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Transcriber's Office

Natural Resources Committee
March 04, 2011

[LR40CA]

The Committee on Natural Resources met at 1:30 p.m. on Friday, March 4, 2011, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR40CA. Senators present: Chris Langemeier, Chairperson; Ken Schilz, Vice Chairperson; Tom Carlson; Mark Christensen; Annette Dubas; Ken Haar; Beau McCoy. Senators absent: Jim Smith.

SENATOR LANGEMEIER: Good afternoon and welcome to the Natural Resources Committee. My name is Chris Langemeier, I'm the Chairman of the committee. I'd like to introduce our committee members that are going to be with us today. Starting to my far left is Senator Ken Haar from Malcolm, or your right. And then we will have Senator Mark Christensen will be joining us from Imperial, momentarily. We have the Vice Chair of the Committee, Senator Ken Schilz from Ogallala. We have Laurie Lage who is the legal counsel. To my immediate right, or to your left, we'll have Senator Annette Dubas who they're a little behind in the recording, so she is recording her radio program, be here shortly. Senator Tom Carlson has a bill in another committee. I don't think he'll be with us before we're done. And then we have Senator Beau McCoy from Elkhorn or west Omaha. At the end of the table we have Barb Koehlmoos who is the committee clerk. As you come up to testify, you'll hand anything you have to hand out you'll give to Barb, as well as your testifying sheet. We have a page that is going to be helping us today and she has been here all year, is Kate DeLashmutt from Burwell and she is a senior at UNL. If you're coming up to testify today, we ask that in the corner of the room you'll find this green sheet. We ask that you get one and fill it out in its entirety and give that to Barb when you come up to testify. If you want to be on the record as being a testify...being here and having an opinion on a bill, you'll see there's a spreadsheet looking form in the corner too. We ask that you fill out your name and information on there if you want to be part of the record but don't choose to testify. You don't have to do both. At this time, if you have anything you would like to hand out, we ask that you give us 12 copies. If you know right now you're short a few copies, raise your hand and Katie will be over to help you get those copies made. If it's something you give to the committee to look at, we are going to keep it for the record. So we ask that if you have a family photo of something that you want to keep, we ask that you don't give it to us; just show it to us from the table and then we will look at it after the hearing. As you come up to testify, we ask that you state and spell your name right from the start. It helps us keep a more accurate record of today's events. We also ask that at this time you all turn your cell phones off so we don't disrupt those that are here to testify. And we also use the light system in the Natural Resources Committee, although everybody here looks really familiar. We will use the lights so you get five minutes. You get the green light will come on when you start. When the yellow light comes on, you have one minute left. And then when the red light comes on, please discontinue your testimony and allow us to ask you questions. With that, Senator Pirsch is here and ready to introduce and we'll open the hearing on LR40CA. Welcome.

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SENATOR PIRSCH: Members of the Natural Resources Committee, I am State Senator Pete Pirsch, for the record that's spelled P-e-t-e P-i-r-s-c-h. I represent Legislative District 4, that is parts of Omaha and Douglas County. I'm here today as the sponsoring senator of LR40CA, a constitutional amendment that seeks to constitutionally protect the right of Nebraskans to hunt, fish, and trap. The freedom to engage in hunting, fishing, and trapping is so fundamental that we must ensure it is not weakened, either now or for future generations. The success of Nebraska's rural economy, including tourism, depends greatly on hunting, fishing, and trapping. Nebraska's high quality of life also is benefitted greatly by the recreational opportunities such activities provide. Putting it in the constitution does not eliminate the possibility these activities will be attacked or diminished in the future, but it does make it harder to do so. I expect proponent testimony to follow, so with that I would be open to questions. [LR40CA]

SENATOR LANGEMEIER: Very good. Are there any questions for Senator Pirsch? Senator Haar. [LR40CA]

SENATOR HAAR: Senator Pirsch, obviously hunting, fishing, and trapping are an important part of Nebraska, but the constitution...putting it in the constitution just makes me question whether it's good legislation or not. Do you see instances in the past where hunting and fishing were threatened by something going on in the state or by some of the laws of the state of Nebraska that needs to be remedied? [LR40CA]

SENATOR PIRSCH: Well, and let me be clear, I'm not...this isn't in response to any particular incident that I've seen occurring within this particular issue, but again, if something is fundamentally important, I think, to a people, then they generally...and I think the constitution is a good mechanism then to protect it. I know there are groups out there, perhaps not in Nebraska at this point in time, but that do have all of these activities in their scope, in their sight, so to speak. And so, again, I think that just because the groups are not native or indigenous to Nebraska, it hasn't kept them in other issues...or other issues from getting involved in states where the, by far, the vast majority do not feel as they feel. And unfortunately they don't necessarily play fair in the way they present the issue. And so on that basis I think that's why it is necessary to make sure that it has at least that modicum of protection in the constitution. [LR40CA]

SENATOR HAAR: And I hate to put you on the spot. [LR40CA]

SENATOR PIRSCH: Sure. [LR40CA]

SENATOR HAAR: But we're here to pass...I mean, this obviously is...it feels good and so on, but could you give me some of those groups that you think might threaten, or I can wait for the later testifiers if you like, that might threaten what we're talking about here. [LR40CA]

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SENATOR PIRSCH: Well I think the testimony you might hear today will fill that, but if on closing I haven't heard that,... [LR40CA]

SENATOR HAAR: Okay. [LR40CA]

SENATOR PIRSCH: ...maybe I'll...and the reason I'm deferential to the testifiers, they have a...probably a greater depth of knowledge with respect to that. But if it's not addressed fully to your liking by the time the testifiers are done today, I can certainly address that. [LR40CA]

SENATOR HAAR: Okay, I appreciate that. Thank you very much [LR40CA]

SENATOR PIRSCH: Yeah, you bet. [LR40CA]

SENATOR LANGEMEIER: Are there any other questions? Senator McCoy. [LR40CA]

SENATOR McCOY: Thank you, Chairman Langemeier. And thank you, Senator Pirsch, for bringing this proposed constitutional amendment to us. In light of Senator Haar's question, prompts me, I guess, to ask you a question and I was very happy to add my name as a cosponsor to this constitutional amendment shortly after your introduction of it. [LR40CA]

SENATOR PIRSCH: Yes, yeah. [LR40CA]

SENATOR McCOY: And, one, because I believe it is an appropriate measure; 13 states have done so. But two, and again in light of Senator Haar's question, Humane Society of United States recently hired a staff person, is that right? Is that your understanding as well too, here in the state of Nebraska? [LR40CA]

