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Natural Resources Committee
March 04, 2009

[LB388 LB582]

The Committee on Natural Resources met at 1:30 p.m. on Wednesday, March 4, 2009, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB582, and LB388. Senators present: Chris Langemeier, Chairperson; Annette Dubas, Vice Chairperson; Tom Carlson; Tanya Cook; Deb Fischer; Ken Haar; and Beau McCoy. Senators absent: Ken Schilz. []

SENATOR LANGEMEIER: Good afternoon and welcome to the Natural Resources Committee. We'd like to welcome everybody that's here in the audience today that is planning to testify and those that are here, as well as those that are watching us on closed caption, as well as those that are taking the opportunity to watch us on the live Internet feed as we continue to make the committee processes open to as many people as we can. I am Chris Langemeier, I'm the Chairman of the Natural Resources Committee. I'd like to introduce the people around the table here, we do have a couple of senators that are gone that are introducing bills in other committees so you will see them come and go as we start today. I'm going to start on my far left or your far right today, we have Senator Beau McCoy, from Omaha, District 39; we have Senator Ken Haar from District 21, north Lincoln, southern Saunders County; Senator Schilz will not be with us today; Senator Dubas is the Vice Chair of the committee, she is in Revenue introducing a bill, District 34 Fullerton, Nebraska; Laurie Lage is the legal counsel for the committee; off to my far right we have the committee clerk who is Barb Koehlmoos, and as you turn in your testifying sheets today you will give those to her upon the start of your testimony; we have Senator Tanya Cook is not with us but she will be here very shortly, from Omaha; and then we have Senator Tom Carlson from Holdrege, District 38; and then to my immediate right we have Senator Deb Fischer from Valentine, District 43. We have two pages that will be assisting us if you have something you'd like to hand out. We do ask that you have ten copies so if right now you know you don't have ten copies just hold your hand up and they'll come over and assist you in making some additional copies. First we have Melinda Frevert from Omaha, and we also have Justin Escamilla from Scottsbluff, Nebraska that will be helping us throughout this committee process. At this time I would ask that you turn your cell phones off and so not to interrupt those standing up here to testify. If you're planning to testify today we ask that you come up and we ask that you get one of these green sheets and they're located in the corners of the room. If you'd fill those out in as complete as you can fill them out so we have a good record of who was here today and to match that up to your testimony. If you're here today and you're not planning on testifying but you do want to be on the record as a supporter or opponent to a bill, there are also these lined sheets in the back corners of the room that you can fill out, put your name and address on and we will put you in the record as either being supporting or in opposition. When you come up to testify we do ask that you spell, first state and spell your name both first and last, no matter how simple it is. It helps us through the transcription process to make sure we have it correct. Otherwise I'm told my committee clerk will be calling you over the

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summer to verify anything that is not...that we don't understand. At this time, we do ask if you are going to hand something out and you hand it to the committee, we're going to keep it and put it in part of the record. So if it's something you want to show us but you don't want us to take from you, just show it to us from the table, otherwise we will keep it for the record. And at this time I have to go do a bill in another committee, so I will be leaving and I will turn it over to Vice Chairman Dubas who has just joined us for the opening of the first bill, Senator Dierks's bill. So thank you. []

SENATOR DUBAS: Thank you, Senator Langemeier. Welcome, Senator Dierks.
[LB582]

SENATOR DIERKS: (Exhibits 1, 2, 3, 4, and 5) Thank you and good afternoon, Senator Dubas, members of the Natural Resources Committee. My name is "Cap" Dierks, spelled C-a-p D-i-e-r-k-s, and I represent District 40. I'm here today to introduce LB582. I don't often introduce bills to establish a task force or an advisory council because in my mind they often cost a lot of money and produce little in return. This bill, however, is unique in several ways. First of all, the Nebraska Invasive Species Council is already in existence thanks to a grant through the Nebraska Environmental Trust. In fact, this council has been meeting for three years. The grant was to bring people together from federal and state agencies to work together in proactive ways to control and prevent the spread of harmful invasive species. Secondly, there was no request for funding of this council. This group already meets without receiving any per diems or reimbursements simply because they want to work together. I've been told how much the various groups have shared together with the goal of sparing our state environmental and financial losses that occur when invasive species take over an area of our state. I'm truly impressed by the dedication of all the groups who have been involved in this council to date. You may be wondering if there is a need for this bill since the council's already meeting. The group asked for a bill to be introduced so that they can be recognized in state statute as an advisory council. They want to be known as a source of information when assistance is needed to control or manage invasive species. I'd like to make clear on behalf of the proposed council and myself that we all have a great respect for the Riparian Vegetation Management Task Force created by Senator Carlson two years ago. I have served as a member of that task force and it has been one of the most successful programs with which I have ever been involved. It is not my intention nor that of this advisory council to take away from any of the successful efforts, many on behalf of the Riparian Vegetation Management Task Force. The Nebraska Invasive Species Advisory Council would like to continue working together to control and prevent invasive species that are found throughout the state and are known to be in neighboring states. They would like to develop and periodically update a statewide management plan to help guide government, nongovernment, and private entities. They would also like to assist with public outreach and awareness of invasive species and the damages they can cause. I've handed out an amendment to LB582 that makes a few changes to the bill. First of all it includes animals in the definition of invasive species. The example of

