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Transcriber's Office

Natural Resources Committee  
February 09, 2012

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[LB796]

The Committee on Natural Resources met at 1:30 p.m. on Thursday, February 9, 2012, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB796. Senators present: Chris Langemeier, Chairperson; Ken Schilz, Vice Chairperson; Tom Carlson; Annette Dubas; and Jim Smith. Senators absent: Mark Christensen, Beau McCoy, and Ken Haar.

SENATOR LANGEMEIER: Good afternoon, everyone, and welcome to the Natural Resources Committee. My name is Chris Langemeier. I'm the Chairman of the Natural Resources Committee. I'd like to introduce you to my committee members that I have today. We have a number of them introducing bills in other committees that might not make it before we're done, but I will introduce who is here. To my immediate left is Laurie Lage, is the legal counsel for the Natural Resources Committee; to my immediate right is Senator Annette Dubas from Fullerton; and then Senator Tom Carlson from Holdrege is with us. And then at the end of the counter we have Barb Koehlmoos, who is the committee clerk for the Natural Resources Committee. As you come up to testify today, you saw in the corner of the room there's these little green sheets. If you will fill that out in its entirety so when you come up to testify, please give that to Barb. That helps us keep an accurate record of today's events. If you are here and you want to be on the record as being here, but you don't plan to testify, there's a little spreadsheet form in the corner that we ask you to fill out. You don't have to do both, but this helps us know who was all here. We have two pages that help the Natural Resources Committee. We have...first of all, we have Alex Wunrow from Los Angeles, California, who is a student at Southeast Community College, and then we have Brian Eulie from Omaha, who is a student at University of Nebraska-Lincoln. If you have anything to hand out, they will be more than happy to do that. We always tell people if you have something to hand out to us, if you give it to us to look at we are going to keep it for the record. So if it's a family photo of the operation or whatever it is, if you do give it to us, we're going to keep it. If you would like to keep it just show it to us from the table. In the Natural Resources Committee, I don't think it's going to be an issue today, but we do use the light system. You get five minutes to testify. The green light will come on when you start, the yellow light will come on when you have one minute left, and then the red light will come on, is...we ask you to stop. If you're amidst a paragraph, we'll figure out how to get that all out. That's not a problem. At this time, I'd ask you all to look at your cell phone and make sure they're turned off so we don't disrupt those that are here to testify. And with that, we will wait just a second for Senator Avery, who is the Chairman of the Banking...excuse me, Government, Military and Veterans Affairs Committee and he's doing his opening there and then he will be here with us shortly. Senator Avery, welcome to the Natural Resources Committee or welcome back. With that, we will open on LB796, and welcome.

SENATOR AVERY: (Exhibit 1) Thank you, Mr. Chairman. I appreciate you waiting for

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me to get here. I am organized, I think. Do you have a page? I have some handouts for you. My name is Bill Avery, B-i-l-l A-v-e-r-y. I represent District 28, here in south central Lincoln. You will probably find LB796 to be a bit familiar. I introduced this concept last year after I had heard from a constituent who had purchased a hunting trip to Canada through a Nebraska outfitter. Because this constituent had a misdemeanor DUI conviction, he was denied entry into Canada because the Canadian government considers this, and some other misdemeanors, to be felonies. My constituent was not notified by his outfitter of the Canadian law and his deposit was forfeited. He was out of the money and he lost his hunting trip and he was, needless to say, not happy. He felt that he ought to have been informed and I agreed with him. This bill has been a few years in the making. I stewed over this constituent's problem for two years before deciding to bring a bill to you. Last year...the bill that I brought to you last year, was a fairly comprehensive licensing and certification bill that kicked up enough dust that it almost choked me and my staff, and we pared it down significantly in an amendment that we brought to you last year. And in many ways this bill today is similar to that amendment. I continue to be committed to the merits of finding a way to provide at least minimal oversight of the outfitter industry in our state. Most states do provide some kind of oversight. Some of it is quite extensive and, of course, what I'm proposing here is not. LB796 creates the Outdoor Outfitters and Guides Registration Act. And the emphasis here is on registration. The bill simply requires outfitters and guides to register with Game and Parks Commission, provide some basic information, contact information, for example, cost of trips, provide proof of insurance of not less than \$50,000, and submit a \$100 registration fee. The bill exempts youth camps, nonprofits, travel agents who book outdoor trips, and those who provide services to their direct family members. I have also excluded any horseback riding, bird watching, dog trails, falconry, fur harvesting activities, from the definition of outfitters and that's because they are largely...come under other parts of Nebraska law and are regulated. I took what I heard from this committee last year, and from the testifiers at the hearing, and pared the bill way back from an ambitious bill to what now is simply registration. This bill will, for the first time, attempt to identify all of Nebraska's recreational hunting, fishing, and watercraft outdoor outfitters for the purpose of organizing and registering them with the Nebraska Game and Parks Commission. I have distributed a list of every outfitter or guide that my office could find that do business in Nebraska. This is essentially the same list that you saw last year, because I want you to know that we're not dealing with a small number of people. There are at least 271 outfitters listed on that handout. They are advertising and they are doing business in this state. I want you to know who we're talking about, what they're offering, where they're located. It's an extensive list but it is probably not exhaustive. We did the best we could, but we don't know if we identified them all. But I think what you can see from that is that this is a significant industry in the state of Nebraska. It's an important industry to rural Nebraska. And as I will explain, I believe this bill will be an asset to the industry because it will provide a central location where people can go for information. If I want to go on a hunting trip and I don't know anybody, like Senator Schilz with land where he might let me go and shoot, hunt animals, then

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the question is, who do you call? Where do you go? How do you find out this information? And I think that the idea has some merit, at least from that standpoint. We listened to the objections last year and we scaled things back to the point where that the fee now is just \$100 flat rate for the year. And that fee, by the way, is specifically earmarked for Game and Parks to administer this act only. It is not intended for any other Game and Parks purposes and...nor is it anticipated that it would go to the General Fund. The purpose of this fund would be to process paperwork, to issue a certificate or a sticker to outfitters, to develop a Web site documenting who, in fact, has registered, and the \$100 seems to be a fair amount. It is not unduly burdensome and would not have a negative impact on outfitters and guides. Having this registry would be a benefit because it would show a commitment for outfitters to play by industry standards and to institute and adopt fair practices in outdoor recreation. I admit that this bill, as it is drafted now, probably would not have protected my constituent from the shabby treatment that he experienced in his Canadian...attempt at the Canadian hunting trip. But there are some advantages to having a listing registry, a central listing. First, it allows outfitters and guides to be officially recognized by the Game and Parks Commission. It says, here we are doing business in the recreational hunting and fishing business, offering a legitimate, safe, and legal experience to clients. Furthermore, LB796 offers an implied endorsement. That is a kind of a seal of approval to outfitters and guide services on the official Web site. This is absent of any licensing process. It's absolutely free advertising for the outfitters. The only thing is they pay a fee for the processing of that registration. LB796 will also allow outfitters and guides to know who else is offering services in their area. If your neighbor down the road is taking duck hunters out every weekend, maybe you want to take your guests out for some other hunting activity. If your competition is charging a lot less than you are and you're not getting much business, maybe you need to know that. And this is a way to find out, and maybe you can become more competitive. So it fosters open and fair business practices. The bill also requires that any individual or corporation advertising or holding themselves out as an outfitter, or a guide, carry liability insurance in the amount of \$50,000 per individual per accident. I've checked on the liability insurance and Senator Carlson can speak to this better than I, but you can get umbrella liability policies for a million dollars that cost something under \$200 a year. Senator Langemeier knows this. If you own rental property and you want to have an umbrella liability policy, it's not very expensive to get one of those. I know Farm Bureau has...well, I have one for \$187 with the Farm Bureau and that's not an onerous amount for the amount of coverage you get. Registering guides and outfitters is not a new concept. In fact, the Game and Parks Commission testified last year that they have been anticipating something from the Legislature for over 15 years. And, in fact, several years ago the Nebraska Conservation Officers Association conducted a study of this very issue. A lot of good ideas were contained in that study. We contacted the organization to find out about the study. They had trouble locating it. Nothing ever happened. I see Senator Schilz smiling and you know where I'm going with this. That a lot of times we do these studies and sometimes we spend money on them and then they get put in a drawer and nobody

