

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 24, 2019

HUGHES: I would like to welcome the participants of the Nebraska Water Leaders Academy who are in attendance today of this Natural Resources Committee. The Academy-- the Academy's supported through the Water Futures Partnership with the University of Nebraska. It is a year-long program to learn the principles of leadership and about the vital role of rivers, streams, and aquifers in Nebraska. Its focus is on cooperative approaches to solving Nebraska's water issues. If you would stand, we would like to welcome you to the Natural Resources Committee. Thank you for being here. With that, welcome to the Natural Resources Committee. I'm Senator Dan Hughes. I am from Venango, Nebraska, and I represent the 44th Legislative District. I serve as chair of the committee. The committee will take up the bill. We only have one bill today. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. The committee members may come and go during the hearing. This is just part of the process as we have bills to introduce in other committees. I ask you to abide by the following procedures to better facilitate today's proceedings. I ask that-- please silence or turn off your cell phones. Please move to the front row of chairs if you are wanting to testify. Be next in the queue so to speak. Introducers will make an initial statement followed by proponents, opponents, and neutral testimony. Closing remarks are reserved for the introducing senator only. If you are planning to testify, please pick up a green sign-in sheet that is on the table by the back of the room. Please fill out the green sign-in sheet before you testify. Please print, and it is important to complete the form in its entirety. When it is your turn to testify, give the sign-in sheet to a page or the committee clerk. If you do not wish to testify today but would like to record your name as being present at the hearing, there is a separate white sheet on the tables that you can sign for that purpose. This will be part of the official record of the hearing. If you have handouts, please make sure you have 12 copies and give them to the page when you come up to testify. They will be distributed to the committee. When you come up to testify, please speak clearly into the microphone. Tell us your name, and please spell your first and last name to ensure an accurate record. We will be using the light system for all testifiers. You will have five minutes to make your initial remarks to the committee. When you see the yellow light come on, that means you have one minute remaining, and the red light indicates you need to wrap up your testimony and finish your thoughts. Questions from the committee may follow. No displays of support or opposition to a bill, vocal or otherwise, is allowed at a public

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hearing. The committee members with us today will introduce themselves starting on my left.

MOSER: Mike Moser, District 22, it's Platte County, a little bit of Colfax County and most of Stanton County.

HALLORAN: Steve Halloran, District 33 which is Adams County and part-- the western and southern part of Hall County.

QUICK: Dan Quick, District 35, Grand Island.

HUGHES: And to my right.

GRAGERT: Tim Gragert, District 40 which is up northeast Nebraska, Cedar, Dixon, Knox, Holt, Boyd, and Rock County.

ALBRECHT: Joni Albrecht. I'm from District 17 which is Dakota, Thurston, and Wayne Counties.

BOSTELMAN: Bruce Bostelman, District 23, Saunders, Butler, and the majority of Colfax Counties.

HUGHES: To my left is committee counsel, Laurie Lage, and to my far right is the committee clerk, Mandy Mizerski. We do have two pages serving us today, Noah Boger who is a freshman at UNL with a double major in political science and French and Tesarek-- Hunter Tesarek-- Tesarek. I'll get it. I'll get it. He is a sophomore at UNL now with a double major in history and political science. So with that, we will open our hearing today on LB287. Senator Quick. Welcome.

QUICK: Thank you. Good afternoon, Chairman Hughes and members of the Natural Resource-- Resources Committee. My name is Dan Quick, D-a-n Q-u-i-c-k, and I represent District 35 in Grand Island. I've introduced LB287 which would provide for several changes in statute that have been requested by the net-- by the Nebraska Game and Parks Commission. The Game and Parks Commission is largely supported by user fees and grants which supply 88 percent of their budget. Because of this, the Game and Parks takes seriously how they can meet the needs of their customers and ensure that they continue to be able to access funds. Many of the changes in the bill are focused on taking a customer-centric approach both in trying to meet the customer's needs and having the flexibility to help recruit new customers and new outdoor recreation activities. LB287 would make the following changes. Number one, LB287 would merge the Aquatic Invasive Species fee on boat registrations, and the registration fee. The net impact on boat owners