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an invasive species animal would be feral pigs. The word advisory has been added to the title of the council so it is clear that this council is advisory only. There is a provision of the membership of the council that allows the Governor to appoint five members of this council, and two of those five will represent agricultural interests. Reports from the council will be given to the Natural Resource Committee and the Agriculture Committee. The provision in which the Department of Agriculture shall provide administrative support for the council has been removed. I also handed out letters of support from various groups in lieu of testimony. With that, Madam Chairman, I will end my testimony and try to answer any questions from the committee. [LB582]

SENATOR DUBAS: Thank you, Senator Dierks. Are there questions? I would have one for you, Senator Dierks, and maybe the following testifiers would be able to go into a little more detail about this, but how do you see this group working with the Riparian Vegetation Task Force Group. [LB582]

SENATOR DIERKS: Just mainly as an adjunct, I mean, they have their own programs and they are programs. I think they will be beneficial to the task force. [LB582]

SENATOR DUBAS: Since you included animals in this, does that give them a little broader perspective of what they're looking at versus what the task force? [LB582]

SENATOR DIERKS: Yeah, I believe it does. That was the purpose for adding them in with the amendment. [LB582]

SENATOR DUBAS: Okay. Thank you. Any other questions? Seeing none, thank you. [LB582]

SENATOR DIERKS: Thank you. [LB582]

SENATOR DUBAS: Now, will our first proponent step forward, please? Welcome. [LB582]

ROB SCHULTZ: (Exhibit 6) Good afternoon, Senator Dubas and members of the Natural Resources Committee. My name is Rob Schultz, R-o-b S-c-h-u-l-t-z, currently the Hall County Weed superintendent and president of the Nebraska Weed Control Association. I'm here today representing the Nebraska Weed Control Association. Our organization was formed in 1947 for the primary purpose of establishing a uniform program to prevent the spread of noxious weeds across the state. Currently we represent all weed control superintendents, and weed control authorities in the state of Nebraska. I am here today on behalf of the Nebraska Weed Control Association to testify in support of LB582. The purpose of the Nebraska Invasive Species Council shall be to conduct a coordinated and comprehensive effort to keep invasive species out of Nebraska and to eliminate, reduce, and mitigate the impacts of invasive species already

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established in Nebraska. Most of the proposed members have been meeting for some time in an informal structure to initiate this effort. LB582 would formalize the effort and give its blessings of the Legislature and the Governor and provide incentive for the council to move aggressively ahead in coordinating efforts, carrying out awareness efforts, and providing recommendations to the Legislature and the Governor. The potential savings for this state and individual landowners resulting from Nebraska Invasive Species Council would be huge. Similar councils have been formed at the national level and in over half of the states. Invasive species are those plants, animals, and microbes that are not native to a region which when introduced either accidentally or intentionally out-compete native species for available resources, reproduce at a rapid pace, and dominate regions and ecosystems. Because they often arrive in new areas unaccompanied by their native predators, invasive species can be difficult to control. Left unchecked, many invasives have the potential to transform entire ecosystems as native species and those that depend on them for food, shelter, and habitat disappears. Nebraska has diverse plant and animal communities that contribute to the economic and environmental well being of the state. Unfortunately, these natural communities and agricultural systems are increasingly threatened by invasive species. Harmful, nonnative plants and animals are moving in, degrading habitats, displacing desirable species, and costing Nebraskans millions of dollars annually in control treatments and lost productivity. Not all nonnative species are harmful, in fact, most are beneficial or harmless. Only a small percentage of them are invasive. Though many undesirable pest species already occur in the state, many of the world's worst invasive species, including emerald ash borer, gypsy moth, kudzu, to name a few are not established in Nebraska but we must be on the alert for them and deal with them immediately when found. A Nebraska Invasive Species Council action plan would be designed to improve our defense against these alien invaders. Most introductions are accidental or are intentionally thought to be beneficial. It can take many years before populations of invasive species build up to levels that are easily noticeable and begin to cause damage. The window of opportunity for cost-effective eradication is typically narrow and can pass before anyone even recognizes there is a problem. Once established, invasive species spread relentlessly, each generation taking over more territory and continually expanding colonized areas until they reach their limits of their biological potential. The cost of controlling an invasion rises rapidly as it spreads. If an action plan with the needed authorities and funding had been in place ten years ago, we could have prevented the expansion of phragmites and avoided the cost that it takes to get it under control now. Exclusion, early detection, and rapid response are by far the most cost-effective way of dealing with undesirable invaders. The goal of the Nebraska Invasive Species Council would be to facilitate efforts to keep invasives out of the state, find invasions before they establish permanent footholds, and do whatever it takes to eradicate early populations of undesirable species. Education and cooperation are key components to an effective strategy. The Nebraska Weed Control Association deals with noxious weeds and other invasive plants. We have learned that by working together with others that are concerned with many impacts of invasive species such as