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ever sees them, nobody ever does anything about them. But we did get a copy and some of the ideas in there are worth looking at and are contained in this proposal I'm bringing to you today. I think we have a need, and I believe this is a pretty good place to start. The bill I introduced last year was modeled largely on the Idaho law. Idaho has a law that is very extensive and it goes back to 1954. It requires licensing of outfitters, bonding of their outfitters. Colorado, Wyoming, and Montana have laws that do similar things to what Idaho does. They go back to the '80s. Now, I admit the Rockies with the steep canyons and fierce rapids present different hazards and risks than we have here in Nebraska, but that does not mean that we are without risk here. They do exist and we have no consumer protection right now, at least none that are required. In fact, we don't even know who our outfitters are and we don't know where they're located or how to reach them. Many of them have Web sites, but that's not easily accessible unless you're willing to spend the enormous amount of time that my staff did looking for these outfitters on the Web. The...there was some talk last year by the Game and Parks Commission testifier about eliminating controlled shooting areas from any registration requirement. I am not inclined to exempt that entity from outfitter registration. The reason is that they are sanctioned by the commission, yes, but by definition they rise to the level of outfitters. CSAs release wildlife in restricted areas for the sole purpose of inviting hunters to their property for expanded bag limits and extended seasons. These operators can also own other tracts of land that are not CSA controlled. But if you agree with the commission and you disagree with me and you want to take those out, I'm not going to argue with you about it. I would defer to your judgment. Last year Game and Parks also said they wanted to exclude agricultural producers from the definition of outfitter and guide registration. I am also not inclined to accept this either. You take a farmer, he's got a pretty nice wooded piece of land, and in the off-season he's selling hunting packages at say \$3,000 a pop, and putting up hunters in his cabin--outfitter. Get registered. It's not that hard to do and it's not that expensive. Let me be clear. I am not trying to discourage small farm and ranch owners from engaging in the outfitting business, nor do I wish to stifle the economic development of rural areas. In fact, I want to do the opposite. I think the registration fee is not an undue burden. It's modest and necessary to offset the cost of administering the registry. It is my feeling that legitimate, law abiding guides and outfitters will have no problem with this legislation. They will have no problem paying a modest license...or modest registration fee. And they'll have no trouble at all operating in the public and aboveboard. In fact, what they would be investing in is a recognition by the department or the commission...Game and Parks of their business and providing a service to other outfitters. In fact, if you go to some of the Web sites now of outfitters, you will find that they already provide hyperlinks to the Game and Parks Commission Web site. Why is that? Are they seeking some kind of implied approval? Does the Game and Parks Commission even know this? Do they know how many hyperlinks are to their site? And do they know who they are? If outfitters are offering services compliant with Nebraska laws, there shouldn't be any objections to this bill. I would be curious about those outfitters who want to hide their enterprise. And I know there have been some conversations, some with our office,

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about outfitters who may not be paying sales taxes on their hunting services. I don't have the answer to that question and I'm not trying to deal with that today, but that has been raised in communications with us. It is true that a good deal of outfitters are members of various associations, Pheasants Forever, Ducks, Unlimited. I went last year up to a wonderful convention in Omaha of those two organizations. They're all good stewards of the environment. They all have good organizations and active participants. But, again, they're not binding organizations in Nebraska. Anybody can join who wants to, but there are many who don't. A year after my bill last year, there are only 20...about 20 of the nearly 300 outfitters that we know to be in Nebraska who are members of the Nebraska Outfitters and Guides Association. So that's a very small number. I suspect we have 300 or more. And if Mr. Douglas is here to testify, he might be able to verify that. Finally, let me talk about some correspondence that I have received in my office. I've heard from some outfitters across the state who think that this is intended to target a very specific handful of rogue outfitters. That is not the case. I do not know if we have rogue outfitters. Don't know what they would look like. I have never talked to any that I would suspect of being such. But if there is a term, rogue outfitters, and other outfitters are using it, it suggests to me that maybe, maybe there is something going on out there that we don't know about and perhaps we ought to. I've received e-mails speculating that some outfitters and guides do not want the Game and Parks Commission to know that they're leasing their land for hunting. Why might that be? I don't know. What is to be gained by flying so low that the radar can't detect you? What do you gain by that? You could gain a lot by registering with the state--exposure, advertising. So I think it's time we get organized, get registered, promote the important rural economic activity. I think that you will all agree with me that protecting our wildlife resources and consumers is in our interest. So with that, I will stop and try to answer any questions you might have. [LB796]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Carlson. [LB796]

SENATOR CARLSON: Thank you, Senator Langemeier. Senator Avery, you stated that there's really...there's no registration list. So tell me again how your staff got this list and how incomplete you may think it is. [LB796]

SENATOR AVERY: The staff spent the better part of an entire summer searching the Internet Web sites and going through all...any printed material, brochures, or any references that they could find that might lead them to think, okay, there is an Allison Springs outfitter and we'd look it up on the Internet. Why do I think this is incomplete? I would say there are probably...would be dozens that don't have a Web site, but are operating as outfitters. [LB796]

SENATOR CARLSON: So word of mouth is the way they operate then? [LB796]

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SENATOR AVERY: Yeah. You know they provide the service, somebody has a good experience, they talk to their neighbors and friends, say, hey, I had a great time going out to wherever they went and we, you know, we bagged 25 pheasants. That's about right, isn't it Senator Schilz? Twenty-five in one...? [LB796]

SENATOR SCHILZ: I think so. It would be nice. [LB796]

SENATOR AVERY: That's a good day, isn't it? (Laugh) [LB796]

SENATOR LANGEMEIER: Senator Dubas. [LB796]

SENATOR DUBAS: Thanks, Senator Langemeier. Thank you, Senator Avery. Okay, if we have this registry so citizens would be able to access it to see what and who is available out there, if something...if they still have a bad experience, something happens, is there any enforcement, is there any recourse that a consumer would have through this registry, or is that just still...? [LB796]

SENATOR AVERY: Good question. That is a good question because my bill last year actually set up a complex system for enforcing compliance with some rules. What the Game and Parks Commission has suggested is that they would have on their Web site a place where you could have customer comments. If somebody has a bad experience, they could post it on the Web site and these experiences would be available to other people, that information. But I am not proposing any regulation, only registration. That doesn't mean that I don't think we ought to have some regulation. I'm a realist. And I look at you guys and I say, you aren't going to let me have regulation, but you might let me have registration. [LB796]

SENATOR DUBAS: Well, I...and I think probably...especially because Nebraska is a small state and many of these outfitters are relatively small outfitters, that option already exists as far as if a customer has a bad experience, that outfitter is probably not going to stay in business very long simply because that word will get out. So whether they're registered or not, I think there is, again, because of just the way our state is set up that... [LB796]