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would be neutral with the removal of the separate \$5 AIS fee and a \$5 increase to the boat registration fee. This will allow the Game and Parks to continue to receive Coast Guard grant funds for boating enforcement and boater education. Number two, the bill would increase the fee caps on park permits, increasing the nonresident fee cap for park permits to \$55 for the-- for an-- for the annual permit and the resident fee to cap to \$40. Currently the nonresidential fee for an annual park permit is \$45 and the request is needed so that both resident and nonresident permits-- permit fees could be increased at the same time within the limits provided in 37-327. Without the change, permit fees could be-- could be increased on residents but not on nonresidents. Number three, LB287 would add language in several sections of the statute to allow Game and Parks the flexibility to offer permits or combinations of permits that temporarily reduce rates for specific time frames or events in conjunction with other permit sales. As an agency that relies heavily on user fees, this flexibility for marketing and cross promotion is needed for Game and Parks to be more businesslike and have the flexibility to entice new participants and gain new customers. Number four, this bill would make changes to allow an option for hunters or fishers to set out a draw for a permit but still allow them to purchase a preference-- preference point. This option would be for hunters or fishers who wish to gain a point in the draw but do not want to put in the draw for an actual permit in that year. Number five, the bill would give the Game and Parks Commission the authority to determine by regulation the application of hunter orange requirements for other hunting seasons. Number six, LB287 broadens the Game and Park's options to include promotional materials or items in addition to information to inform the public of the outdoor recreational opportunities in Nebraska. And last, number seven, the bill would allow for the elimination of several fees charged for replacing lost or damaged permits. With the development and implementation of electronic and mobile device delivery systems for permits, the need for replacement paper permits has diminished. I look forward to working with the committee on this bill to make these changes-- these-- these changes and support the commission's work for Nebraska's outdoor resources and recreation opportunities. And I can answer any questions if you like, but there will be others coming behind me that can answer probably the more technical questions.

HUGHES: OK. Thank you, Senator Quick. Are there questions? Seeing none, very good job. OK. So we will begin with proponents to LB287. Director McCoy, good to see you again.

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TIMOTHY McCOY: Good afternoon, Chairman Hughes, members of the committee. My name is Timothy McCoy, T-i-m-o-t-h-y M-c-C-o-y. I'm the deputy director of the Nebraska Game and Parks Commission at our headquarters here in Lincoln, located at 2200 North 33rd Street. I'd like to thank Senator Quick for bringing-- for introducing this bill. This is what we would call typically a cleanup bill. It's got a lot of little sections in it of things that we would like to request, and we obviously support it. I'll try to summarize this by going through the sections but not going through them individually because it is sort of complex. The first four sections of the bill really provide new definitions, and those definitions are for bonus points and preference points. And that will tie to the-- the-- the later section that talks about allowing someone to purchase those. One of the things that that does, though is identify the difference because that-- that gets confusing sometimes for me. So I'll try to explain it as simply as I can. With bonus points, the-- the number of points somebody has, which is based on the number of times they applied for that permit, that determines the number of entries they get in the permit. So if you think of it like a random drawing, they get their name in the-- in the random drawing more times based on the number of points. The primary place we use that is within our-- our elk permits. And part of the reason we've done it that way is those-- those permits are-- we have low numbers. They're a once-in-a-lifetime permit. And-- and-- and compared to a preference point system I'll talk about, this provides everybody a chance at that permit. They just-- if you've applied five times, you get five-- you have a little higher rate than somebody that just, you know, applied once has a chance to get at that first year. With preference points, the number of points determine the priority in the draw. So if an applicant has five points-- in pretty much-- in most of our drawings, they-- they will-- through the years, they will-- they will get to that point that they're almost guaranteed that permit. We do that typically with the antelope, with landowner elk, and in our-- in our deer draw units. And in-- and in-- and in that case, it's a structured draw. So if they have five-- the people that have five points are drawing first, and it works its way down for the available permits. We've sort of-- we've done those differently because there's a lot-- there's a higher number of permits. And we don't see that there's a long timeline when somebody could get it. With our elk permits, one of the concerns was when we started doing this if-- if we had a bunch of people that applied the first year, they all get to the top end of that. And you know, it could be 30 years for anybody who came in the next year before they're able to draw a permit. So that's the reason we've structured it that way.