SENATOR PIRSCH: I understand that is correct. [LR40CA]

SENATOR McCOY: And it's also my understanding that nationally they have...they, obviously, are opposed to trapping and sport hunting among other outdoor activities like that and that's why I put my name down as a cosponsor, so I thank you for bringing it. [LR40CA]

SENATOR PIRSCH: Well, and I appreciate...and they're...though again, and speaking about a group that doesn't necessarily have widespread Nebraska support in terms of...but...if the financial resources with the groups outside of Nebraska are strong enough to unfairly present an issue via an ability to finance the mass media, television, and to have people's understanding of the issues...the issue wrongly presented and not fairly reflect what does actually go on in the state then there is that capacity for, I think,

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undue influence and so that's...again, hopefully there will be some additional testimony, but that is, again, a very relevant statement that Senator McCoy made. [LR40CA]

SENATOR LANGEMEIER: Very good. Are there any other questions? Seeing none, thank you very much. You have heard the opening on LR40CA. We will now go to those who want to testify as proponents. Welcome. [LR40CA]

WES SHEETS: (Exhibit 1) Thank you, Senator Langemeier. Members of Natural Resources Committee, my name is Wes Sheets, spelled W-e-s S-h-e-e-t-s. I live here in Lincoln, Nebraska. And I'm appearing in behalf of the Nebraska Division of the Izaak Walton League today. As you may remember, the Izaak Walton League is the largest conservation organization in Nebraska. It has 18 chapters scattered between Imperial and Wayne. Lincoln has a very large chapter, of course, here in our capital city. The league is a national organization. It was formed, actually, in 1922 and 87 years ago a chapter was formed here in Lincoln, Nebraska. So we've been around the area for quite some time. Our main goal, of course, and our main constituency is made up of hunters and fishermen, people of like nature, campers, that sort. But our mission and goal in the organization is to be cognizant of what goes on with our fish and wildlife populations and all those other things associated with it and try to be a solution to maintaining and protecting those renewable natural resources for a long period of time. We certainly want to thank Senator Pirsch for bringing this amendment. We think it's very important to our future and certainly thank Senator McCoy for being a cosigner. That's great. In supporting LR40CA, it is our conclusion that the harvest of our renewable natural resources, primarily our fish and game, is most appropriately carried out by the citizens of Nebraska that wish to hunt and fish and make beneficial use of those resources. Hunting and fishing, furthermore, is a heritage, of course, that has existed since before Nebraska even became a state. I think one needs also to remember that early in the formation of our country, in the early days of the United States, there were several Supreme Court decisions that held that the renewable natural resources of fish and wildlife would be held in the public trust for the citizens...for all citizens and managed, accordingly, by the individual states. And that's the way the system continues to work today. Our fish and wildlife resources are husbanded by appropriate fish and wildlife agencies in every state in the union. This doctrine that was established many years ago, created a process in our country...in our continent that is referred to around the world as the North American Wildlife Management Conservation Model, or some similar moniker, and because of the resulting good husbandry of those fish and wildlife resources, most people subscribe to that. If you go to many of the countries in Africa, they are right now attempting to model what we do with our fish and wildlife populations in their continent. Of course, they're looking at economic benefits which is certainly a part of it. So that North American model of fish and wildlife conservation is extremely important; has been for many, many years. And I'm proud that the Izaak Walton League were a member almost a hundred years ago in the creation and formation as an advocate for those with fish and wildlife resources. Now we also believe that this process continues to be

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increasingly threatened by those persons that would serve to eliminate all harvest of all the wildlife renewable resources. And I point out that it was just yesterday or the day before that one of these organizations made the considerable to do over the way we treat our confinement, swine economy here in the state of Nebraska. That same organization is very...has been very adamant for a number of years, has a very extensive budget and they're in almost every state working to eliminate the hunting and fishing, as well as other activities going on with wildlife and fish. I also point out that our hunting and fishing in our state is no small part of our economy. It's not the largest part obviously, but it is a very significant part of a good life in Nebraska and the way we live. Lastly, I won't dwell on this, but hunting and fishing can play a significant role in treating nature deficit disorder. Now that's a healthy word created by a very important child psychologist, actually, a few years ago, where he described the impacts of lack of contact with our natural world with our young people. He's changing the way they learn how to make decisions. And I subscribe, at least in my case, I grew up a number of years ago on a farm and I had plenty of opportunity to interact with the natural world. So I see the light is on and with that I will just close and request on behalf of the Nebraska IKEs that LR40CA is a very important thing and we would recommend that you advance that to General File and supplement its advancement. So thank you very much and I appreciate the opportunity to be here. [LR40CA]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Carlson. [LR40CA]

SENATOR CARLSON: Thank you, Senator Langemeier. Wes, currently you aren't a farmer or a livestock producer, are you? [LR40CA]

WES SHEETS: That's currently right. I did grow up on a farm, though, and had a great hand in 75 black and white dairy cows for a number of years as an youngster, so I understand what agriculture is all about. [LR40CA]

SENATOR CARLSON: Okay. But as a member, active member of the Izaak Walton League, your group harvest some of the natural resources that we have in the way of hunting and fishing and yet you have a respect for that phase of our natural resources and I think you're very interested in preserving them. Would that be true? [LR40CA]

WES SHEETS: That's exactly true. [LR40CA]

SENATOR CARLSON: And yet the way that you harvest them, you would say that you do it in a...we might say you do it in a humane way. [LR40CA]

WES SHEETS: We do believe that we do, and we take great effort to educate our young hunters in that respect that at least the techniques, we believe, that we are using today are humane. [LR40CA]

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SENATOR CARLSON: And do you feel that as future years come about that if there were any changes necessary in the way that Izaak Walton League goes about their business that if changes were to be made you would recognize those changes and you would be able to handle those yourself? [LR40CA]

WES SHEETS: Now that's a big order, Senator. I wouldn't swear to that. But I would tell you that I think the very fact that we've been around for 87 years plus, would indicate that we have been able to adapt to change. There have been a lot of changes in the last hundred years. And I expect the same would go on in the next hundred; so I hope that would be true. [LR40CA]

SENATOR CARLSON: And in the way that you have conducted yourself in the past as far as future challenges that come along, would you believe that you are fully capable of handling those challenges without any help from an outside group? [LR40CA]