SENATOR AVERY: But this, the comment system would also allow you to post some pretty glowing reports. You know, this was just an over-the-top experience that we had. You know, I had an experience like that deep sea fishing one summer. We caught 450 pounds of tuna. You know, I sing the praises of that outfitter every day because it was in August and you're not supposed to be able to catch tuna in warm months. Well, the newspapers found that very interesting, but that was an over-the-top experience. But that would be...there would be an opportunity here on the Web site to register those kinds of comments. [LB796]

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SENATOR DUBAS: Thank you. [LB796]

SENATOR LANGEMEIER: Other questions? Senator Avery, I have two. Number one, I went to Better Business Bureau and I just randomly picked three off of every page of your thing and I ran them through and there's nothing in Better Business Bureau about recreation or hunting. I thought that was kind of interesting. But I have gotten a few calls from landowners that say, you know, I don't do guided hunts, I don't do anything like that, but I do lease out a quarter of ground for \$500 a year and Joe Blow and his son go deer hunting. This looks like it would take them into that. They would have to go register because they do just that. Was that your intent? [LB796]

SENATOR AVERY: Not my intent. No. [LB796]

SENATOR LANGEMEIER: You're looking for people... [LB796]

SENATOR AVERY: I think Senator Schilz asked that question last year. [LB796]

SENATOR LANGEMEIER: Okay. [LB796]

SENATOR AVERY: And my answer then was, that was not the intent even of the bill last year. However, if Senator Schilz leased out some of his land to an outfitter, that outfitter would need to be registered. [LB796]

SENATOR LANGEMEIER: Very good. Are there any other questions? Seeing none, thank you very much. Well done. [LB796]

SENATOR AVERY: Thank you. [LB796]

SENATOR LANGEMEIER: You have heard the opening on LB796. We will now take proponents, those that support the bill. Proponent? Welcome. [LB796]

LANCE KUCK: Thank you, Senator Langemeier, members of the Natural Resources Committee. My name is Lance Kuck, L-a-n-c-e K-u-c-k. I'm from Bassett, Nebraska, and I'm president of the Nebraska Outfitters and Guides Association. I'm going to speak today in support of this bill, largely because the Outfitters and Guides Association supports some type of registration or licensing, and also in support of Senator Avery and his staff, as they've been very flexible in modifying this bill to get it as close to what we could, from considering what we started with, to get as close to something that's workable. So we do appreciate that. However, there are still some issues with this bill. I mean, there's some wording and I assume if it makes it out the committee, that will be cleared up, but a couple of those issues are the bill refers to public land. In Nebraska any land controlled by the Game and Parks Commission it is unlawful to guide and outfit on. This includes some of our lakes that fishermen, you know, fishing guides guide on,

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which I wish they would straighten that out. But that's an issue that needs to be addressed. The insurance limit, \$50,000. The vast majority of us that insure above and beyond our ranch policies, utilize, and I'm not sure what other companies do, but for the hunters specifically it's Philadelphia Mutual, is the one company that writes and I think everything is a million dollars per incident, so \$50,000 is probably a little bit on the low side. Canoe Outfitters are addressed in there. My membership is not made up of any Canoe Outfitters and there is some liability issues there that are above and beyond, you know, boats, and booze, and water don't tend to mesh real well, so that's probably something that could be addressed separately. Some of my friends that do that in addition to their hunting business, the insurance is exponentially more. Actually, I have one of our members, I think he pays 10 percent of his gross is his insurance on his canoe business, so it's a significant burden that I think if we're going to regulate this, it needs to be addressed. We also, too, you talk about exempting livestock or how to handle a legitimate livestock operation, we start getting into gray areas. What is and isn't livestock, particularly with high fence operations. I particularly...I raise bison and we do harvest. We actually had a hunt/harvest on a bison today. Do I fall into that? I mean, me, personally it doesn't matter to me but how do we define what is a livestock and what isn't a livestock. You can make some argument on some of the exotic animals with...particularly elk, you know they're considered a wild animal, yet they're covered under the Department of Agriculture. So that's an issue that kind of needs to be looked at. The other thing, and I guess this is kind of a bone of contention with me, if we are going to be regulated we need to have some better correspondence and more promotional help from not only just the Game and Parks, but travel and tourism people as well. I mean, right now we have nothing, yet I made a list. I have my hunters come from...I don't know how many states they come from, a lot of states, and I think I have five European countries I've had hunters from, including Africa, and this year we helped or did seven different TV shows. And these are all...all these TV shows promote Nebraska. All these European clients, you know, they go home and Nebraska is a great place to hunt because we have liberal bag limits and easy tags and I have the whole export system taken care of. So I help bring a lot of money into the state, but I get no or very little promotional help from the state. So one thing with any kind of registration or licensing, we would hope that would be a positive by-product to where we can help promote our business and that we are legitimate operators and that we can provide a great service and the good things in Nebraska and conversely, bring money into the Game and Parks, you know, not only tag sales and for our grocery stores and everything else. So it's something that I think is significant if we do move ahead with that. In closing, I will tell you the Nebraska Outfitters and Guides Association has a voluntary registration system that's in draft form right now that's sitting there and that we are waiting to see what happens with this bill. If this bill does not make it out of committee, we will move ahead with our system. But you had heard earlier from Senator Avery, we do have a small membership and that seems to be endemic of most outfitters associations where there's no mandatory license fees. You just don't get a lot of participation so it's, you know, even with 15 or 20 members, the percentage we're



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probably not in too bad a shape here. I wish it was more and maybe we will have more with this registration, it's hard to say. But with that I'd sure welcome any questions or anything you may want. [LB796]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Carlson. [LB796]

SENATOR CARLSON: Thank you, Senator Langemeier. Lance, have you looked at the list that Senator Avery had put together? [LB796]

LANCE KUCK: I haven't seen his latest list. [LB796]

SENATOR CARLSON: Okay. It would be interesting to have you take a look at that and see how inclusive you thought that might be. Tell us again, you provide primarily hunting? [LB796]

LANCE KUCK: Well, I ranch and then, yes, as far as my outfitting business, it's all hunting. [LB796]

SENATOR CARLSON: Is all hunting? [LB796]

LANCE KUCK: Yeah, correct. [LB796]

SENATOR CARLSON: And what types of hunting? [LB796]

LANCE KUCK: Well, deer, turkey. We harvest bison. We used to do a lot of predator hunting. We don't do that now as much because we have some issues, you know, with the coyote populations, and duck and goose hunting too. [LB796]

SENATOR CARLSON: So part of your hunting is harvesting your own livestock? [LB796]

LANCE KUCK: Yep. [LB796]

SENATOR CARLSON: Okay. Thank you. [LB796]

LANCE KUCK: We can call it...we try...you call it hunting sometimes and sometimes it is and sometimes it isn't, but, you know, we do our best. [LB796]

SENATOR LANGEMEIER: Senator Dubas. [LB796]

SENATOR DUBAS: Thank you, Senator Langemeier. Thank you, Mr. Kuck. You talked about this voluntary registration system. Is that...would it be set up similar to what...?

