm not saying at some point in time it's not a nice idea to...for the outfitters, for state government to come together to some consensus, but I don't think this is the piece of legislation to do it with. I mean, I would sure like to see some field hearings in out-state Nebraska this summer and get some feedback, instead of learning about it last week and get to drive down here today and like what the heck is this? That's my feelings on it folks. Thank you kindly for your time. Any questions? [LB442]

SENATOR LANGEMEIER: Very good. Are there any questions? Seeing none, thank

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you very much, appreciate it. [LB442]

BRAD ARROWSMITH: Thank you, folks. [LB442]

SENATOR LANGEMEIER: (Exhibit 18) Is there any other testimony in opposition? Seeing none. I have a letter from Trish Dorn from Wauneta, Nebraska, in opposition. Now, neutral testimony, is there anyone that wants to testify in neutral capacity? Seeing none. Senator Avery, you're recognized to close. [LB442]

SENATOR AVERY: I know you're all tired. So am I, so we'll get this over with quickly. Let me explain why the amendment was not available for wide distribution. We didn't get it back from Bill Drafters until just around noontime today. We thought it was better that we bring you something that was a coherent, readable, printed than to just come in and say we would like to cut this, this, this, this, and this, and you saw my green copy with the marks on it. And I didn't think you'd want that. Would you, Senator? I don't think so. A couple of things. We already have a form of fee system in the CSAs, controlled shooting areas. Nobody complained about that. They also are required to register with Game and Parks. Nobody complained about that. So what is so unacceptable about expanding that to include other outfitters? It seems to me that if the CSA registry is necessary, then what is wrong with this bill? Changes that we have offered in this amendment are designed to meet specific objections. Many of the testifiers said yes. Those changes are things that we wanted. Well, when opponents get what they want, I'm at a loss to explain why they still oppose. That doesn't make sense to me. You say you don't like this, okay, we take it out. You don't like this, we take that out and give you a product that we think that you asked for and you say no. This bill is not overreaching. It is needed. It's not a new idea in other states. Idaho's law goes back to 1954. Colorado, Wyoming, and Montana have similar laws dating back to the 1980s. And those states were mentioned as very profitable industries in outfitting, that a lot of money comes into those states because of the outfitting. The Outfitters Association started on its own in Nebraska; it has about 18 members. It probably should be bigger. Why did it start? Because they recognized the need; they recognized the benefits could come from banding together, banding together and creating an organization with benefits. This bill would only compliment the voluntary effort that has already existed for a time under the Outfitters Association. It was also mentioned that \$175 million is created by hunting in South Dakota. How do we know that? Well, maybe South Dakota keeps data on this. What do we...how much do we make in Nebraska on this? Nobody knows. Game and Parks can't tell you. They couldn't even tell you how many outfitters we have. Maybe we ought to think very carefully about this. We would have consulted with anybody who wanted to be consulted with. We didn't know who they were. Called Game and Parks, no help. We had to dig the research up by ourselves and you got a copy of that. I'm going to end with this; there's an old law of politics that seems to be appropriate to this discussion. We've never done it that way, we've always done it this way, so we can't do it. Change is difficult, but that's what moves society forward. I

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believe this is...it's not a radical proposal. It's sensible and I think it would be a benefit both to the outfitters and to the sportsmen of this state. Thank you. [LB442]

SENATOR LANGEMEIER: Very good. Seeing no other questions. Senator Avery, thank you for your closing. [LB442]

SENATOR AVERY: All right. Thank you. [LB442]

SENATOR LANGEMEIER: That concludes the hearing on LB442. Have a great evening. (See also Exhibit 19) [LB442]