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weed management are and the Riparian Vegetation Management Task Force, the results have been multiplied many times over. Likewise, by working with others that have responsibilities or interests in other invasive plant and animal species, the Nebraska Invasive Species Council would strengthen each of our efforts through coordination, awareness, and an overall action plan. As an example, the Riparian Vegetation Management Task Force plan would provide one facet of this umbrella invasive species management plan. Thank you. Any questions? [LB582]

SENATOR DUBAS: Thank you, Mr. Schultz. Questions? Senator Carlson. [LB582]

SENATOR CARLSON: Senator Dubas. Rob, when I get out of the realm of vegetation and into animals, I don't know a whole lot. I don't know how much experience you've had or you know, but you mention a few of them here. What are some others that we might be familiar with? Have you had any experience or? [LB582]

ROB SCHULTZ: I, personally, don't deal with them a lot. There could be some testimony coming up. I know zebra mussel is one of them that's found in waterways that is a big threat in the Great Lakes area so I think there might be some more testimony coming up on that shortly. [LB582]

SENATOR CARLSON: Okay. Thank you. [LB582]

SENATOR DUBAS: Any other questions? I would have one for you, Mr. Schultz. You talk about having a coordinated effort. Okay, you recognize that there's a problem in a specific area. What would be your action after you recognize that problem? [LB582]

ROB SCHULTZ: Well, this Invasive Species Council would be working together with all state, federal, nongovernmental, governmental agencies and such and they would come up with...they would probably have that particular thing in their management plan and we could go out to the respective authorities and discuss the treatment plan from there. [LB582]

SENATOR DUBAS: So you aren't actually going out and doing the work, per se. [LB582]

ROB SCHULTZ: No, this Invasive Species Council would not be doing any of that, no. [LB582]

SENATOR DUBAS: Thank you. Other questions? Senator Haar. [LB582]

SENATOR HAAR: Thank you. I notice from the A note that came with this, from zero to \$50,000. Do you know anything about that, the cost of administering this? [LB582]

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ROB SCHULTZ: As of right now I think there's no funding attached to it but I do not know. [LB582]

SENATOR HAAR: Okay. Well, I think it said that in the best scenario, you know, adding staff and so on. So do you see this growing, I guess that's my question, do you see this growing into an actual agency that would have some staff of their own or? [LB582]

ROB SCHULTZ: In the future there could be that possibility. [LB582]

SENATOR HAAR: Okay. Thank you. [LB582]

SENATOR DUBAS: Other questions? Seeing none thank you, Mr. Schultz. Next proponent? [LB582]

SCOTT JOSIAH: (Exhibits 7, and 8) Good afternoon, Senator Dubas and members of the Natural Resources Committee. My name is Scott Josiah, J-o-s-i-a-h. I'm the director of the Nebraska Forest Service, which is part of the University of Nebraska. And I also serve on the Riparian Vegetation Management Task Force. Thank you for the opportunity to testify in support of LB582, establishing the Nebraska Invasive Species Council. Expanded international trade has dramatically increased the spread of nonnative invasive species into countries all over the world. These plants, animals, insects, and other organisms can cause great damage to native ecosystems, costing \$138 billion a year in environmental damage and losses each year. This damage has severe ecological, economic, and social impacts such as the destruction of habitat, loss of recreational opportunities, the elimination of native species, human health implications, and major damage to agricultural crops and forests. West Nile virus, zebra mussels, salt cedar, phragmites, are just a few of the invasive species that have caused millions of dollars in damage in Nebraska. Another invasive species of great concern in Nebraska is the emerald ash borer. Introduced from Asia into Detroit in 2002, this voracious insect kills every native species of ash in North America. Since its introduction to the U.S., it has killed more than 50 million ash trees across ten states and two Canadian provinces and this is in less than ten years. It's cost states, municipalities, property owners, nursery operators, and forest products industries hundreds of millions of dollars in damages and has inflicted enormous ecological and economic harm to forests and communities across the Midwest. In Nebraska alone, EAB or emerald ash borer is expected to kill approximately 35 million ash trees in rural and urban forests with huge impacts on forest ecology, wildlife habitat, health and buffer effectiveness of riparian forests, as well as increased fire risk. Emerald ash borer will cost municipalities across the state more than \$1 billion in ash tree removals and replacements; that's just in communities. Further, the loss of hundreds of thousands of community ash trees will increase energy costs to homeowners, increase costs for storm water infrastructure, require more frequent repaving of streets, and reduce property values. Emerald ash borer has not yet been found in Nebraska, but the Nebraska Forest Service, state and