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[LB796]

LANCE KUCK: Yeah, it's almost...I have to go back and look at the draft. I developed it about eight months ago, but, yeah, it's very similar. I mean, what Senator Avery did is fairly simple. I think it's well-intended and I think it could solve a lot of things, but, yeah, for the most part what we're trying to do is you're registered, and part of that registration would be an affidavit that we fill out. We're trying to figure out maybe every three years you sign you've never been in violation of a game law and then you're in good standing with the Outfitters Association, which we do have the code of ethics. So that would be, I guess, your check and balance whether you can stay registered or not. It's still a work in progress, but, you know, I think it's a good start, so. [LB796]

SENATOR DUBAS: Would you charge a fee and then use that money to help promote? [LB796]

LANCE KUCK: Well, right now, yeah, I think we decided our fee it's like \$10 just for our secretary-treasurer to administer it. That's all that would be. I'm not sure if that's feasible because obviously for \$10 all you're doing is getting your basic paperwork, I guess, done. I don't know, but then there's a membership in the Outfitters and Guides Association too. [LB796]

SENATOR DUBAS: Well, you talked about, you know, if this bill would go into effect, if you're going to pay money to register you would hope some of that money would be used to promote your industry, which I think that's legitimate. [LB796]

LANCE KUCK: Exactly. That would be our hope. [LB796]

SENATOR DUBAS: Could you not do that also through a voluntary system? [LB796]

LANCE KUCK: Yeah, yeah, I believe so, but it's...we have a membership in the Outfitters Association and you would think that would imply some legitimacy if somebody wants to participate, and I would...but yet we don't have the Game and Parks is not eager because they, in their defense, they don't know who is or isn't...well, like Senator Avery referred to, a rogue outfitter. And once they refer somebody, if somebody has a bad experience, then they have to explain that. Of course, the flip side is to...in our business even some of the best outfitters have issues with clients where not everybody is always on the same page, like we do in all our businesses to where there can be issues as well. So it's, you know, there's always going to be those things arise and I don't think it should hurt anybody, but at the same time, there are some bad outfitters. There's no two ways about that. [LB796]

SENATOR DUBAS: What are the advantages to people joining your association? What do they get from it? [LB796]

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LANCE KUCK: Well, right now, our main advantage is through the list server on our Web site. We get quite a few referrals through our Web site, is a membership of that. Plus, it also, too, you know, I represent what our membership wants to do. If they wanted to oppose this bill, even if I personally supported it, you know, I have that obligation so I try to participate in everything here as well, so. But we do get a lot of inquiries and there are a lot of people that assume if you're a member of our association, then you are...there's at least some legitimacy there and so they're more comfortable with that. [LB796]

SENATOR DUBAS: Have you as an association...I know you said, you're a small association, it's hard to get membership in. Have you done anything to actively promote growing your association or...? [LB796]

LANCE KUCK: Yeah, what we've done for the most part in the last year is...the Department of Agriculture maintains a much better list of outfitters, well they're really the only one that maintains what would be a true list of outfitters. So every time we have a meeting we solicit everybody to come participate. We notify through any e-mails we can get of, you know, like these hearings, or any hearings that come up and we try to do it that way. You kind of...when we all...the core membership, people that participate when we're also, we're all ranchers and farmers and outfitters as well, so you're really hoping you can get to this threshold of number of people to where you find somebody that could really help us move and that's what I'm hoping for. You know, I just, as the president, I think, you know, I can help but get to a certain point, but I'm not, you know, timewise it gets difficult, so. [LB796]

SENATOR DUBAS: I hear you do a lot of juggling to make ends meet. I get that. [LB796]

LANCE KUCK: Yeah, yeah, absolutely. [LB796]

SENATOR DUBAS: Thank you very much. [LB796]

LANCE KUCK: You're welcome. [LB796]

SENATOR LANGEMEIER: Are there any other questions? I do have one. How many members do you have in your group? [LB796]

LANCE KUCK: I was going to check today and I couldn't find Errol and I think he got...I think we're up to 18 or 19 paid members right now. [LB796]

SENATOR LANGEMEIER: Okay. Well, he's created a list of roughly 220-plus, so. [LB796]

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LANCE KUCK: Ten percent, you know, if you looked at it that way, at some times, some organizations, you look at cattlemen and things like that, if the glass is half full, you look at it that way, it's not too bad, I guess. [LB796]

SENATOR LANGEMEIER: I understand. [LB796]

LANCE KUCK: But it's not very many, I know. [LB796]

SENATOR LANGEMEIER: Well, thank you very much. We appreciate it. [LB796]

LANCE KUCK: Thank you, Senator. [LB796]

SENATOR LANGEMEIER: Further testimony as a proponent in support. Seeing none, we move to opponent, those who will testify in opposition. Welcome. [LB796]

MARK CHRISTENSEN: (Exhibits 2 and 3) Hello. I'm Mark Christensen and it's spelled just like the Senator, Mark Christensen, that wasn't here today, but it's M-a-r-k C-h-r-i-s-t-e-n-s-e-n. And I'm here to voice my opposition to this bill. Oh, I did not do this part, sorry. I am a small business and again when we were talking before where Senator Schilz early on today was talking about how the rural communities are losing people, I do believe the outfitters in Nebraska are trying to do something about that. We do get...and the last person that just talked...just talked about how we get people to come from all over the United States. I get people that come from places like Finland and Greece and South Africa and they come to Nebraska and they enjoy the wildlife and the nature and they enjoy the hunting parts too. So, you know, we really are the biggest, in my mind, one of the biggest promoters of our state, the outfitters are. And so I'm also a controlled shooting area and when Senator Avery was talking before about the controlled shooting areas whether we were licensed or not through this bill, I think most of us controlled shooting areas would have to be either...I don't know how you worded it, because I know I offer turkey hunts and deer hunts and we have trap shooting and we do different things besides just the controlled shooting area. And I don't know of anybody that doesn't. I worry because the more regulation or the more...first, we're going to get licensed and then we've kind of heard, there's going to be more regulations to follow. And I really believe that's probably where the biggest problem is. When you look at these states that do have licensed outfitters, those states that Senator Avery was talking about, Idaho, Colorado, Wyoming, one of the biggest things they offer their outfitters, is you can use all the public land. Now, as an outfitter, I hate the idea of using public land. I think that's for the public, (laugh) and people that are paying shouldn't use that. So I guess I shouldn't...I don't feel it's for me to take people on public land. And so I'm glad about the law the way it is now. So like I said, I think your hunters that are not paying for hunts would really be outraged by the thought of us outfitters taking people on public land. It's taking away from the people that pay for those hunting

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licenses and permits. Another problem I have is, there are businesses out there that have whether it's...and I hate naming names, but like Farmers National they have their business called Hunting Leased Network. And I know other businesses like that that have their land management type based businesses. They offer leases through this and they advertise, come hunt with us. We will set you up with the farmers and it's a way, they're our middle management, our middle group. Well, would those people be outfitters? They're advertising for people to come hunt through their Web site or through their business. I have farmer neighbors that lease their ground out for turkeys, deer, whether it's on river ground, whether it's down by Sidney or wherever. People that lease that ground on the rivers, there again, are those people necessarily outfitters? They aren't helping the people, but they do lease their land to somebody. And the way I read that bill, I would say they're an outfitter. As an outfitter, I think they're my competition also, because people are paying those people instead of me. So I think they should be licensed. If that's how it's going to be, those people should be. They are legitimately charging someone for access for the chance to hunt. From listings, I'm listed and I think everybody else is, and I did bring a copy here. This is [Nebraskagov.com](http://Nebraskagov.com), I think is what it is. And this lists, I think, about 100 different hunting operations and I can hand that to you. That is something that is a free listing for all of us already. I also am listed in the Nebraska Department of Tourism. I'm also listed with the Department of Agriculture. So I think, you know, as far as free listings, there's some out there that list a lot of us. I don't believe I've ever received a customer yet off of (laugh) any of them. So I'm disappointed in that, just like the last person who testified. I wish we could do more through the Department of Tourism or those types of things that would really...I don't think they understand our business well. Let's see, we can go here. I don't know how you're going to find all the people that decide not to license. You know, a guy who owns 10,000 acres out by Thedford, maybe. If he's renting his ground out for \$1,000 to four brothers, how are you going to find him if he doesn't decide to turn himself in? So I worry about that. We sell a lot of hunting licenses and I know personally our business has sold over \$1,500 this year in controlled shooting area licenses. Those are only good for my property, so the Game and Parks gets that money right now. They get that habitat stamp and that money. I'll quit, so. [LB796]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Dubas. [LB796]