WES SHEETS: No, I would not want to subscribe to that. I think we all need to accept help from anybody else. I think these are issues that takes us all to be a part of the solution. Now I might have missed your question. I'm not sure. I wouldn't subscribe that I'm the best... [LR40CA]

SENATOR CARLSON: You're not answering the way I want you to answer, so I'll rephrase it. (Laughter) [LR40CA]

WES SHEETS: I'm not the know-it-all, I agree to that. [LR40CA]

SENATOR CARLSON: As Nebraskans... [LR40CA]

WES SHEETS: Yes. [LR40CA]

SENATOR CARLSON: ...they take good care of their natural resources. [LR40CA]

WES SHEETS: I hope so. [LR40CA]

SENATOR CARLSON: We are smart enough people that if we have challenges, we can handle those within our state with the brainpower and the will that we have within our state that we don't need help from a group outside of the state of Nebraska to make decision for us. Do you agree with that? [LR40CA]

WES SHEETS: I certainly would agree with that, yes. [LR40CA]

SENATOR CARLSON: Okay. Do you also think that basically people that are involved in agriculture conduct themselves in a manner that they took good care of the land and

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make every effort to keep the land in a position that it will be productive and available for generations into the future? [LR40CA]

WES SHEETS: I think that is a very logical, and yes, absolutely. [LR40CA]

SENATOR CARLSON: Do you think that livestock producers in the state of Nebraska take good care of their animals? They are their assets and that as things come up, that perhaps there's a reason for a change in how they do things that they're fully capable of figuring those things out themselves without any help from an outside group? [LR40CA]

WES SHEETS: Well I surely would hope so, yes. [LR40CA]

SENATOR CARLSON: Okay. Thank you. And I think that is pretty important. If an outside group came in to the state of Nebraska and became a threat in any of these areas that we talked about, do you think the Izaak Walton League would be one that would step forward and say, we want to help in any way we can? [LR40CA]

WES SHEETS: I'll make sure they do it if I'm still alive. [LR40CA]

SENATOR CARLSON: Okay. Thank you. And I think it may be pretty important in the next few years that your group and other groups like you may be called upon to meet the challenge of a group that seems to have unlimited resources and is interested in changing a way of life for no good reason and we as Nebraskans can't stand for it. [LR40CA]

WES SHEETS: I certainly agree with that and that's the reason I referenced the newspaper article from a couple days ago that was in the Lincoln Journal. And they need to follow up with Senator Haar's question. You know, I was a professional employee in a wildlife agency for a number years and it was several years ago, like 15 or 16, and I don't remember exactly when, but we scheduled a special hunt going on on the DeSoto Bend Natural Wildlife Refuge over by Blair, and there was, in fact, one of these particular groups came to town with placards and staged a protest march at the gate trying to interrupt that particular hunting activity. And at the same time, the Legislature, in their wisdom did consider and enact legislation that would make it illegal for persons to interfere in a harassment sort of way with legal hunters, active hunters, and fisherman. So I think the issue is not necessarily new. Thank goodness it hasn't been huge in Nebraska, but we would hope to prevent it from getting to be used. [LR40CA]

SENATOR CARLSON: Thank you, Wes. [LR40CA]

WES SHEETS: Thank you very much. [LR40CA]

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SENATOR LANGEMEIER: Wes, I have one question, I'm going to be a little less evasive as the questions before. As this issue and these groups become on the forefront of agriculture's discussions today, everybody is talking about it in agriculture, is it the same way in the sportsmen groups? Do they see this as a threat or is it just becoming something they're talking about? Or they've been talking about it, or what is your thoughts on that? [LR40CA]

WES SHEETS: I think we would, at least my personal opinion is that we would recognize that it's not the threat in Nebraska perhaps as it has been in some of the more populated states in other parts of the country. But I don't think we're unique and the very nature and sizeable budget that at least one of the organizations we're talking about has, we see it as a threat across the whole country. And clearly, clearly where there is...other parts of the world where there is a lot more people, probably there is a larger threat than we have today. But we want to be preventive and proactive so that's our goal. [LR40CA]

SENATOR LANGEMEIER: Very good. Any other questions? Senator Haar. [LR40CA]

SENATOR HAAR: And to be more direct than is...I mean we're talking about the Humane...what is, Humane Society of United States, is that...and they're also... [LR40CA]

WES SHEETS: It's my understanding that HSUS, the Humane Society of United States, has an extremely large budget now with lots of multiple goals in this area, you know, that's specific. [LR40CA]

SENATOR HAAR: And also targets hunting and fishing. [LR40CA]

WES SHEETS: Also targets hunting. [LR40CA]

SENATOR HAAR: Tell me a little bit more about that, how they target hunting and this sorts of interests and conservation and so on. [LR40CA]

WES SHEETS: Well you may hear more about this and someone may bring this up, but one of the proposals to enact a constitutional amendment similar to this measure was carried on in Arizona in the past year. And that organization spent a huge amount of money defeating that proposal on the ballot in Arizona. That by the way, I believe, was the first and only proposal in all the states that have taken up the measure to be defeated in a ballot initiative so, you know, I just would envision that there could be an extremely large budget spent in Nebraska should this make it to the ballot...don't know. [LR40CA]

SENATOR HAAR: And, of course, I'm thinking one of the things you're probably...well

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first of all, it's alluding to the fact that I mistakenly took a bill from them the first year I was in the group and that died very quickly, but if it's on the constitution, you're also opening the door...and if it's a constitutional amendment, and I'm just thinking out loud here, you're also opening the door for a group like that to come in and spend large amounts of money. And so should this get on the ballot and that happens, then groups such as yours and other, you know, hook and bullet groups and conservation groups are going to have to spend a great deal of effort fighting that as well. [LR40CA]

WES SHEETS: We certainly anticipate that. And I guess in response to that, you know, it would certainly be my opinion that today is better than ten years from now when it really gets to be a much larger issue if it does. [LR40CA]

SENATOR HAAR: Okay. Thank you. [LR40CA]

SENATOR LANGEMEIER: Very good. Seeing no other questions, thank you very much. [LR40CA]

WES SHEETS: Thank you, Senator, appreciate the opportunity. [LR40CA]

SENATOR LANGEMEIER: Welcome. [LR40CA]