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federal agencies, and the Nebraska Invasive Species Council has nevertheless actively been preparing for its inevitable introduction, which brings me to the need for a Nebraska Invasive Species Council. Invasive species create complex problems that can only be effectively addressed by the coordinated action of many federal, state, and local government agencies, and private organizations. The council brings together those organizations. The Nebraska Invasive Species Council would focus on all invasive species: plants, animals, insects, and other organisms. Since invasive species effect everyone in the state and public citizens are often the first line of defense for early detection programs, public education is essential for effective action. Currently, reactions to invasive species are ad hoc, are focused on a particular problem, and are often implemented after an invasive has spread widely, raising the costs of control and reducing the chances of effective eradication. The Nebraska Invasive Species Council would fill this important need for public education, and the voluntary coordination of early detection, planning, and proactive mitigation activities. For these reasons, the Nebraska Forest Service strongly supports the establishment of a Nebraska Invasive Species Council. Thanks. I'd be glad to answer any questions that you might have. [LB582]

SENATOR DUBAS: Thank you, Dr. Josiah. Do we have questions? Senator Fischer. [LB582]

SENATOR FISCHER: Thank you, Senator Dubas. Thank you, Dr. Josiah, for being here. I have a question on the makeup of the council. In the bill a number of representatives are listed. Is that because that's the current makeup of the council? [LB582]

SCOTT JOSIAH: Hmm. [LB582]

SENATOR FISCHER: I was just wondering if you knew how that was determined. [LB582]

SCOTT JOSIAH: By a consensus on the council. It was the group of folks that are on the council, I think that's fairly inclusive of who's on the council right now. [LB582]

SENATOR FISCHER: Right now, okay. Thank you. [LB582]

SCOTT JOSIAH: There may be additions, I think there are several at-large positions on the council that could be filled by the Governor. So those would be in addition. [LB582]

SENATOR FISCHER: I think there were, okay. Okay, thank you. [LB582]

SCOTT JOSIAH: Sure. [LB582]

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SENATOR DUBAS: Other questions? Senator Haar. [LB582]

SENATOR HAAR: Thank you. I will certainly support this, and if it were in effect right now, or I mean if you were up to speed with the Nebraska Invasive Species Council at the moment, what would happen, ideally what would happen when you first spot the emerald ash borer? How can something like that be controlled? [LB582]

SCOTT JOSIAH: Well, it can't be controlled, it can be...we can slow the spread of the emerald ash borer. And the role of the Nebraska Invasive Species Council would be to bring those groups of the various agencies together, and we've already done that in some ways and through its action plan, implement that action plan immediately upon the first detection. And that would involve sanitation measures, that would involve lots of public education measures, perhaps some policy initiatives that would need to be done. There's a lot that happens, APHIS would get involved, would probably put a quarantine on several counties where it was found to restrict the movement of firewood out of those communities because that's how it's often spread is through the spread of firewood. [LB582]

SENATOR HAAR: Okay. [LB582]

SCOTT JOSIAH: So there's lots of different things that happen at different levels, federal, state, local, and otherwise community levels, municipal levels. [LB582]

SENATOR HAAR: Thank you. [LB582]

SCOTT JOSIAH: Sure. [LB582]

SENATOR DUBAS: Other questions? Senator Carlson. [LB582]

SENATOR CARLSON: Senator Dubas. Dr. Josiah, I'm simply going to make a statement and say that I appreciate your participation in and contributions to the Vegetation Task Force, and I know at first you had some reservations about how this was going to turn out and having you kind of won over and really being active for that effort, I thank you, and I just wanted to put that on the record. [LB582]

SCOTT JOSIAH: Thank you. It has been a very successful effort. [LB582]

SENATOR CARLSON: Thank you. [LB582]

SENATOR DUBAS: Other questions? Seeing none, thank you, Dr. Josiah. [LB582]

SCOTT JOSIAH: Thank you. [LB582]

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SENATOR DUBAS: Next proponent? [LB582]

TIMOTHY McCOY: (Exhibit 9) Thank you, Senator Dubas. My name is Timothy McCoy, M-c-C-o-y, and I'm here today testifying on behalf of the Nebraska Game and Parks Commission in favor of this bill and I want to thank you for the opportunity to come and provide our support for this. As you know and you've heard from several of these groups, invasive species have a huge impact on the state. Specifically, as a state agency in Nebraska we are hit by this on multiple roles. We deal with invasive species as land managers on our fish and wildlife areas, and also in our parks areas, and also with our statutory authorities to manage fish and wildlife populations. We have to deal with both the impacts of invasive species on those habitats and we also deal with populations of new wild invasive animals that include everything from mammals to fish to mussels and even potentially amphibians and reptiles. So it is something we spend a significant amount of time on and you'll notice in the packet I handed out there's two recent news releases related to invasive species impacts that we've been working on or have just been made aware of in the last two weeks. I'm going to kind of speak initially from an agency standpoint of those examples. One of the examples that's been mentioned repeatedly today has been the impact of feral pigs in several areas of the state. We've just recently went through another effort at Harlan County Reservoir where feral pigs have had a small population that had been established. We've removed in the last two years now, I believe, over 75 pigs from that area. And those are a real interesting study because in some states, those are a game species and we've developed regulations to prevent the import and release of feral pigs for hunting purposes because those pigs quickly...they're wild, they develop local populations that can damage crops, they destroy wildlife and wildlife habitats, and also can transmit diseases to domestic livestock. We think that's an important species to keep out of our state. A new one that came on just in the last few weeks, we were made aware that there's a new mussel, the quagga mussel, that has potential to threaten Lake McConaughy. It's already located in Julesburg Reservoir which is about 50 miles away from Lake McConaughy, could likely be transmitted by a boat. That is a very similar mussel to what zebra mussels do. They have no natural predators, they will take over an aquatic system, they will basically filter out all of the phyto and zooplankton, which doesn't sound important but actually leads to a devastation in fish recruitment. Leads us to the place where we can't have naturally recruiting fish populations. So we're very concerned about those and we already know we have zebra mussel in the Missouri River system on the eastern end of our state so our fisheries folks feel like they're sort of seeing a squeeze place. So those are things that are very important to us as an agency. In terms of this council, I'm going to leave you really during the thing that was most interesting to us, I think was we had a Nebraska invasive species conference in February of 2008, the first time we ever had a conference in the state. That was a meeting in Lincoln with over 200 stakeholders attending. We had representatives from state, federal, local agencies. We had national level folks here, we had interested landowners in some cases and the whole point of that when we got done, was one of