SENATOR DUBAS: Thank you, Senator Langemeier. Thank you, Mr. Christensen. I think one of the main drivers Senator Avery is trying to achieve here is an ability for consumer protection. [LB796]

MARK CHRISTENSEN: Uh-huh. [LB796]

SENATOR DUBAS: So that people who are looking for a hunt, they can go to this Web site and they can be relatively assured they've got so much protection. What's your

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response to that? [LB796]

MARK CHRISTENSEN: I agreed with what you were saying before, or maybe it was Senator Carlson too. Our business is...I spend a lot of money on advertising, but our biggest part of our business is word of mouth. And if someone has a bad experience with me, they can be on the Internet tomorrow saying something bad about me that next day. If I don't...I have to be the defender of my business in that way. So if someone has a complaint, I need to be the one taking care of it. I hate having another middleman in there because I will do everything I can to take care of my customers because I really want them to have a good time. [LB796]

SENATOR DUBAS: And I think you talked about all of the places people can go to find you or others. [LB796]

MARK CHRISTENSEN: Oh, yeah. [LB796]

SENATOR DUBAS: And you don't feel like you've attracted much business there. [LB796]

MARK CHRISTENSEN: I hate to say. [LB796]

SENATOR DUBAS: So your business is built by your reputation and your word of mouth? [LB796]

MARK CHRISTENSEN: Yes. We have a Web site. We advertise through national magazines also. I go to sporting shows, whether I go to Texas or I'm in Ohio or wherever, and I promote myself at those. But a lot of times at those deals there might be 400 or 500 other booths just like me. (Laugh) So you have to stand out and you have to get their attention and if they don't have a good time with me one year, they're never coming back because they had 400 or 500 other choices they could have went with. [LB796]

SENATOR DUBAS: So your...is the competition growing in this field? [LB796]

MARK CHRISTENSEN: Oh, yeah. I think, and especially in our state and in others, as people get further removed from being on the farm, they have less contacts. You know, as I grew up as a child, I grew up in Norfolk. My grandparents all farmed. And I think at one time that was a real common thing. Everybody had a relative that still farmed. Today, people don't have those contacts and so that's one of the big things whether it's the Internet or these shows, they don't have to have those contacts. They can call me and say I want to be there Wednesday, and I'll take care of them. [LB796]

SENATOR DUBAS: Thank you. [LB796]

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MARK CHRISTENSEN: Thank you. [LB796]

SENATOR LANGEMEIER: Senator Carlson. [LB796]

SENATOR CARLSON: Thank you, Senator Langemeier. And your written testimony here is lining up with your oral testimony because you've said that being listed with Game and Parks and other places was ineffective, and then you kind of alluded to going to some of these shows and having a booth. I've done that before and it can be kind of a lonely day. So you don't really pick up many, or you do pick...? [LB796]

MARK CHRISTENSEN: Oh, no, the shows can be really good. The shows can be really, really good. It's highly competitive and like I say, there might be 400 other booths there that you are...everybody is selling some sort of trip or some sort of thing, but yeah, the shows can be great. I can...I've left the first day of a show and made all my money back that I spent in having the booth, all the hotels, and everything. And I've also went for four days and didn't make a nickel. (Laugh) But it can just be where you go and you try to learn from those mistakes. [LB796]

SENATOR CARLSON: So really, you got started...somehow you got started with...in whatever way, but your best, it's return business and then word of mouth. [LB796]

MARK CHRISTENSEN: Yes. Yes. I started in South Dakota. I worked for a guide up there originally before I bought my farm. [LB796]

SENATOR CARLSON: Okay. [LB796]

MARK CHRISTENSEN: And I saw how that worked and I used that business model back for my own. [LB796]

SENATOR CARLSON: Okay. Thank you. [LB796]

SENATOR LANGEMEIER: Very good. Are there any other questions? Seeing none, thank you very much. [LB796]

MARK CHRISTENSEN: Thank you very much. [LB796]

SENATOR LANGEMEIER: Further testimony in opposition? Welcome. [LB796]

JOE HERROD: Thank you. My name is Joe Herrod, J-o-e H-e-r-r-o-d. I'm here testifying in opposition for the Nebraska Council of Sportsmen's Clubs. Should be fairly brief. I only have one area of the bill that I think really needs addressing and I think there's a lot of good things in it. Senator Schilz and I are familiar with a part of the state that at one

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time had quite a bit of outfitting. There was a gentleman, we won't put names on the record, but a gentleman that had a popular restaurant and a motel and brought people in for hunting and what seems to have happened out there is the people made contacts with the landowner that they were being taken out to and they eliminated the middleman. So that outfitting business has kind of gone down. And so that's just a comment on what goes on in these situations. People meet people and they make an acquaintance and they come back and the outfitter sometimes loses his business. But one of the areas of this bill that's a little troubling is there's kind of a dual jeopardy in the registration in that if a landowner provides facilities and services, and he qualifies, and he takes a few hundred bucks from guys, and he would have to pay a registration fee, and then the guys that come in to do that, if they come in as a club, and I'm here representing the Nebraska Council of Sportsmen's Clubs and we have about 100 clubs, they come in and they're sharing expenses and all of a sudden according to the way this is written, hunting club means a formal private association of hunters who hold membership through the payment of fees as a club. Well, then they're...then they've got to pay too. And I have a hunting club and naturally I would or I wouldn't be a member of the Nebraska Council of Sportsmen's Clubs, and what we have as a hunting club is very simple. We share a common interest and we share expenses. And I don't think that should qualify for any kind of registration. And our particular hunting club is all friends and relatives of mine, and we only have one bad apple in the group. (Laugh) We've got to have a little fun here. No, and we hunt turkeys and we hunt deer and we hunt ducks and that's a hunting club. Other members of our clubs, they have Brittany Spaniels and they organize around their Brittany Spaniels or they have Vizslas or they have Labradors or they're fly fishermen. And they're all clubs. And they all share an interest and they all share expenses and somehow that's got to be accommodated in this...that's just too...it's a little overreaching to me and it's a little double jeopardy too, so. [LB796]

SENATOR LANGEMEIER: Very good. Are there any questions for Mr. Herrod? Seeing none, thank you very much. Well done. [LB796]

JOE HERROD: Thank you. [LB796]

SENATOR LANGEMEIER: Further testimony in opposition? Welcome. [LB796]