SCOTT SMATHERS: (Exhibit 2) Good afternoon, Chairman Langemeier, and committee members of the Natural Resources Committee. I am Scott Smathers, S-c-o-t-t S-m-a-t-h-e-r-s. I'm executive director of the Nebraska Sportsmen's Foundation. And Senator Haar, a lot of your questions hopefully will be answered by one of the handouts that I'm handing out to you at the present moment. I've provided you the handout due to time restrictions and limitations of five minutes to discuss some of those directions of the United States Humane Society and some other issues that will pertain to conversations and hopefully you can read and review that as we go through or later. I want thank, and so does the members of the Nebraska Sportsmen's Foundation, Senator Pirsch for introduction of LR40CA and also Senator McCoy for cosponsoring the bill and really picking up the ball that, quite frankly, former Senator and former Chairman of this particular group, Ed Schrock, started years ago. My testimony today is a combination of personal thoughts and history along with factual information that I hope will provide this committee with the inspiration and desired to move LR40CA to the floor for discussions and ultimately allow the voters of Nebraska to reflect upon their history and traditions and decide the need for LR40CA to be added to our constitution. LR40CA is not about...it's not about something as simple as protecting the rights of Nebraska's sportsmen to harvest game. As some of our opponents have stated, and I'm sure will continue to state that statement, in reality it is about protecting our heritage, family traditions, life lessons and values that become building blocks for a way of life that is the very core thread that all sportsmen have been taught for generation after generation. LR40CA is, in fact, language that protects the simplest of

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rights, free choice, while providing security for those rights for current and future generations. As a young boy growing up in Malcolm, I was very lucky to have a father who was an avid angler. And my next door neighbor, who by all accounts is a second father to me, was an avid outdoorsman and hunter. The time I spent either in the water or in the field with both provided them the opportunity and time to teach me some of the most valuable lessons a young man could be taught, respect, patience, honor, and communication skills. I learned above all else to respect the very resources we were pursuing and that as a sportsman your number one responsibility was to give back to the resource to enhance and to protect that resource for future generations. No matter if it was my dad and I spending six or more plus hours on the water without catching a single fish or one keeper for our table or the hours walking many afield upland bird hunting carrying my single shot 410 with an open breech and a shell in my pocket. Yes, that's correct, I was taught to carry the shell in my pocket because my neighbor was teaching me the rules of fair engagement, respect, and patience. Yes, I missed more birds than I shot. But time spent with them and having open communication learning how to handle the many difficult issues that are presented to children as they grow did in fact help shape the core of who I am today. In fact, I use those lessons as my guidance in business, family and adulthood. I was and still am able to pass those lessons on to my two children and many others who my involvement in youth, hunting and fishing mentoring programs that I'm active in. My story, Senators, is not singular or unique. It is the history of our background of most sportsmen in our state. Sportsmen is an economic driver in the state of Nebraska. Sportsmen number over 280,000 total in our state and annually spend \$470 million in retail dollars pursuing our passions. In simpler terms, this spending supports 8,500 jobs, \$238 million in salaries in the state, \$54 million in state and local tax revenue and has a ripple effect on the economy of \$746 million. The benefits of sportsmen spending has a positive effect on everything from small town main street businesses such as bars, motels, gas stations, bait shops, to large Nebraska-based outdoor companies and everything in between. Senators, 13 states have recognized the importance of sportsmen's traditions, heritage, values, and economic force by adding similar constitutional amendments, 12 of those coming since 1996. One has been in place, that's Vermont, since 1777. The reason for those states to be proactive is clear; it has been in response to anti-groups waging war against the right to hunt and fish. I'm not as shy as my predecessors. The United States Humane Society under the direction of Wayne Pacelle is leading the way in this fight. And now they have set up an office here in Nebraska. It is confirmed. They do have an office and personnel in Omaha. If they follow traditional suit, which they have in every other state, once they establish an office and attack ag issues they slowly turn to sportsmen's rights and hunting and fishing. So I am confident in the fact that it won't be long before the United States Humane Society leads the charge against our rights to hunt and fish and trap in this state. Ten years ago I would have agreed with them. Everybody is probably thinking the same sitting here, or I've discussed with, that it can't happen here in Nebraska. This is Nebraska; this is the good life. However, with the declining rural populations in Nebraska, with growing metro regions in Nebraska, and the loss of connection to the

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land by our younger generations, the timing is right. If it wasn't, the United States Humane Society would not spend the capital to set up an office in this state. Last year, as Wes alluded to, the Humane Society spent \$350,000 in Arizona to defeat the constitutional amendment bill there. They spent \$350,000 in South Carolina to try and defeat it there. It passed. They spent \$700,000 to try to defeat the constitutional amendment in Tennessee. Tennessee, very similar to the state of Nebraska. They're coming; they have the budget of \$115 million a year. They spend less than 2 percent... [LR40CA]

SENATOR LANGEMEIER: Go ahead and finish up. [LR40CA]

SCOTT SMATHERS: They spend less than 2 percent on what you think the humane society would be protecting of, of animals. Senators, I've provided supporting documents regarding the states that have already had the courage to be proactive and the statements from the USHS, Senator Haar, there's six pages there of comments they've made regarding hunting and their goals pertaining to hunting and fishing. I encourage you to be proactive and allow LR40CA to be decided by the voters of Nebraska. Thank you for your time and consideration and I'll answer any questions. [LR40CA]

SENATOR LANGEMEIER: Are there any questions? We'll start with Senator McCoy and work our way around. [LR40CA]

SENATOR McCOY: Thank you, Mr. Smathers, for coming in today and thank you for the information you provided to us. You mentioned that all of these states, with the exception of Vermont, which goes back, obviously, to very close to the founding of our country, all of them have happened since 1996. I guess if you wouldn't mind expanding for just a moment on why you think that might be that those have all come since 1996. [LR40CA]

SCOTT SMATHERS: Well, I think it's in direct correlation to the business plan that the United States Humane Society and some of the other groups have. They're based in Maryland. If you look at the map that has been provided to you, the original states that started passing the constitutional amendments revolve around that area of the country and have branched out into more traditional ag and hunting and fishing areas. I know in my role as the executive director, I have the opportunity to visit with a lot of other organizations on the national level, the Congressional Sportsmen's Foundation, and I attended a conference in Alabama in August of this year and there were 39 states represented. The number one conversation outside of the meeting agenda was the United States Humane Society, their goals and directions. In particular, South Carolina and Tennessee, I spent a great deal of time talking with their representatives on the tactics that they went about to end hunting and fishing rights in those states. I think it's a direct correlation to the attacks that we're taking. They start up just as they did with a