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the big things that came out was we have a fragmented approach to dealing with invasives. Part of that is just the way the statutes are. It deals with a wide range of species and we're never going to change that. Those authorities are always going to be the same. However, what we can do is develop a better system of working together cooperatively. Because we need to work together to better address this situation and especially in terms of effectively dealing with this for the state of Nebraska resources which is where we have a focus on. So we need to develop some sort of an established method to require that we work together on this and also to develop an actual plan that when we have new invasives come into the state that we can take action with. And that is what is missing right now. We don't have a large guiding plan for all of us to work together on and we really need that to effectively monitor and deal with these issues. And the other thing that I think this council should bring is also the ability to be very open and as we're developing this plan to include opportunities we need local input, we're going to need local assistance. And as, you know, Scott mentioned, education is a huge part of that. We need to develop a better way of getting this information to all landowners and all interested individuals because if we want to effectively deal with these things before they become a big costly problem, we're going to have to...we need a lot of eyes and we need to work together to be more cost-effective, that's the only way it's going to happen. With that, I'll hopefully answer any questions if you have them. [LB582]

SENATOR DUBAS: Questions? Senator Haar. [LB582]

SENATOR HAAR: Yes. I'm very aware of Senator Carlson's program that went to the Legislature, what I think took \$6 million to work here, \$4 million. Is there a fund, I mean, if you see an invasive species coming and where do the monies come from then to since you may not always be able to wait for the Legislature to appropriate money? [LB582]

TIMOTHY McCOY: Typically we already have agencies that have the authority and responsibility to deal with it. The key is to get early detection so that it's not a multimillion dollar problem to address and I think the Riparian Vegetation Task Force is a perfect example of what we want to build on. I think that developed for most of us. That was the first time we all sat down and worked together and what everybody realized is we learn more from each other. We can do more cost-effective management and also that we can have more people working together to try and address these issues because they are big issues and we need that. [LB582]

SENATOR HAAR: Okay. [LB582]

SENATOR DUBAS: Other questions? Senator Carlson. [LB582]

SENATOR CARLSON: Senator Dubas. Is this zebra mussel the one that you mentioned

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in the Missouri River? Do they go upstream? [LB582]

TIMOTHY McCOY: They typically don't necessarily move upstream, usually they move on boats and a large part of stopping the transmission of zebra mussels and with the quagga mussel it will be the same, that is education efforts aimed at boaters to make sure that they clean boats off, that they empty live wells and that they don't inadvertently transmit those into new waterways. [LB582]

SENATOR CARLSON: And they apparently multiply pretty quickly? [LB582]

TIMOTHY McCOY: They multiply very quickly and will attach to just about any substrate. In the Great Lakes system they're huge problems, million dollar problems with in terms of water inlets. The places that use water, they will actually clog the water inlet pipes and they either have to go in and clean those out or develop new piping systems from new water sources, which is very expensive. [LB582]

SENATOR CARLSON: And the last question, you don't have a relative on this committee do you? [LB582]

TIMOTHY McCOY: Not that I'm aware of. (Laughter) [LB582]

SENATOR DUBAS: Other questions? Seeing none, thank you. Welcome. [LB582]

MIKE CLEMENTS: (Exhibit 10) Thank you. Good afternoon, Senator Dubas and members of the Natural Resources Committee, my name is Mike Clements. That's M-i-k-e C-l-e-m-e-n-t-s. I'm the general manager of the Lower Republican Natural Resources District. We're located on the shores of beautiful Harlan County Reservoir where some of the feral pigs have actually been. I'm here today to testify on behalf of our board and also on behalf of our state association, the Nebraska Association of Resource Districts. Noxious and invasive native vegetation has clogged our rivers and our tributaries for the last several years. And my testimony today because I'm more involved with the plant side of it than I am the animal piece of it, is going to be more directed towards that. The reason for the problem with a lot of the vegetation in our streams and tributaries was low flows. And that's obviously associated with the drought. I think thanks to LB701 and Senator Carlson, we've made tremendous strides in dealing with these problems to return our streams and tributaries back to their natural state. And we very much appreciate your efforts there, Senator. We've done a lot of work in the Republican Basin. We've got a lot of work left to do. We've treated 82 miles of 132 mile project. And it's been a joint effort by a number of different agencies, all of which are members of the Twin Valley Weed Management Association. I'm also a member of the Riparian Vegetation Task Force and I can tell you firsthand that I'm very much aware of the concerted efforts that's been made across the entire state dealing with projects very similar to the one that we're involved with. And we have seen immediate results, and