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Section five expands our options to inform and market to the public about the outdoor recreation resources we have in the state. Right now, the authority we have is only to provide information. We would like to be able to provide small promotional items. You know, maybe it's especially relative to our volunteers, you know, some recognitions of their efforts. Maybe it's a T-shirt or a hat or in some cases, where we have special events where we-- we ask-- people come out for educational activities, to be able to provide refreshments. Right now, we do some of those things, but we always are working with donors to provide those-- that support. And we just would like to-- we'll continue to do that, but we'd like to have the ability to-- to utilize this and not always have to rely on somebody else for that. Sections 6, 9, 10, 11, 12, and 13 allow us to offer some permits and stamps and combinations at temporarily reduced rates for events or time frames. That includes removing minimum fees in many of those cases and provides us the flexibility as an agency to establish new permit combinations with reduced pricing. And that is really to be more customer-centric and also to look at opportunities to engage more customers in our activities. Sections seven, eight, and nine include language that allows us to simply reduce or eliminate fees charged for replacing lost or damaged permits. Now that we have electronic permitting, that's pretty minimal. Section nine includes some simplification of our regulations to consolidate language regarding our lifetime stamps and multiple year stamps, consolidates that into a couple of paragraphs. Section ten would raise the maximum fee or fee cap for nonresident annual park permits because we are at that cap. And the next time we make an increase, we would like to not be in a position where we only increase resident park fees. That's-- I don't think that's very fair to our public. And then the section on the preference points, I explained some of that. This would be to allow somebody who wants to gain their preference point, but they don't want to enter in the draw. And the reason they don't want to enter into the draw in that year is if they're drawn for a permit, they lose all of those preference points. And so rather than sit out a year, we've had-- we've had sportsmen that have requested we put this in place. Other states have it. We would set a fee for that. Right now, we've just identified caps in the statute of a \$24-- up to \$24 per residents and up to \$72 for nonresidents to purchase that point. However, we-- we expect when we would set that initial fee with our commission, it would be much lower than that. But we did not put a minimum in there. Section 15 allows us by regulation to require hunter orange under authorized-- other authorized hunting seasons. And section 16 and 17 would merge the AIS fee into boat registrations. That would have a

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neutral effect on boat owners, but it would allow us to continue to receive some Coast Guard funds. And our law enforcement chief will be testifying with more specifics on that. We'd ask for your support. And I appreciate the chance to bring this forward and Senator Quick introducing it.

HUGHES: Thank you, Assistant Director McCoy. Are there questions? Senator Albrecht.

ALBRECHT: I have a few questions, excuse me, on section six. Let's see. No, it was section five. Is that the one where you wanted to get some money to promote the volunteers?

TIMOTHY McCOY: It would-- it would allow--

ALBRECHT: In the fiscal note is what I'm asking. You're not asking it from a donor.

TIMOTHY McCOY: Right.

ALBRECHT: So what kind of money are you talking to?

TIMOTHY McCOY: When-- when we-- when we look at what we've done through special events through our donors right now, that-- it's probably close to \$60,000 a year. This would allow us to spend-- what this would do, it doesn't provide additional authority but it would allow us to spend our existing authority for our information and marketing, to do some of these small things, to help provide some of that recognition.

ALBRECHT: OK. And on section ten, my-- I have a couple of questions. So this is just for out-of-state or nonresidents of Nebraska that you'd be raising the fee \$5?

TIMOTHY McCOY: Well, we're requesting raising the fee cap on the residents also \$5--

ALBRECHT: OK. So both.

TIMOTHY McCOY: --on-- on-- on-- on the cap. Now we have-- there's controlling statute that we have in terms of the percentage increase we can make in any year. It--

ALBRECHT: You make it every year?

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TIMOTHY McCOY: What's that?

ALBRECHT: How often do you raise the fee?

TIMOTHY McCOY: Sometimes every two years. Sometimes we've waited longer than that. It's-- part of it depends on what's going on with the climate, part-- you know, just the fiscal climate. Sometimes we're looking at our cash balances relative to if we need to make an increase or not.