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town hall meeting with Wayne Pacelle here talking about hog confinement issues. Then an article in the paper two days ago. I understand there's another scheduled town hall meeting that he's going to present here in the state. Don't know the date of that yet. It follows suit with their normal business plan. That's why it started in 1996, that's when the Humane Society...if you noticed those comments that I submitted to you, most of those were in 2001 to 2003. They have not changed in seven years. Their goals have not changed in seven years. Their budget is increased, but that's it. [LR40CA]

SENATOR LANGEMEIER: Very good. Senator Carlson. [LR40CA]

SENATOR CARLSON: Thank you, Senator Langemeier. And thanks for your testimony, Scott. So I think...I'm concluding that your group, and perhaps other sportsmen's group, are just as aware of the threat as those in livestock production are and I hope general agriculture. Sometimes if we think something is on the other side of the fence we don't worry about it as much as we perhaps should, but I don't sense that. And that's a comforting thought because you reached some people through your groups that we don't reach through agriculture or livestock production, I appreciate that. Do you know, is there history of providing some help to combat this from the NRA? [LR40CA]

SCOTT SMATHERS: Yes there is, there is history. In Tennessee there was tremendous help from the NRA and fund raising activities. I will tell you that from our standpoint in the Sportsmen's Foundation, we are fully prepared with individuals that are business leaders in this state, for lack of a better term, that have unlimited resources to help fight this issue should they start to push this issue here in the state of Nebraska. [LR40CA]

SENATOR CARLSON: And would you have that same feeling regardless of their thrust, whether first of all it's with dogs and cats or whether it's with hunting or whether it's with livestock? Does it matter which effort they make? [LR40CA]

SCOTT SMATHERS: No, because quite frankly... [LR40CA]

SENATOR CARLSON: You'll be there to help regardless. [LR40CA]

SCOTT SMATHERS: Absolutely, because quite frankly their business plan is, in my opinion, and you'll read some statements, the farthest thing from a humane society directive. [LR40CA]

SENATOR CARLSON: Okay. I appreciate that because I can tell you that I'll do everything I can, that agriculture and livestock groups will feel the same way if something enters the arena in the areas that you're interested in. [LR40CA]

SCOTT SMATHERS: Absolutely, we will stand behind anybody. We're lumped together, Senator, and I like the company, quite frankly and we're fine with that. [LR40CA]

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SENATOR CARLSON: Okay. Thank you. [LR40CA]

SENATOR LANGEMEIER: Any other questions? Seeing none, thank you very much for your testimony, well done. [LR40CA]

SCOTT SMATHERS: Thank you. Appreciate it. [LR40CA]

SENATOR LANGEMEIER: Further testimony in support of LR40CA. Good afternoon. [LR40CA]

MELVIN WILKISON: (Exhibit 3) Mr. Chairman, members of the committee, I'm Melvin Wilkison, that's M-e-l-v-i-n W-i-l-k-i-s-o-n and I'm here representing the Nebraska Council of Sportsmen's Clubs and we are strongly supporting this LR40CA. And I would like to thank Senator Pirsch and Senator McCoy for signing on and sponsoring this legislation. The Nebraska Council of Sportsmen's Clubs are concerned for the right to hunt and fish and trap into the future within the state of Nebraska. And as a result, we support this legislation. As been discussed previously, there's elements in our society who are well funded and actively seeking to prohibit hunting, fishing, and trapping. In effect, they are attempting to force their beliefs upon those of our society who take advantage of a renewable resource for sport, livelihood, and/or nourishment. Those who hunt, fish, and trap provide vast amounts of funds directly benefiting wildlife and the management of wildlife as no other segment of society. And I might add that we would prefer to continue channeling those funds to a direct benefit of wildlife rather than trying to counter the efforts of those that would like to see it cease. The environmental impact as a result of no hunting, fishing or trapping would vastly, negatively impact the environment in many dimensions. Overpopulation of wildlife can and has been devastating to agricultural crops, woodlands, and parks right here in Nebraska. Hunting and fishing and trapping are some of the best means to manage wildlife populations and therefore controlling undesirable environmental consequences. The family traditions of hunting, fishing, and trapping have been addressed previously, but are more beneficial to our society than can be described in the time limits of this testimony. Those traditions should be preserved for the good of future generations and even promoted as one cure for which our society needs many cures. The Nebraska Council of Sportsmen's Clubs requests your timely advancement of LR40CA to General File with a recommendation to enact. The Nebraska Council of Sportsmen's Clubs thanks the committee for the opportunity to comment on LR40CA. Thank you very much. [LR40CA]

SENATOR LANGEMEIER: Very good. Are there any questions? Seeing none, thank you very much for your testimony. [LR40CA]

MELVIN WILKISON: Thank you. [LR40CA]

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SENATOR LANGEMEIER: Welcome. [LR40CA]

JEFF RAWLINSON: Good afternoon, Senator Langemeier, members of the Natural Resources Committee. I'm Jeff Rawlinson, and that's J-e-f-f R-a-w-l-i-n-s-o-n. I live here in Lincoln, Nebraska, and I'm representing the Nebraska Game and Parks Commission in support of LR40CA. I'll try not to be too redundant here, but some things certainly bear mentioning in this important discussion. The right to hunt and fish and trap in Nebraska is extremely important not only to our economy, but the treasured way of life and heritage that we hold dear here in Nebraska. Yes, over 400,000 sportsmen and women take to the field each year in pursuit of these passions and spend well over \$400 million in the state alone. But equally important is that these time-honored activities tie Nebraskans to the land and our valuable natural resources, something that I think each generation that we see today is maybe farther and farther removed from. Several hundred years ago our nation was just beginning its new path of independence. Hunters were not allowed to pursue game under the King's law and such activities were not available to all but the most wealthy. Nebraska is fortunate to be a state in a country that allows everyone to engage in the pursuit of these resources. It was Teddy Roosevelt who once said that we needed to protect the thrill of the chase or the thrill of the hunt for all whether he is or is not a man of means. Again, hunting here in the United States boils down to hunting and fishing and trapping boils down in a large part to the responsibility of management of those resources which falls directly to the people in the management in a public trust system that owes its roots to a landmark Supreme Court decision in 1842 where it was decided that once this nation gained its independence from the King of England that those resources, the fish and the wildlife, belong to the states and certainly to the people within those states. Such ownership suggests our extreme amount of responsibility by our citizenry to manage these resources. Protecting this ideal is to protect what binds us as Nebraskans and provides us with our solid land ethic. Our model of conservation known affectionately as the North American Model arguably is one of the most successful in the world. It relies on passion and dedicated hunters, trappers, and anglers to fund wildlife conservation. These elements reflect a society that holds dear its natural resources and strong outdoor heritage. One may ask whether this is an amendment that is necessary. A resolution that protects the value and heritage of our state is very important. This measure strikes an appropriate balance and deserves debate by the full body. We believe such an amendment will further support Nebraska is proud outdoor heritage and our strong economy. The commission would like to thank Senator Pirsch and Senator McCoy for the support and development of this legislation and introducing this measure, and I'd certainly be happy to answer any questions you have at this time. [LR40CA]