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there aren't too many projects like that where you can see immediate results and we have. I think that the issue that I have is the fact that the task force was created basically to deal with a specific type of an invasion. And that was primarily due to riparian vegetation. The council, if created, can be the forum for the potential early detection and rapid response to such threats that may not be plant, but have the potential to be plant or insect. This way, measures as extreme as the creation of a task force and a multimillion dollar emergency response could potentially be avoided in the future. The responsibilities of the council, I think some of the previous testimony has already addressed those issues so I'm not going to go through that. I think it is very important at this time that we give this strong consideration. And I guess in closing and as I understand it there has been or will be an amendment offered to include animals as well as plants, and I strongly would support that measure. I'd be glad to answer any questions if anybody has any. [LB582]

SENATOR DUBAS: Thank you, Mr. Clements. Questions? Senator Fischer. [LB582]

SENATOR FISCHER: Thank you, Senator Dubas. Thank you, Mr. Clements, for being here. I too, am a member of the Riparian Vegetation Task Force. If this council is created do we need to keep the other one? [LB582]

MIKE CLEMENTS: Absolutely. [LB582]

SENATOR FISCHER: How many task forces do you want? [LB582]

MIKE CLEMENTS: I think the task force...let me rephrase that. I don't think that they both need to exist forever. I think the task force has got a lot of work left to be done. I totally support that and we want to continue with that because we're at best halfway where we need to be. I think that there are things that the council could do right away. I mean, the council has worked, Annabelle has worked with a lot of our task force committees, we've had a lot of communication back and forth. But in addition to having a lot of similar goals and objectives, they have different ones as well, and I think the council's...one of the main purposes is for the implementation and coordination of early detection of some of these invasive species. Have I totally confused you? [LB582]

SENATOR FISCHER: No, thank you. [LB582]

MIKE CLEMENTS: Thank you. [LB582]

SENATOR DUBAS: Other questions? Senator Carlson. [LB582]

SENATOR CARLSON: Senator Dubas. Again, Mike, I'm simply going to make a statement because Mike is one of many people who have been very effective in the work that's been done, but Mike is especially instrumental because whether it's this or

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whether it's continuing work that might be done by another council. The buy-in and education of landowners is so important and it was critical in the portion of the Republican that he and Merle Illian worked on that there be landowner buy-in to what we're doing. And they got 168 out of 170 people to agree to be a part of that. And as we agree to go on the next step, that's going to be even more important so that work has been very, very important and I appreciate what you've done. [LB582]

MIKE CLEMENTS: Thank you. [LB582]

SENATOR DUBAS: Other questions? Seeing none, thank you, Mr. Clements. [LB582]

MIKE CLEMENTS: Thank you. [LB582]

SENATOR DUBAS: Next proponent? [LB582]

KEN WINSTON: Good afternoon, Senator Dubas. Are you still chairing the hearing? [LB582]

SENATOR DUBAS: I think I am. [LB582]

SENATOR LANGEMEIER: She's doing a good job. [LB582]

SENATOR DUBAS: It's like, am I supposed to be doing this? [LB582]

SENATOR LANGEMEIER: I'm listening. [LB582]

SENATOR DUBAS: I'm being evaluated. [LB582]

KEN WINSTON: (Exhibit 11) You're doing wonderfully. Senator Dubas and members of the Natural Resources Committee, for the record my name is Ken Winston, I'm representing the Nebraska Sierra Club in support of LB582. My last name is spelled W-i-n-s-t-o-n. The letter that has been passed out to the committee indicates our support for LB582. Among the reasons that we support it is that we have consistently supported efforts to control and remove invasive species due to the negative impact of these species on the ecosystems in which they take root. And in particular, we supported efforts to remove a invasive species from riverbanks and riverbeds in order to improve stream flows. And I want to take this time as other people have done to recognize Senator Carlson's leadership in this area and his continued efforts in that area and also to indicate as other people have said that that program has been more successful than a lot of people thought it was going to be when it was originally started. And hopefully those kinds of efforts can continue and so we want to continue to support things that appear to be working. So, and then I also wanted to indicate that I did see a copy of the proposed amendment but we would ask to have some additional

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amendments included, including having a representative of an established environmental organization and that there be a statement or a requirement that any invasive species removal be done in a manner that's environmentally sound and not harmful to other plants and animals. I understand that the task force is doing that at the present time but we want to continue that kind of understanding in that process. And then I've been plugging biofuels lately, or the idea that we take vegetation that would otherwise go to waste and have it be used in a constructive manner and so we'd like to continue to support that effort. So we would ask that with those provisions LB582 be advanced, and I'd be glad to answer questions. [LB582]