ALBRECHT: Um-hum. And what if you have an extra vehicle? I buy these park passes for six families, so I'm trying to do the math here. But what about if I have an extra vehicle like that's coming in? Are you talking about the yearly fee for the whole--

TIMOTHY McCOY: I'm talking about the yearly fee and the annual-- the annual-- the-- the duplicate vehicle fee is always half of what the annual fee is.

ALBRECHT: Only half.

TIMOTHY McCOY: And-- and-- so yeah. We've-- part-- part of the raising of the cap on residents is one of convenience because we have this section open. You know, right now we have a-- we have-- you know, we-- we-- we've looked out at how we might increase park permit fees through time.

ALBRECHT: Um-hum.

TIMOTHY McCOY: You know, we might get an 8 percent increase on residents in the next year and a larger increase on nonresidents. But that's a-- we can-- the maximum we can raise it is 6 percent a year or we can-- we can add any percentage increase that hasn't happened the previous two years. Obviously an 18 percent increase would be pretty high.

ALBRECHT: Um-hum.

TIMOTHY McCOY: That's not something we envision doing. But it-- it allows us to project out with this increase in the nonresident and the resident fee, to be able to-- to continue to do some periodic increases and not-- not hopefully be back in four or five years, to be out a few bienniums before we come back to increase that. And-- and

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we're willing to discuss that more if that is an issue for the committee.

ALBRECHT: Thank you.

HUGHES: Senator Gragert.

GRAGERT: I just have one question in clarification on the Section 11 it'll be in-- with this preference point. So if I understand this right, you can pay not more than \$24 for one point?

TIMOTHY McCOY: Um-hum.

GRAGERT: And you maintain that point if you stay out of hunting-- if you don't hunt them that year?

TIMOTHY McCOY: Correct. Correct.

GRAGERT: So you-- how many times can you do this and then you're guaranteed a permit?

TIMOTHY McCOY: Well, you're not ever guaranteed a permit. But-- but it's-- primarily what it's brought to us from sportsmen about is there are sportsmen that know they're not going to be able to hunt that following year. It's been everything from I'm having shoulder surgery to I know I'm going to be in another state or I just may not have time. And so this is an option for those folks that don't want to risk getting drawn for their permit, losing all their preference points, knowing they won't be able to use it. For-- for those who apply in the regular draw for a permit, they will continue-- if they're unsuccessful, they will always get their preference point. We're not-- we're-- I know I had a couple of people ask, are we going to make people pay for it if they don't draw a permit. And we will not. That's not what we want to do.

GRAGERT: So if I have eight points and I don't do anything the ninth year, I don't buy a point or I don't go hunting, I still maintain my points?

TIMOTHY McCOY: Yeah. You still maintain your points if you set out a year in the draw or-- or-- or-- or-- so it's not something you have to do. It's something that they can do. It's an option.

GRAGERT: OK. OK. Thank you.

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HUGHES: OK. Other questions? Senator Bostelman.

BOSTELMAN: Thank you, Mr. Chairman. And thank you, Deputy Director McCoy, for being here. A couple of questions I want to say stay in the similar area that Senator Gragert was just in, and also in section 13. My question is can you only buy one preference point per year or is it multiple preference points? And then I think I heard you right, and maybe you said it and I just missed it, is that you can only buy-- if you skip a year, can you get two years, three years?

TIMOTHY McCOY: You can--

BOSTELMAN: Because some places, you either have to apply or buy a preference point every year. You can have one-year lag, but then you have to apply, or otherwise you'll lose all your preference points.

TIMOTHY McCOY: The way our preference points and bonus points have always worked is if you-- if you set out a year, you still maintain your points. And we've never-- we have no-- we have nothing that would-- that would take those points away other than drawing that permit.

BOSTELMAN: OK. My other question is, I guess I just didn't realize, are nonresidents able to draw an elk tag in Nebraska?

TIMOTHY McCOY: Nonresident landowners are-- are able to draw through the preference point system and they--

BOSTELMAN: It's all preference point.

TIMOTHY McCOY: They also-- they also get fewer preference-- they actually get point nine of a preference point when they apply compared to a resident that gets one full point.

BOSTELMAN: And I wrote a note. It was this only applies to landowners, not to the general public.