SENATOR LANGEMEIER: Very good. Are there any questions? I just have one comment. You said in there we all have the right to hunt and fish and a previous testifier said we had 260,000 hunters in Nebraska. I would deem that everybody that has a car is a hunter in Nebraska. (Laughter) And that we probably take just as many deer out

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with automobiles as we do rifles. [LR40CA]

JEFF RAWLINSON: I would...hunting is very important. [LR40CA]

SENATOR LANGEMEIER: So there's a lot more hunters than you think. Seeing no other questions, thank you very much for your testimony. [LR40CA]

JEFF RAWLINSON: Thank you. [LR40CA]

SENATOR LANGEMEIER: Further testimony in support. Yeah, come on up. [LR40CA]

SENATOR HAAR: My wife did that kind of hunting. [LR40CA]

SENATOR LANGEMEIER: Welcome. [LR40CA]

BRYAN VAN DEUN: Thank you, Senator Langemeier, and committee members. My name is Bryan J. Van Deun, that's B-r-y-a-n V-as in Victor, -a-n space, capital D as in David, -e-u-n. I did not plan to testify today, but I feel so strongly about this issue that I felt I needed to after what I heard and the concerns I have about hunting and fishing in Nebraska. I have the same hometown as Frank Sinatra, Hoboken, New Jersey. But believe it or not, I grew up as a child with a stuffed pheasant on our TV that my mother always complained about having to vacuum because my dad had an Ithaca side-by-side shotgun and hunted pheasants in New Jersey. Well you may remember that New Jersey outlawed their hunting a few years ago and they also have a big case about a person moving guns from one residence to his new residence and he was arrested for having those guns and convicted. My dad then moved us to Connecticut and in Connecticut I got my gun user's certification and hunted, although I never shot a pheasant, because I was such a poor shot, for the time from when I was 16 when I started hunting until...mostly until I got to Nebraska. I got my graduate degrees at Iowa State University and Pennsylvania State University, two great land grant universities, and then came to the University of Nebraska-Lincoln to work. And that was one of the highlights of my life. When I came to Nebraska I became an avid pheasant hunter. Had the privilege to be a parent to two dogs, you're not owners of dogs, you're parents of dogs. I then went on...I left the state for a while to follow a call from my church and lived in Minnesota and Wisconsin where dove hunting was overturned after it had been passed. But then some of these organizations came in, spent a lot of money and got dove hunting overturned. While I was working for Pheasants Forever and Quail Forever I got the opportunity to be thoroughly educated in conservation. And I know that the good life in Nebraska really includes the hunting and fishing tradition. I'm an avid fly fisherman. I go up to Verdigre Creek all the time; I go to Nine Mile Creek often and we need to protect the right for people to do that. I think that LR40CA is a very important piece of legislation. And I would like to see it forward. [LR40CA]

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SENATOR LANGEMEIER: Very good. Are there any questions? Seeing none...now you're a resident of Nebraska now? [LR40CA]

BRYAN VAN DEUN: I'm a resident of Lincoln, Nebraska. [LR40CA]

SENATOR LANGEMEIER: And been here how long? [LR40CA]

BRYAN VAN DEUN: Well we were here ten years the first time and then I left to do some work for the church and now we've been back for eight years. [LR40CA]

SENATOR LANGEMEIER: Well very good. Welcome to Nebraska. [LR40CA]

BRYAN VAN DEUN: Thank you. [LR40CA]

SENATOR LANGEMEIER: Thank you for testifying. Further testimony in support. Mr. Hutchinson, welcome back. [LR40CA]

LARRY HUTCHINSON: (Exhibit 4) Pleased to be here, Senator Langemeier, and committee members. I'm here again to testify in support of LR40CA on behalf of the... [LR40CA]

SENATOR LANGEMEIER: I got to have you do your name, even though we all know who you are. [LR40CA]

LARRY HUTCHINSON: Larry Hutchinson, H-u-t-c-h-i-n-s-o-n, first name L-a-r-r-y, and I'm here to testify for the Nebraska Chapter of the American Fisheries Society. And I can attest that virtually all members of the society are avid hunters and fishermen and several of them are avid trappers, including one I know who traps with his 80-year-old plus mother who sometimes travels from Valentine to Lincoln to help him on his trap lines. I'm very familiar with the family and I appreciate their dedication to the fishing and he is also an excellent fisherman, much better than I. However, you've heard some excellent testimony by various presenters and I wished I was as eloquent and I support everything I heard from them. I would go on and say that harvesting fish and wildlife...or fishing, hunting, and trapping under Nebraska laws and regulations has been a natural heritage and one that's been started prior to statehood in this state. And although unrecognized in Nebraska's constitution, fish and wildlife, including furbearers in their appropriation, meaning hunting, fishing and trapping, are public trust natural resources akin to the waters of the state. It's time to recognize Nebraska's heritage right to the regulated hunting and fishing and harvesting and wildlife should be guaranteed in the constitution, just as the constitution recognizes the public water and that it can be appropriated for irrigation. Harvesting fish and wildlife, public trust resources, contributes to the quality of life we enjoy, as has been stated before, and provides important contributions to our economy. We wish this to continue for the generation that

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follow ours. Those that purchase hunting and fishing permits and trapping permits have been a fundamental source of funding for the conservation and management of those resources in Nebraska. The permits purchased to harvest these things are a basis used for receiving millions of dollars of federal aid excise taxes on equipment purchased by those who hunt and fish for both consumptive and nonconsumptive uses. The result is that the majority of funds to run Nebraska Game and Parks Commission are not state General Fund tax dollars and that is a good deal for Nebraska taxpayers. Professionals associated with the chapter diligently and with dedication work to effectively manage the public trust resources for all citizens of Nebraska and therefore we hope that you will agree with our views that the...and that you will advance LR40CA to the General File and support its successful process through the Legislature this session. [LR40CA]