SCOTT CRONER: (Exhibit 4) Good afternoon, Senators. My name is Scott Croner, C-r-o-n-e-r. I appreciate all that you guys you do and the time you take to be here. I just returned from Mound City and spring snow goose season, so I'm just a little behind this morning. I've been in the outdoor industry for over 20 years. I was the founder of the Nebraska Outfitters and Guides Association, patterned that after MOGA, IOGA, WYOGA, Wyoming, Idaho, Montana. Helped with Les Seiler set that up in a 501c(3). I'm the owner of Nebraska Hunting Company for eight years. My direct economic impact to the Nebraska Game and Parks this year will be approximately \$12,000 in licensing fees, primarily through spring turkey, which I have 40 to 45 clients that harvest close to 100



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gobblers in big ranch country. I have more marketing and Web sites on the Internet than any other outfitter in the state of Nebraska. And until...Lance mentioned, I had been one of the most televised outfitters on the outdoor channel or ESPN. The state of the outfitter industry in Nebraska is dismal right now. We have over 200 outfitters in the state, not including those come from out of state. We're not required to charge or pay sales tax. The industry is not embraced by the government agencies at the level that it needs to be to grow and move forward. Why are not licensed...we are not licensed in any way and/or required to have any proof that we can provide the services we offer. We have not and cannot police ourselves. Nebraska Game and Parks Commission is a direct competitor of mine for the property I utilize to provide my service through the Open Fields, Open Waters grant program and the Walk-in hunting program. They solicit the same individuals that I have to and, in fact, set the price that I have to pay to utilize their property. LB796 has some great merits. We do need to be registered. We need to be licensed. Many of the license fees out of state, North Dakota one of them, nonresident outfitter, \$2,000, and you have to be licensed in another state for two years. The bill is far too broad. It has been mentioned multiple times. I believe it brings landowners into it. I expressed my concerns of that to Laurie and some of the other individuals. I've talked to my landowners. Farmers National has brought up a sublease company. You know, Cabela's, of course, does outfitting and guiding from their Web sites. I didn't mention that. Does not require nearly as much insurance as Mark mentioned. I have a multimillion dollar policy, I pay \$1,200 a year for it. It's not big from a financial point of view for the revenue, but it's...\$50,000 is the bottom end. It's underfunded. At \$100, even with every outfitter, it's a \$35,000 upper end to fund it. The Game and Parks is highly overstressed and then in addition, you're asking a government agency that is in direct competition with me, to police me. And I've got to touch on the Internet comment section. I have a huge presence out there. Been involved in some cyber issues that are just, as we've seen in government, unbelievable. A comment section is a...I get comments every day from clients and as Lance mentioned, and not every client agrees with us, but on an opening morning of snow goose season this month, I'll have six guys that said they're coming, and four will show up, and they will not feel obligated to pay for the other two that did not show. How do you handle that? I charge them because they consumed two positions that I could have filled otherwise. It's a five week window to bring those clients in and hunt them. But that's a common occurrence. And I, in fact, had a client last year that had a misdemeanor from another state, from Tennessee, came back and hunted with me after he had alleviated that problem. His son harvested a very nice deer in southeastern Nebraska and he will be turkey hunting this year. So we did get to move that forward. I did not consume that deposit, rolled it forward as a courtesy, and he's coming back, and I got some deer business out of that. That's my overview and quick and that's a lot of information. I have never, in the eight years that I've been an outfitter, been solicited by the Nebraska Outfitters and Guides Association, Senator Avery's office, and/or...and I've given numerous recommendations to the tourism department, which I would say in the marketing area, I'm pretty well-versed on the Internet, I do all that marketing for less

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than \$3,000 a year. So glad to answer any questions or shed any light if I didn't give a broad enough sweep on that. [LB796]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Carlson. [LB796]

SENATOR CARLSON: Yeah, thanks, Senator Langemeier. So, Scott, you're not opposed at all to regulation. You'd just like it to be much more in depth than what Senator Avery has recommended. [LB796]

SCOTT CRONER: Very much so. [LB796]

SENATOR CARLSON: Licensing. And so what would it take to make it self-funding? [LB796]

SCOTT CRONER: Five hundred to a thousand dollars a year per outfitter. [LB796]

SENATOR CARLSON: Okay. [LB796]

SCOTT CRONER: Those are the real hard numbers. [LB796]

SENATOR CARLSON: Now of a list like this, regardless of 300-some, how inclusive...extensive that is... [LB796]

SCOTT CRONER: He covered everybody that's on the Internet. [LB796]

SENATOR CARLSON: Okay, but... [LB796]

SCOTT CRONER: Ninety percent. [LB796]

SENATOR CARLSON: So \$500 to \$1,000, now to me that's a lot of money. And they can all afford it? [LB796]

SCOTT CRONER: Turkey season is a \$45,000 investment. In five weeks for me that's what comes to my...that's what I bring in for income. It's a large investment. If you want to play in this industry, you got to be willing to spend some money. And licensing...I'll write a check for my taxes. I mean, that's the other thing that still hasn't been addressed and I've been beating that drum for five years. [LB796]

SENATOR CARLSON: And so, what do you provide other than turkeys? [LB796]

SCOTT CRONER: Turkeys, deer. In Nebraska, Waterfowl Hunt Club, I own Top Gun Hunt Club. Down at Nebraska City I do all my waterfowl, deer in Nebraska City and Walt

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and Marilyn Rhoades are my hosts during spring turkey season at Uncle Buck's Lodge and I pay all my food and lodging to them. [LB796]

SENATOR CARLSON: What portion of the year don't you have anything to guide? [LB796]

SCOTT CRONER: June, July and August. [LB796]

SENATOR CARLSON: Okay. So it's about a nine month...? [LB796]

SCOTT CRONER: Yeah. I came back from spring snow goose season which I have quite a few clients booked in to Mound City starting at 6:00 a.m. tomorrow morning. [LB796]

SENATOR CARLSON: So it's a nine-month year and I would say you must be...you're pleased with what you're doing. You enjoy what you're doing and it's lucrative enough that you're going to continue to do it. [LB796]

SCOTT CRONER: I'm going to continue to do it and I'd love to support the outfitters and guides industry in the state of Nebraska. There's huge moving forward steps here that could happen. [LB796]

SENATOR CARLSON: Okay. Thank you. [LB796]

SENATOR LANGEMEIER: Senator Schilz. [LB796]

SENATOR SCHILZ: Thank you, Senator Langemeier. Good afternoon. Thanks for coming in. You mentioned in here that Game and Parks is in direct competition. [LB796]

SCOTT CRONER: Uh-huh. [LB796]

SENATOR SCHILZ: If you were going to...if you in your perfect...in the perfect world that you're talking about here, who then would oversee the registration in making sure that that was all enforced and everything else if not Game and Parks? [LB796]

SCOTT CRONER: Nebraska...the... [LB796]

SENATOR SCHILZ: Okay, I just wanted...I was hoping maybe you had a nice answer to that. [LB796]

SCOTT CRONER: You know, I brought some questions and some answers, the marketing. Like I said, that's one thing I have a grasp on. There was a game warden, for instance, that was leasing property in my area. And then subleases...a game warden

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that is gainfully employed with the Nebraska Game and Parks, and Rex Amack was very aware of this situation. And he was subleasing that property to nonresident landowners...or nonresidents for the act of hunting, and nobody cared. So, you know, it's hard for him to enforce anything on me unless he's got a video tape of me leaning out of a car window with a gun. You know, he...we had an impromptu meeting, asked him who he was working for that day and he hasn't been around anymore. We don't go out and break laws. You know, I'm in a very popular area. I have a very huge Web profile, as I mentioned, but it's who do we get to police us. That's a great...I mean, I would love to...but it's...when I compete with the Game and Parks to lease property, it's a tough...they have changed their stance from eight years ago to being anti-outfitter to at least talking about it. I can provide more and better service to property than somebody tromping across somebody's land. I can utilize the resource at a much higher level. Had 100 gobblers in five weeks. I'm utilizing every rancher's property in a very large area and they rarely say no. [LB796]