SENATOR DUBAS: Thank you, Mr. Winston. Questions? Senator Fischer. [LB582]

SENATOR FISCHER: Thank you, Senator Dubas. Thank you, Mr. Winston. I've been saving this question and I thought maybe you can answer it. I was going to ask it of the first gentleman but he didn't know about the animal part of this on invasive species. Invasive species are not native species, correct? [LB582]

KEN WINSTON: That would be my understanding. [LB582]

SENATOR FISCHER: Do you know of any case where an endangered species could be listed as an invasive species? [LB582]

KEN WINSTON: Well, it would be...and I understand. [LB582]

SENATOR FISCHER: You know, if it's not native to an area but shows up and it's listed as an endangered species. [LB582]

KEN WINSTON: Well, and I understand what you're asking about. My understanding would be that an invasive species would not include an endangered species because the idea of an invasive species is that it comes in and takes over. And if something's dominating and taking over, then by definition I would think it would not be endangered. So I don't think that...I think the two definitions are mutually exclusive. So I don't think we need to worry about endangered species moving in and suddenly we have to be careful about endangered species in trying to eradicate the invasive species. Now, the one caveat, boy I'm using... [LB582]

SENATOR FISCHER: A lot of species in here. [LB582]

KEN WINSTON: ...I'm being more convoluted than I intended to be. [LB582]

SENATOR FISCHER: No, that's fine. [LB582]

KEN WINSTON: But the one caveat would be a situation in which in the process of

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removing an invasive species, there might be a situation in which a native endangered species might be impacted, and so I think that would be a situation where one might impact the other. [LB582]

SENATOR FISCHER: What if it's a nonnative endangered species? What if you'd never seen this species in a pasture before, in an area before and it shows up? [LB582]

KEN WINSTON: That would be a question I'd probably want to punt on and ask somebody who would have better knowledge of those kinds of things. But as I said earlier, my understanding is that generally an invasive species is one that comes in and the reason you want to get it out of there is because... [LB582]

SENATOR FISCHER: Takes over. [LB582]

KEN WINSTON: ...yes, taking over and it's taking the resources away from the species that you want to support, whether they're native plants or whether they're native plants or animals or whether it's for agricultural purposes or instream flows or what have you. So those are the kinds of things that we're supporting the things that...well, my daughter would hate me for saying this, the vampire species that come...the ones that come in and suck the life out of the other species. So. [LB582]

SENATOR FISCHER: Thank you. [LB582]

KEN WINSTON: Okay. Thank you. [LB582]

SENATOR DUBAS: Senator Haar. [LB582]

SENATOR HAAR: Thank you. I didn't understand your point three on here. Were you saying that if you take out, for example, phragmites or something that you would actually turn those into a biofuel or? [LB582]

KEN WINSTON: Right. Well, I understand that's not the specific goal of this group, but we'd like to have some discussion of that as a possibility. That if you're removing something, for example, I don't know a lot about phragmites. I do know that salt cedar, for example, and some of the cedar trees that need to be removed, they...I mean, what do you do with it when you take it out? Do you just have a bonfire? Well, it would be better if that were used constructively. In, for example, Senator Louden's bill to deal with using woody biomass, if some of those products could be used constructively for some other purpose, so that's the point that I was trying to make there. [LB582]

SENATOR HAAR: Okay. Thanks. [LB582]

KEN WINSTON: And I think part of the reason that may be confusing is there was a

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typo in that last sentence as well. I think I wanted to say charged instead of changed.
So. [LB582]

SENATOR DUBAS: Other questions? Seeing none. Thank you, Mr. Winston. [LB582]

KEN WINSTON: Thank you. [LB582]

SENATOR DUBAS: Other proponents? Come on forward. [LB582]

GLENN POLLOCK: My name is Glenn Pollock. It's G-l-e-n-n P-o-l-l-o-c-k. The people before me have described the reason why this bill is important. And as a common citizen, I'm not representing anybody today except myself. I look at it through my vocation and my avocation. My avocation is restoring of natural wildlife habitat. I have fought endangered species. They have driven me nuts. Of course, it's probably kept my waistline a little slimmer than it would be. And when I saw this bill, I said this is a good idea. And I think it's just a rational plan that is important to this state to try and bring people together. And as I've...35 years as a healthcare worker, my concern then, West Nile virus is a invasive species. It's carried by the mosquito. The mosquito, if you were to go back 50 years ago, maybe 25, we didn't have West Nile virus. I'm not sure how the vector got there. I think it was through birds. But it's called West Nile virus for a reason. It came out of the Nile. How did it wind up in Nebraska? And the other concern is that there's two concerns about the cost. To eliminate these invasive species, we have to spend huge amounts of money on herbicide and insecticides which have to be handled very carefully and very costly, and if not handled carefully, can cause damage to the human beings or to animals. And so that's for my healthcare background where that concern comes from. But I just wanted to come forward and support this. Any questions? [LB582]