SENATOR LANGEMEIER: Very good. Are there any questions for Mr. Hutchinson? Seeing none, thank you very much. [LR40CA]

LARRY HUTCHINSON: Um-huh. [LR40CA]

SENATOR LANGEMEIER: You did it pretty eloquently. Well done. Further testimony in support of LR40CA. Welcome. [LR40CA]

CARA BRENNER: Thank you. Senator Langemeier and members of the Natural Resources Committee, my name is Cara Brenner and that is spelled C-a-r-a B-r-e-n-n-e-r and I'm here to testify in support of LR40CA on behalf of the Nebraska League of Conservation Voters and myself. Obviously I'm here for the NLCV because a good majority of our members are sportsmen and so it only makes sense that we would want to support something that protects their rights to do what they love to do. However, this time, I didn't hand out my testimony because my testimony is going to be a little more on my own behalf than it is technically for the League of Conservation Voters. So I know you guys have all seen me up here a few times this session and I'm guessing a few of you kind of wonder why. Mostly because I don't look like the prototypical conservationist in the state of Nebraska. So I'd like to take a minute to tell you a little bit why I care about conservation and the future of hunting and fishing in Nebraska. When I was a little girl my mother was my Sunday school teacher. Needless to say, that made me quite an astute and committed pupil who spent a lot of time in church. However, every once in a while my dad would get permission from my mom to take me fishing out at Stage Coach, Wagon Train or Blue Stem Lake, you name it, and even sometimes he would take me out to shoot trap at a local range instead of going to Sunday school. I never really questioned it, I was just excited to be outside. As I got older I started to wonder why exactly he did this, especially since he appeared to me to be quite a spiritual man. I mean, he was always doing spiritual things like belting out gospel tunes as performed by Elvis in public which according to a younger and terribly embarrassed version of myself was the tried and true testament of his religiosity. So one Sunday morning as I hooked the rod bells to my lines, I quietly asked, Dad, how come you

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sometimes don't go to church on Sundays? Mom always does and so do all my friends. And then he said something that fell profoundly onto my young ears. Well, Cara, your mother and your friends, no matter what religion they are, and even you and I, we all go to church mostly for the same reasons. To be closer to God is one; we go to be reminded of how blessed we are and give thanks for those blessings. We also go so we can learn how we should behave as stewards of the earth and to each other, correct? I replied, yeah, that sounds about right. He replied, well to me the church is just a building, and while the lessons are good and the words of the minister wise, I come out to the lake or the prairie or the woods for the same reasons you all go to church. Simply put, to me the awe I feel when I'm in the midst of majestic nature like this reminds me of how great God is. And not just because it's aesthetically beautiful. All of this, Cara, is part of an incredibly complex system where each part depends on the other. The animals, the insects, the fish, the plants, the soil, the water, even the sunlight, if you were to take away any one part of that system, each of the other parts would suffer. By taking in the sights, the sounds, the smells, and the feel of these incredibly diverse and intricate systems, I'm reminded of how great its creator must be. And when I take a moment to recognize that I am, in some ways, a part of this system, and when I think of all the amazing things I have because of it, I give thanks for those blessings. I never feel closer to God. I never feel more thankful; and I'm never more inspired to be a good steward to this planet and those on it than I do when I'm out here fishing with you, Cara. The reason I tell this story is to express my point and that point is that being in the great outdoors in the state of Nebraska was a very meaningful and develop mentally important part of my upbringing. I fear that if we don't preserve the right to hunt and fish for future generations, my children won't be able to have the same spiritually, intellectually, and emotionally impacted experiences that I did. Now I will admit that I'm not much of a hunter, but I do recognize the importance of hunting in order to maintain the ecological stability of our natural areas. You also probably don't know this, but I actually have a master's degree in philosophy with an emphasis in environmental ethics. I know I don't really look like a philosopher either, but I am. You also think that with a degree like environmental ethics I would probably be some sort of crazed animal rights activist, but I'm not. One of the most important things I took away from grad school was the importance of viewing the environment in a holistic and sustainable way. In laymen's terms, that the whole is greater than the sum of its parts. Basically, in order to maintain ecological stability, we must maintain the careful balance that nature has established. Often though, we find that that balance has been severely disrupted, often due to human interference; sometimes not. But in order to try to restore this balance, it is necessary to employ methods of wildlife management such as hunting. As Aldo Leopold put it in a Sand County Almanac, a thing is right when it tends to preserve the integrity, stability and beauty of the biotic community, it is wrong when it tends otherwise. Hunting and fishing when done responsibly is certainly right in this sense, as it does preserve the integrity, stability and beauty of the biotic community. So I think that a constitutional amendment that would preserve forever a Nebraskan's right to fish and hunt would also be right philosophically. I also want to kind of comment on the fact that Wes mentioned

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nature deficit disorder. That was one of the things I studied greatly in grad school. The impacts of the outdoors in hunting and fishing on children has been documented and is very, very important. Another thing that we also studied was the environmental rights and environmental ethics debates, basically the difference between environmental rights and environmental ethics. One of the things we studied was deer hunting and how overpopulation of deer has a severely negative impact on the natural environment, it throws the ecosystem out of balance. And in one of the stories that we studied they actually looked at different ways of culling the deer populations. What is the best way to do it? And one of the things that they came to find out was no matter what methods they employed, deer hunting was the best possible way to keep it in check. So with that, I see my time is up. So I thank you for your time and I encourage you to move LR40CA to the General File. Thank you. [LR40CA]

SENATOR LANGEMEIER: Very good. Are there any questions? Seeing none. I'm going to take a copy of that home to my wife. [LR40CA]

CARA BRENNER: Okay. [LR40CA]

SENATOR LANGEMEIER: Won't work, though. Seeing no questions, thank you very much. [LR40CA]

CARA BRENNER: Thank you. [LR40CA]

SENATOR LANGEMEIER: Appreciate it. Further testimony in support. Welcome. [LR40CA]