SENATOR SCHILZ: Sure. Thank you. [LB796]

SENATOR LANGEMEIER: Very good. Are there any other questions? Seeing none. [LB796]

SCOTT CRONER: Thank you for your time. [LB796]

SENATOR LANGEMEIER: Thank you. Well done. Further testimony in opposition? Are we done? Nope. Welcome. [LB796]

JOHNNY BARTA: Thank you, commissioners, all. Well, I guess...my name is Johnny Barta, J-o-h-n-n-y B-a-r-t-a. I'm from the small town of Western, southwest of here about 45 minutes, and I'm kind of on the opposite end of the spectrum compared to the previous speaker. I run a very small business and, unfortunately, in this world nowadays it seems like everything is going big. But I can tell you on the smaller side, there are tons of people out there that would like to come out and hunt turkey, hunt deer. They don't have the place. I work with a lot of beginners. They don't have the knowledge. In fact, I had several people last year turkey hunting and they have never hunted in their life, but they seen my ad on the Internet and they come out and, of course, I don't charge the thousands of dollars, you know, the bigger entities do. But I help these people hunt and hopefully...I work with a lot of youth groups too, by the way. We do some trapping and some hunting, JAKES Day, Turkey Federations. Kids nowadays don't have the peer or the adults to teach them and I work with the beginners. I'm kind of against this bill. I think it would squeeze the little guy out. We certainly heard \$1,000 mentioned as a fee. That's a lot of money. You take somebody that's 22 years old, just got out of college, and get him to pay \$3,000 for a trip, you know, and there's places for them big businesses, but there's also places for the little one. And I think this bill as it's written would squeeze it out. I think government isn't the solution, it's the problem with a

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lot of times, too much government, too many regulations, that can really hurt. There's just a lot of things I kind of jotted down, but I just want you to know I'm in opposition. You know, as far as people advertising, if you guys are going to regulate, the state regulates, it's been mentioned here before, the good will survive and the bad will get weeded out. It may not happen overnight, but throughout business, throughout history, it's been that way in the open enterprises. The bad does get weeded out. You know the cost keep going up on everything. I realize that. I don't like this bill the way it's written on the compensation part. If somebody took their second cousin out and their second cousin bought them two tanks of gas for taking them out, taking them hunting, basically that second cousin would be in violation under this bill because he took some form of compensation, even though it wasn't a high dollar amount or anything. I just want you to know I'm in opposition. There's a lot of points, but there's been a lot of good points made and I really feel that there isn't a super big problem. And if there would be, I think it would be...there's enough laws in place. And as far as collecting taxes and people not paying taxes, they're breaking the law already. I'm sure there's a state statute somewhere that says they're supposed to be paying taxes if they're taking money in. And I am licensed as an LLC with the Nebraska business...I don't know. One of the acts, but I do have an LLC and I do have a state tax number so the little guys can do it the right way, you know. That's about all. [LB796]

SENATOR LANGEMEIER: Very good. Are there any questions? What's the name of yours? What do you call your LLC? [LB796]

JOHNNY BARTA: Double J Outdoors. [LB796]

SENATOR LANGEMEIER: Double J? [LB796]

JOHNNY BARTA: Probably not on the group. I don't do a lot of...like I said, if I take 12 to 15 kids or people out a year, young people, some older people, I do a lot of things. It's just not turkey, deer, or...we do mushroom hunting, star watching, camping, you know, you name it, so. [LB796]

SENATOR LANGEMEIER: Well, I have to teach whittling to the Boy Scouts tonight, so I can kind of relate. Senator Carlson has a question. [LB796]

SENATOR CARLSON: Thank you, Senator Langemeier. So, it sounds like you're in it because you enjoy it, but you surely are trying to make some money. [LB796]

JOHNNY BARTA: I enjoy it. Yeah, I make some money. You know, I work full-time. This is something I do on the weekends, usually Friday, Saturday night. More than anything it's probably self-rewarding because when you bring a couple of kids out that don't have a dad really and you're working with some single moms through the church or something, somebody pays your expense or they help you out, I take them out. Or else

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just like I said, last year I had some college kids come out. They didn't have a lot of money. They wanted to turkey hunt. Had no knowledge about it whatsoever. You know, they paid me some. Did I get rich? No. But I enjoy it and it's just something I can make a little bit of cash on the side. [LB796]

SENATOR CARLSON: Okay. Thank you. [LB796]

SENATOR LANGEMEIER: Are there any other questions? Seeing none, thank you. Well done. [LB796]

JOHNNY BARTA: Okay. Thank you. [LB796]

SENATOR LANGEMEIER: (Exhibit 5) Further testimony in opposition? Seeing none, I have a letter from Bud and Sandy Hamaker from Crawford, Nebraska, in opposition to LB796. Now move to neutral testimony. Is there anyone that would care to testify in a neutral capacity? Welcome. [LB796]

SCOTT SMATHERS: Thank you, Chairman Langemeier and members of the Natural Resources Committee. My name is Scott Smathers, S-c-o-t-t S-m-a-t-h-e-r-s. I'm the executive director of the Nebraska Sportsmen's Foundation. We are testifying neutral on this bill today. We appreciate and thank Senator Avery for his diligence and work on trying to put together an avenue that we have long been supportive, the Sportsmen's Foundation is, combining the outdoor sportsmen with tourism in our natural resources of the state. We are in favor of a registration and a guide system for the guides and outfitters in the state. In fact, we work hand-in-hand with the Nebraska Guide and Outfitters Association on a regular basis. We feel that there's a very positive growth pattern here and to try to bring more folks to enjoy our natural resources here. It's like anything in this world, the actions of a few affect the overall attitude of many, and there are going to be folks who do not abide by rules that decide to take shortcuts in whatever the industry is. We feel that a registration and a format of enforcement is what is needed to bring that industry up in our side of the fence for the Sportsmen's Foundation. The reason we are testifying neutral is the simple fact is that as Senator Langemeier pointed out with Senator Avery, and he did admit that unintentionally is drawn into the landowner that does not guide anybody, does not provide any type of guide service, or any type of equipment, but simply leases out a parcel of timber, wetland, or a CRP field to a group of hunters. As a director of the Sportsmen's Foundation we already struggle with public access, lands to hunt on, recruitment and retention of younger folks. I personally lease about 700 acres from a landowner. He is 87 years old, his kids are grown and live on the East Coast, have no desire for the land anymore. It is a source of revenue for he and his wife at their age. He cash crops out the rest of the land. We help him with chores. We also provide food to him. We provide him one of our deer, we provide him two of our turkeys, we provide him a numerous amount of pheasants as a courtesy in addition to our payment. This bill would wipe...would bring him in too as an