TIMOTHY McCOY: It does apply to the-- to folks that are applying for-- to residents-- to folks that are applying for a-- for a permit tag.

BOSTELMAN: So how does that work? Because I know people who've applied once--

TIMOTHY McCOY: Um-hum.

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BOSTELMAN: --and got a tag. And then I know people who's applied a number of years and not got a tag. So how does that drawing work? Could you explain that?

TIMOTHY McCOY: Well, if it's-- if it's elk, it's a-- it's a completely random drawing with more chances depending on the number of times that you gain points for. So that's the area where you typically can end up with that. We also get this in some of our deer and antelope draw units, where-- where there's not a huge amount of demand. So somebody gets-- you know, there's a bunch of people with two preference points out there. They all get permits, and there's still permits left over. Then there's a random draw from the people that have one point.

BOSTELMAN: OK. I guess the last question I have right now on follow-up of what Senator Albrecht was talking about on the annual park permits. Are we-- are you asking-- is the increase, the lid, or the top from that \$35 to \$40 dollars-- are you at that \$35 item? [INAUDIBLE]

TIMOTHY McCOY: No, we're at \$30 right now.

BOSTELMAN: So are you expecting then to jump above that \$35?

TIMOTHY McCOY: I don't think we would get close. We would-- we may hit that \$35 in about four years if we-- if we were doing a permit increase every other year of a smaller amount. And so that's why we're requesting that increase because with the increase in both of these, we think that would get us out probably six-- four to six years at least before we run into that cap.

BOSTELMAN: OK. Thank you.

TIMOTHY McCOY: And I want to clarify because you did ask-- you asked a question on the-- on the draw permits that I just want to make sure I answer, and that is they can only get one preference point in a year. And we would run that by doing-- the only time somebody can buy a preference point would be during the dry application period. They'd have to go through the application period and instead of selecting what unit they want to hunt, they would select that they just-- they want to purchase the preference point. And-- and so we are not envisioning-- envisioning this nor do we want it to be a way that somebody can just keep buying up points to get to the front of the line.

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BOSTELMAN: Sure. I just-- I guess my-- I guess I didn't realize there was preference points on the elk permits.

TIMOTHY McCOY: Yeah. There's bonus-- there's-- there's bonus points on the general draw. There's preference points on the landowner portion of the elk permits, and they have to qualify in terms of being within the area where we have elk. And so it's-- it sort of create-- it's a very different pool than our general elk permit.

BOSTELMAN: OK. Thank you.

HUGHES: Any other questions? Senator Moser.

MOSER: Wow. I was trying to follow the discussion there. But if you have preference points, you get your name put into the hat more times?

TIMOTHY McCOY: If you have bonus points, you get your name-- this is the challenge. We have bonus points that are-- primarily the place we use them is for our resident elk permits which are a once-in-a-lifetime draw. It's a-- it's-- you know, it takes a while to do that.

MOSER: How many elk permits to offer in a year?

TIMOTHY McCOY: I think we're around 150 bull tags, so it's-- it's a-- it's a small pool. It's a once-in-a-lifetime permit [INAUDIBLE].

MOSER: How many names in the hat? Like 1,000?

TIMOTHY McCOY: I don't have that with me right now.

MOSER: Oh, it doesn't matter.

TIMOTHY McCOY: But yeah, it is-- it is substantial in terms of the applications we get. It's-- I think it's probably close to 800 off the top of my head.

MOSER: And then once you draw the number of permits that you're going to give, then-- then you move on and they have to apply another year and--

TIMOTHY McCOY: We move on. They get their-- they get their bonus point so that they're getting-- you know, if it's their first year, their-- their name's in once. The next year, they'll be twice.

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MOSER: They pay their fee whether they get one or not?

TIMOTHY McCOY: They pay an application fee. They do not pay-- we do not charge for the actual permit fee prior to a drawing.

MOSER: OK. Thank you.

HUGHES: Any additional-- Sorry, are you finished?

MOSER: Yep. Thanks.

HUGHES: OK. Sorry. Any additional questions? I guess I have a couple. What-- I did a quick scan. When is the-- when do you want to start increasing these fees? When do you want them to kick in? What's the target date?