JESSICA KOLTERMAN: Senator Langemeier, members of the committee, for the record my name is Jessica Kolterman, J-e-s-s-i-c-a K-o-l-t-e-r-m-a-n. I serve as the director of PAC and state governmental relations for Nebraska Farm Bureau Federation. I come before you today to testify in support of this bill on behalf of our membership. Our members have a policy that has been adopted on this constitutional amendment and it reads: we believe fishing, trapping, and hunting should be a right protected under the Nebraska Constitution. Initially when our members started to discuss this, it actually became quite humorous because no one could really believe that there would ever be a time when an actual threat of anyone taking away that right to hunt, fish or trap would be in existence. But in looking at the ways attitudes have changed about animals all across the world, we realize that this is now a realistic and possible threat. In 2002, Scotland Parliament passed the Protection of Wild Animals Act and England followed a year later by banning hunting with dogs. As recently as last year, Israel was considering a measure that would ban all hunting for sport. And here in America we've had quite a few examples that were given by previous testifiers about things that are going on across the state...nations...across our nation in other states and communities. All levels of government are looking at issues like this. Many of our

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members hunt for sport. It's a time honored tradition and a pastime and continues to be important to our rural way of life. The consumption of meat and fish is enjoyed by hunters and fishermen across the state and by their families and friends. Our members also utilize hunters to help manage wild game populations that impact their farms and ranches. Our organization has been before this committee numerous times the last several years to talk about some of those issues and we appreciate you looking at those. As you may well know, Nebraskans are increasingly becoming more and more removed from our rural areas and rural roots. Our fear is that this disconnect between the rural and urban areas, as it increases, and extreme measures are introduced into our society, we could face a serious threat of losing the right to hunt, fish or trap. For these reasons and others that have been outlined by other testifiers, we are supportive of this constitutional amendment and would urge you to pass it on. I'd be happy to answer any questions. [LR40CA]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Carlson. [LR40CA]

SENATOR CARLSON: Thank you, Senator Langemeier. And Jessica, thank you for your testimony. And I'm going to ask you kind of the same thing that I asked Scott earlier because Farm Bureau is probably far more aware than I was of the fact that these sportsmen groups really have the same concerns that we do in agriculture. And do you feel like Farm Bureau would be one that if the first challenge came from HSUS or a similar group on what they want to do that Farm Bureau would be ready to jump in and help as we have been told they would for us? [LR40CA]

JESSICA KOLTERMAN: Absolutely. [LR40CA]

SENATOR CARLSON: Okay. Good. Thank you. [LR40CA]

SENATOR LANGEMEIER: Seeing any other questions? Seeing none, thank you very much. [LR40CA]

JESSICA KOLTERMAN: Thank you. [LR40CA]

SENATOR LANGEMEIER: Well done. Further testimony in support. Welcome, welcome back. [LR40CA]

STEVE DONOVAN: (Exhibit 5) Thank you. Senator Langemeier and members of the Natural Resources Committee, my name is Steve Donovan, S-t-e-v-e, Donovan, D-o-n-o-v-a-n. I am the manager of conservation programs for Ducks Unlimited here in Nebraska. Hunting, fishing, and trapping are an important part of Nebraska's heritage. Early settlers relied on these activities to feed and support their families. And today these activities remain a vital part of our culture and economy. We've heard that

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hunting, fishing, and trapping, they're not only important recreational opportunities for Nebraskans and food for the table, but also provide a significant boost to our economy. Hunters and anglers contribute millions of dollars to the state's economy providing jobs and boosting tax revenues. Perhaps one of the more significant aspects of these activities that is often left unsaid is that hunting, fishing, and trapping are the most effective and efficient means to control and manage wildlife populations. For example, without hunting we know what would happen with our deer populations, severely damaging our farm economy and increasing the number of vehicle accidents. I think my wife has harvested two deer now with her car...three? And she's never fired a rifle or a shot. Of course I'm one ahead of her so she likes to point that out quite often. Without hunting and trapping, our farmers and ranchers would lose the ability to control populations of coyotes and other species that impact their livelihood. And without hunting we would lose that incredibly important tool that allows humans to appropriately manage wildlife populations in a responsible and sustainable manner that protects our environment for the benefit of all Nebraskans. Now we have witnessed in other states around the country the slow erosion of the rights to hunt, fish, and trap. As our human population becomes more urbanized and distant from rural life, these concerns tend to increase. We sincerely believe that the general rights to engage in hunting, fishing, and trapping should be a protected right under the Nebraska Constitution to ensure that we don't lose those important rights and these wildlife management tools in the future. On behalf of DU's 11,000 members in Nebraska, I would urge you to support LR40CA. And if I may provide one example, some people sort of assume that we would never lose these rights here in Nebraska because we're smart and we have common sense and we know we need these things. Well I used to live in Washington for a period of time and while I lived in Washington, there was a voter referendum to ban all body gripping traps, leg hold traps, Conibear traps, and it successfully passed. So today in Washington that tool of managing furbearers is no longer present. They can't use leg holds; they can't use snares; they can't use body gripping traps. So for people who are in the business of trapping either as a means of additional revenue for the family or somebody who wants to trap nuisance beavers or coyotes, those kinds of opportunities are much harder now because they cannot use any body gripping type of trap. And what I remember most about that, about a week before the election took place, there was an article in the newspaper, somebody had raised the question of mousetraps, you know, your typical mousetrap with the metal lever that flips over. And they had taken that to a court and a court had...a judge had given the opinion that yes, in fact, if that referendum passed, that mousetraps of that nature would become illegal in the state of Washington. And that is, in fact, what happened. Now if I remember right, I think the Legislature figured out a way within a year or two to at least get the mousetraps back on the shelves of the stores in a legal way. But those are the kinds of things, the unintended consequences that can happen when people vote with their passion and without a lot of knowledge on the issues. With that, if there are any questions, I would be happy to answer them. [LR40CA]

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SENATOR LANGEMEIER: (Exhibits 6, 7, 8, and 9) That might make a good commercial. Are there any questions? Seeing none, thank you very much, well done. Further testimony in support. I do have a couple of letters. I have one from Duane Hovorka with the Nebraska Wildlife Federation in support. I have one from Stan Patzel from Lincoln. And one from Andreas Allen with the Nebraska Firearms Owners Association. Now we'll move on to opponents. Is there anyone who wants to testify in opposition? Seeing none. Is there anyone that wants to testify in a neutral capacity? Seeing none. Did I miss a letter? Barb, you're pointing at me. Oh, Robert Zastrow, a letter from him, must be an individual in support. No other neutral testimony? Seeing none. Is Senator Pirsch...is he going to come back to close? [LR40CA]

TANYA HAYES: He had to (inaudible). [LR40CA]

SENATOR LANGEMEIER: Okay, okay. I think he's okay. So with that we will conclude the hearing on LR40CA and everyone that came to testify, we appreciate your involvement. Have a great day. That concludes our hearings for the day. (See also Exhibit 10) [LR40CA]