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outfitter. And again at 87 years old, he simply wanted to see the resources controlled and managed because he is a conservationist also. He wants people to understand the connection to the land. One of his rules for us renting the land is that there always has to be at least somebody 15 years or younger that is attending with us. And there's four of us that do this. My children have passed that age, unfortunately, so we now have nieces and nephews involved. But this would drag those folks in there. The second issue we have concerns with is it really legitimate within this bill, and I heard Senator Avery say earlier, unfortunately, I was traveling last year when this bill was heard in committee, that we went from too stringent to too relaxed. We need some type of enforcement with this so that if somebody is in violation, we want to police our own industry. We want to make sure that we're presenting the best possible product to bring people to this state. I cannot tell you how many seasons I've watched the cars from out of state travel across our great state to North and South Dakota to pheasant hunt. This is a source of contention with me and Senator Schilz knows that. We spend hours talking about that on several issues. If there's a guide's registration in place in the state, it needs to be a professional, it needs to have some teeth to it, and I agree that, quite frankly, there needs to be a larger insurance injury base on it, and a larger registration fee. I think you could classify two different groups to get over the issue of the young...the smaller business that does this for more of a mentoring atmosphere as opposed to the large operations. I think you could divide the bill in two. With that said, we are in neutral position with favoritism towards changing it or enhancing the bill for approval. I will answer any questions. [LB796]

SENATOR LANGEMEIER: Very good. Are there any questions for Mr. Smathers? Seeing none, thank you very much. Further testimony in a neutral capacity. Welcome. [LB796]

TIM McCOY: Welcome, my name is...or thank you, sorry. My name is Tim McCoy, T-i-m M-c-C-o-y. I'm the wildlife division administrator for the Nebraska Game and Parks Commission. Thank you, Senator Langemeier and members of the Natural Resources Committee. Testifying on this bill in a neutral position. We've really appreciated the willingness of Senator Avery to work with the commission and I know he's really been thinking about trying to address the concerns that were identified. And we can...we testify neutral because we see both the benefits and the concerns with this registration act before us. Many of these have been hit upon so I'm going to try and hit these rather quickly. We do think there is some potential benefit, especially in terms of having, for our own knowledge, a better idea of who is actually doing guiding, actively working in pursuing hunters and fishermen for guiding and outfitting. And so having a list of those entities from our standpoint, especially from a law enforcement standpoint, would be useful. I think there's also some points here of, there are guides and outfitters that desire, you know, sort of a stamp of approval as a way to help legitimize their business, having a stamp of approval for us. However, on the other hand, as you've heard today, there are others that don't think that's necessary. So we are...our concern, we've been

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trying to listen to the various constituencies that would be required to register and we've struggled with that. And it's been difficult to gauge because one of our challenges, and it's been mentioned here, is just trying to figure out what scope of the outdoor recreation services would actually be required to register under this bill. We have some concerns for landowners or maybe some very small level mom and pop outfitters that, you know, maybe they lease a small cabin for some recreational activity, but it's...you know, I do kind of worry about that in terms of somebody who is doing this very occasionally and requiring a fee versus somebody who is really advertising, actively pursuing this as a big part of their business. And I don't know how we address that. Scott Smathers mentioned some ways maybe that can be done. So we are...we do have some concerns with it. We see both the benefits, but we think there's...you know with some improvements, maybe there's...I think there's some things here we can work with. Obviously, as an agency we do have concerns about cost when you do get into licensing and in terms of policing that licensing. In terms of this bill, the other question mark is, how wide the scope really is. Who would be required to register or who wouldn't? And we think that could be a real issue of especially compliance and initially years. And there might be some need to be flexible as you move in to something like this because the way the bill is written right now, if they don't comply the penalty basically involves them not being able to register for another year. And that appears to set up, maybe, a catch-22 for people that weren't sure if they needed to comply initially or not. With that, I'll take any questions. [LB796]

SENATOR LANGEMEIER: Very good. Are there any questions for Mr. McCoy? Senator Dubas. [LB796]

SENATOR DUBAS: Thank you very much. Thank you, Mr. McCoy. It was brought up by I think at least a couple of the testifiers that you, potentially, you're also competition as well as enforcement. Do you see that as a conflict? [LB796]

TIM McCOY: I think the competition you're talking about is in terms of, we have a program or we try and provide additional public lands for public hunting and fishing by working directly with landowners, and those lands don't require additional fees to be paid to us by hunters and fishermen. They're open to all public on a walk-in access basis. So for somebody who is securing lands for guiding and outfitting, you know, that does put us sort of in the edge of that market in terms of access to land. However, we are not providing those additional services. We're not taking hunters out, we're not telling them where to go, we're not trying to provide, you know, calling turkeys or the scouting or those things. [LB796]

SENATOR DUBAS: But as this could potentially evolve and get bigger, there could be that that conflict could become more real. Would you...I think Senator Schilz asked the question, if not you, then who? You know, where would be an appropriate oversight agency? [LB796]



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TIM McCOY: Well, that's a...I mean, that's a question that I'm actually not prepared to answer because the bill before us would actually make us that agency, and I'm don't think I'm probably...it's probably not a good spot for me to recommend somebody else. [LB796]

SENATOR DUBAS: That's fine. Thank you very much. [LB796]

SENATOR LANGEMEIER: Very good. Senator Carlson. [LB796]

SENATOR CARLSON: Thank you, Senator Langemeier. Tim, I think the problem is in listening to Game and Parks through the years, you have a dilemma about enough public access to hunting, and we're seeing permits go down. We're trying to bring those back up. So whatever Game and Parks could do to help that situation makes sense. I understand that. I also understand that there is a competitive situation there. So I don't know what the answer is to that, but it doesn't make sense that anybody private other than just a hobby, all they want to make is enough to cover expenses, would just let anybody come in and hunt on their land or even take them out as a group. But, and you get land and you let it be public access and you don't provide guides or anything, so I guess it's necessary to have both in Nebraska. I think it is necessary to have both, but it creates a tension and I don't know what the answer is to that. [LB796]

TIM McCOY: Yeah, I don't know either, but we do...I mean, that's a concern when we started doing our access on basically just conservation reserve program last. That was actually one of the discussions among our staff was concern if we are basically, you know, setting, as one gentleman said, are we potentially setting the rate for what it is for leasing or setting the bottom rate where folks that are in this for private enterprise are going to come lease those properties out, and we actually have saw that at times in our access programs where either individual landowners or other groups come in and target a landowner after they've enrolled in our program because they know they're interested in that. So we always are losing land in that...in that realm. [LB796]

SENATOR CARLSON: Well, I think it could be argued too if you were going to, Game and Parks, but you're going to sell me a license so that I can hunt, you've got some responsibility to provide me a place. [LB796]

TIM McCOY: That's what we hear. I mean, that's what we hear from the large group of our constituents. [LB796]

SENATOR CARLSON: Okay. Thank you. [LB796]

SENATOR LANGEMEIER: Very good. Seeing no other questions, well done. [LB796]

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TIM McCOY: Thank you. [LB796]

SENATOR LANGEMEIER: Further testimony in a neutral capacity. Seeing none, Senator Avery, you're recognized to close. [LB796]

SENATOR AVERY: I'm going to be quick so we can get out early today. Let me just say, this is a modest bill. It's not overreaching. It's a modest bill that meets a significant need. I think we've heard enough testimony today to establish that need. It is not a regulatory bill, it's registration only. Nothing more than that. I do notice and heard some legitimate concerns about landowners that might lease their land to, say, a group of fraternity guys that want to hunt. There's no outfitter involved. I'd be willing to work with the committee on amendments that might address those issues. The thing I want to leave you with is, this is an overall benefit to the consumers, it's an overall benefit to the industry. And it would be largely cost free. There's no...probably no fiscal note attached. Thank you. [LB796]

SENATOR LANGEMEIER: Very good. Are there any questions for Senator Avery? Seeing none, thank you very much. Well done. That concludes the hearing for LB796. [LB796]