TIMOTHY McCOY: Well, in terms of-- in terms of the preference points, the earliest we would be able to do anything would be next year in the preference points. In terms of the park permit, we have been looking at a potential park permit fee increase for 2020. So we're not comfortable moving forward on that until we can increase it on residents if we're going to make an increase on-- or increase it on nonresidents if we're going to increase it for residents.

HUGHES: OK. So looking at the fiscal note that we got, it looks like it's about \$2.1 million that you're looking at increasing. Does that kind of coincide with your estimates?

TIMOTHY McCOY: The \$2.1 million would-- is-- is essentially, at the point you got to the cap, what the value of that increase would be. It would-- you know, because of the new fee cap. In terms of how we would do it with a percentage increase, let me see if I have-- I may have those numbers with me. I don't. The fee increase, if we did it initially, would be what we are looking at. So I'll guess-- just let you know what-- what we're looking at if we got this change, we would try to probably do a \$5 increase on nonresident permits for 2020 and about a \$2-- or \$2.50 on the resident permit. And we don't use those exact percentages that are out there, the 6 percent, because we like to land on round numbers, whole dollars or half dollars if possible. Whole dollars are a lot simpler.

HUGHES: OK. So what-- what is the total budget for Game and Parks, just a ballpark figure?

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TIMOTHY McCOY: Our-- our-- our total operating budget is I believe about \$90 million.

HUGHES: OK. Would it be possible to share that with the committee?

TIMOTHY McCOY: Oh, absolutely.

HUGHES: OK. That would be great.

TIMOTHY McCOY: And I-- and I--

HUGHES: Give us a better idea of, you know, where the-- where the revenue's coming and where you're allocating, you know, if we have to go to the floor to argue for this additional \$2 million.

TIMOTHY McCOY: Yeah, absolutely.

HUGHES: OK. Any additional questions? Senator Bostelman.

BOSTELMAN: Thank you, Mr. Chairman. I'm going to stick on the park permits. How do we compare to our surrounding states as far as annual fees, do you know?

TIMOTHY McCOY: The last time that we looked at our fee structure, we were in the-- we were in the middle of the pack in terms of our resident annual park permit fee. We are a fair amount lower than our surrounding states, and especially Colorado, when we look at the nonresident fees. And we get a lot of Colorado folks that come to Nebraska, especially at Lake McConaughy. And I will tell you that previous-- previous to about two years ago, we had never separated out nonresidents. And we did that following when we did the fee increases. We heard that very clearly on the floor, and we agree with that. And we-- we've done it, and our commissioners actually initiated that nonresident fee permit at the cap. We expected we would hear a lot of blowback. We heard some, but-- but especially the bigger crowds we get from Colorado indicate it's cheaper for them. It's still cheaper for them to buy a nonresident permit in Nebraska than it is for their-- for their resident permit in their state.

BOSTELMAN: I guess I was-- that's one thing that I guess we've heard-- I've heard before is just the costs for a resident continue to increase. And especially, I don't remember what it is now, you know, but if you go to Lovewell Lake in Kansas, that facility, a lot of people from Lincoln and this area and Grand Island, Hastings that go

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to-- to Lovewell Lake, or there's other lakes, and I just don't know where that cost difference is between what we have and what they have.

TIMOTHY McCOY: I know what Kansas resident permit fees, and I don't know if they have a different nonresident, I know they just raised theirs to \$30 I think last year.

BOSTELMAN: OK. Thank you.

HUGHES: Senator Moser.

MOSER: Just a quick question on the fiscal note. That-- that's the financial significance of this bill that it's not necessarily a cost to the state. It's a cost to the citizens who use the parks.

TIMOTHY McCOY: Yes. Yes, it's a user--

MOSER: So your budget would go up in the state budget, but then you'd have an income line for sale of permits to offset that.

TIMOTHY McCOY: Well, it doesn't change our-- our spending authority is still controlled in the budget. What it does is it's the revenue side that comes into our cash funds based on the user fees, but we still have to come to this body for-- for any authorization to spend those cash dollars. It's part of our budget.

MOSER: OK. Thank you.

HUGHES: Seeing no more questions, thank you for your testimony.

TIMOTHY McCOY: Thank you.

HUGHES: Next proponent? Welcome.

CRAIG STOVER: Thank you, Mr. Chairman, Senators. Thank you for your time today. Senator Quick did a nice job of explaining the portion of the bill that I'm going to cover. My name is Craig Stover, C-r-a-i-g S-t-o-v-e-r, and I'm the administrator of law enforcement for the Nebraska Game and Parks Commission located at 2200 North 33rd here in Lincoln. I'm here today on behalf of the commission to testify in support of LB287. Specifically I'd like to focus my testimony to one portion of the bill located on pages 16 and 17 involving the registration of vessels as described in 37-1214. The primary purpose of the requested changes in 37-1214 were spawned following an audit conducted by the Coast Guard. The Coast Guard grant, which the agency

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participates in, allows for a 50 percent reimbursement to states for eligible boating-related activities. Some of those active-- activities are in the boating safety arena which involve boat accident investigation and all of our related law enforcement activities in that area. The Coast Guard audit took great exception to our current statutory language that established a specific and separate fee of \$5 that would be earmarked for the Aquatic Invasive Species program. In consultation with the Coast Guard, it was determined that we could comply with the provisions of the grant simply by eliminating the reference to a separate fee and including it in the total for a registered vessel. If we fail to make this simple change, it will threaten our abilities to participate in this grant. Also it's important to note, as has already been mentioned by the senator, that this will not increase any fees currently being paid by boat operators out there. To give you an idea of the potential impact for the fiscal year 2017-18, the commission spent over \$2 million on eligible Coast Guard grant activities, and as a result, we were able to recoup half of those monies back to the commission. I'd be glad to answer any questions that you might possibly have.

HUGHES: Thank you, Mr. Stover. Are there questions? Seeing none, very good.

CRAIG STOVER: Thank you.

HUGHES: Next proponent? Welcome.

SCOTT SMATHERS: Afternoon, Chairman Hughes, members of the 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 sit before you today to lend our support to LB287 and the Game and Parks' wishes for a basically clean-up on a lot of issues. I'm here so to speak specifically in regards to sportsmen's support of the preference and draw units, and the bonus tag for the elk. I think it's important for you to understand is when we talk about sportsmen and who we represent as a group, we are a member-driven organization and we run with an 11-person executive board. And then we have our partnerships, and you met some of those folks during yesterday's testimonies with Pheasants Forever, DU, NWTf, BGCA and several other groups in the states that are smaller, they're not nationally organized, so sportsmen's clubs. And what we do with any legislative issue when the bills are introduced, first, myself and my executive board sit down and discuss the bills and the parameters and the pros and cons and or/ifs. Then we take it out of our database which is above 10,000

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members across all-- all aspects of our membership base in the state, and we randomly-- computer-randomly select a third of those for each individual bill. And we send them information on the bill and ask for their opinions. We receive that information back, and we quote-- we tabulate those-- those responses. And if it is in accordance with our board, then we move forward with either support or opposition or a neutral position. There have been a few occasions within our tenure that our membership base and our executive board have disagreed. That's where my job as the executive director becomes the fun part. I get to make that decision, and that's further the conversations. We don't only visit electronically. During the summer months and the fall months, I spend a tremendous amount of time traveling the entire state meeting with all these various groups and clubs at their monthly meetings, their association meetings and having these conversations. And this is one of those conversations that dominates the conversations is a lot of us that are avid outdoorsman spend time in other states chasing elk or large mulies or other species where we have to apply through a draw unit system and build preference points. And I know what Senator Bostelman is referring to is that if you do not apply for a period of time, you lose all preference points. This conversation has been ongoing for quite a while with some of our members in regards to deer. As we heard yesterday, our deer population is growing, becoming more popular, the deer hunt in a variety of formats. And the key units at our random draws are becoming quite difficult to get that random draw unless you have preference points. For some of us, like myself, I have an opportunity to hunt all over the state, so I have a statewide buck permit. And then I take my doe meat, harvest it with my bow tag and/or the late antlerless tags. So I saw that issue. I don't have to worry about the deer permits and their heavy random section. But for those who do, as Senator-- or Director McCoy said, there are years that we know in advance that there's family events, career events, medical events that we know are going to take place. And we're not going to be able to hunt during that period. It would be nice, in those heavily random draw areas, to be able to get an opportunity to purchase a bonus or a random preference point without having to put in for a tag because if you do put in for a tag and you're lucky and they draw you and yet you can't participate, only-- not only is your cost doubled, but you've also now wasted a tag that could've gone to somebody else. Because quite frankly, you're not going to hunt. In regards to elk, elk is an issue that's becoming a bigger conversation within our groups, especially-- and I'm also, as I said yesterday, one of the founding members of the Big Game Conservation Association. And elk is becoming a bigger and bigger

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conversation because of our quality of elk in the state and the growing number of elk. I think I have three preference points for my bull tag. It'll be awhile before I draw my one-in-a-lifetime bull tag. Do I want a cow tag? I do not. I would never consume that amount of meat, and as a hunt-- as-- my version of hunting is we eat whatever we harvest. It would be too much meat, and I don't want to give it away. So I'm only looking for a bull, and then I would utilize the meat in different capacities. But it would be nice to be able to have that so that I can plan ahead that if I want to buy preference points for a period of years and know and plan my hunt, I can work with a local landowner and other hunters within that area that have-- that have tracked an elk and know it better than I do because I don't reside. Fortunately you're not going to hunt elk around Branched Oak Lake where I live at least not yet. So sportsmen resoundingly have come back and said they'd love the opportunity to not spend money for a tag that they're-- aren't-- they really don't want to draw that year but put it in and earn a bonus point for elk or a preference point for deer, antelope, during-- and-- and to hunt on the reserve grounds. So sportsmen are-- and hunters are behind it. We are also in support of the aquatic fee to make it cleaner for the angler side of our-- our organization, a cleaner system for the Game and Parks and for the angler. So with that, I'll close, and then I'll answer any questions we can.

HUGHES: Thank you, Mr. Smathers. Are there questions? Seeing none--

SCOTT SMATHERS: Thank you.

HUGHES: Additional proponents to LB287? Welcome.

JOHN CARIOTTO: Thank you, Mr. Chairman, committee members. My name is John Cariotto, J-o-h-n C-a-r-i-o-t-t-o. I live here in Lincoln, Nebraska. I was first certified as a hunter education instructor and have served as a volunteer instructor for the last 30 years. When I started doing that, most of the kids who we had in class were kids that had parents or grandparents or aunts and uncles who were hunters and who were out on the land. And now we don't have that many. We have a lot of kids who are city kids and who don't know very much about the outdoors. So I support the changes that are proposed here in LB287 to entice people to become interested in the outdoors and use the parks and use the hunting permits and harvest the game that's available here in Nebraska. I also wanted to say that I am especially interested in the ability that Game and Parks would have under this bill to require hunter orange to be used for other seasons. We have been teaching that

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in the 30 years that I have been a hunter education instructor, and I think it's very important. My own experience as a small-game hunter, mostly rabbits and squirrels and stuff like that, is that it isn't just the-- the rifle seasons when the hunter orange is important. The-- probably the event that calls that most-- calls that to mind is when a vice president of the United States shot his friend while they were hunting, and even an experienced hunter is going to be concentrating on the game. And if you have-- if you're hunting for pheasants or rabbits or quail and you have a person who is wearing a camouflage hat, camouflage coat and a bird busts up into the air, you're going to be concentrating on the bird. And unless you have something to cause your attention to be drawn to your hunting companions, the chances of having an accident are much greater. And when you're hunting a field, there are hills, and you're hunting companions may be lower than you are. You may not see them as well. And so that hunter orange hat is especially important. So I support this bill. I think the changes are good. And I think that it would be a very good thing for the state of Nebraska. That's all I have to say.

HUGHES: Thank you, Mr. Cariotto. Are there questions? Seeing none, thank you for your testimony.

JOHN CARIOTTO: You bet.

HUGHES: Are there any others wishing to testify in-- as a proponent of LB287? Seeing none, anyone wishing to testify in opposition to LB287? Anyone wishing to testify in the neutral position on LB287? Seeing none, Senator Quick, would you like to close? Senator Quick waives closing. That will conclude our hearing today. Thank you, everybody, for coming.