SENATOR DUBAS: Thank you, Mr. Pollock. Questions? Senator Carlson. [LB582]

SENATOR CARLSON: Senator Dubas. You talked about fighting invasive species for some time. Tell us a little bit about your property or something that would make this necessary. [LB582]

GLENN POLLOCK: Restoring native wildlife, restoring tall grass prairie. I admit that about three-fourths of my work is done in Iowa. But I also do manage a prairie for the Audubon Society in Omaha, a 14-acre prairie, and then a 36 acres into Council Bluffs. And one of my other passions at prairie pioneer cemeteries, these little cemeteries that have a little chunk of prairie left in it. And if not properly maintained, they get overrun by trees usually it is. And I have worked on several of those to kind...that keeps them...to remind people of their natural heritage they have. They go to these old cemeteries and find the beautiful native wildflowers we have. And that's the work I've done for...gosh, I lost track of it but how many years have gone by. But I'm an old Iowa farm boy, so I do

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understand agriculture and the importance of that. [LB582]

SENATOR CARLSON: Thank you. [LB582]

SENATOR DUBAS: Other questions? [LB582]

GLENN POLLOCK: Thank you. [LB582]

SENATOR DUBAS: Seeing none, thank you for participating today. Other proponents? [LB582]

JOHN K. HANSEN: Mr. Chairman, members of the committee, for the record, my name is John K. Hansen, H-a-n-s-e-n. I am the president of Nebraska Farmers Union, and appear before you today as our organization's president and also our lobbyist. Our organization I want you to know, we're against weeds. We've been against weeds for a very long time. I know this is a bit controversial. But as I remember going to town as a kid with my grandma and grandpa, and as we were driving to town, grandpa would of course be farming while he was en route and would stop and say, you see that cocklebur or that sunflower. And my grandmother used to say, John, you just as well go do it yourself. You better do it because if you wait for grandpa to do it, we'll be here all night and the stores will be closed by the time we get to town. And so I grew up pulling weeds from an old Norwegian who hated weeds as much as anybody can hate a weed. And so in our neighborhood as you look at invasive species and you look at things that have happened and we're a mix of both row crop and also pasture ground. When we don't deal with invasive species in an appropriate fashion, weeds are very prolific. And so the sins of the few in the community are visited upon the many. And so as you look at the impact that some folks in the community who wouldn't take care of their weeds would have on our pastures and the amount of time I spent as a kid digging out bull thistle patches and going through all of that, the need to have an appropriate kind of mechanism in place that actually helps us deal in a more proactive way with the impact of invasive species. We have seen pastures just wrecked by invasive species. And in our case we rented some pasture ground because I am the oldest of seven children. We had a lot of kid power in our family. And dad would rent pasture ground that others had given up on because there was part of the rent was just simply to clean up the weed problem that was on that set of pasture ground. So as I drive across the state, I do harken back to my days as a weed identification student in FFA and in contests. And I'm constantly stopping and looking and seeing what kinds of new weeds we have running across the state and how bad they're getting. And so it seems to me that what we've been able to do in the Republican River Basin, for example, has been very effective where we actually put resources and we see it's a problem. We deal with it. We have supported all of the efforts for riparian coverage and renovation and control. And I must say that within our organization we have folks who complain about weeds coming into their neighborhood, weeds that are getting out of control, those kinds of things. And

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we deal with lots of different issues in our shop. But the folks who feel like in a lot of cases we don't have an adequate focus on that ounce of prevention that prevents the pound of cure that causes the spread of weeds across the state. So from our perspective, this seems like a reasonable approach to help stem the tide of invasive species across the state and also feral hogs. We've actually had feral hogs in our neighborhood. And we actually had folks carrying rifles as they combined corn and shot feral hogs in our neighborhood, which I could not believe that (laugh) we could possibly have feral hogs, but we did. And so as these things crop up, having an appropriate advisory committee give guidance and help us focus on the problems that are out there we think would be useful. And to that extent we appreciate the effort, and if we can be of any help in this effort, be glad to do so and I'd be glad to answer any questions in the off chance I might actually be able to do so. [LB582]

SENATOR DUBAS: Thank you, Mr. Hansen. Questions? Senator Haar. [LB582]

SENATOR HAAR: Thank you. As I listened to the testimony it occurs to me obviously this is a good committee, but does Nebraska need some kind of a fund that's sitting there so that, you know, when an invasive species is identified we've got money to combat it immediately because it takes so long for the Legislature to get stuff through? [LB582]

JOHN K. HANSEN: It takes resources to be able to do these kinds of things. And, you know, I mean it's an expense or is it an investment. I'm not sure what is the best approach, but I know that we're always kind of struggling to have enough resources to deal with it. And, you know, within rural cultures you really hate to turn your neighbor in for not taking care of their weeds, but it causes hard feelings and it causes substantial economic problems, and some of the weeds that spread are very difficult to control. So when you look at some of the invasive species on pasture ground, for example, the chemicals that you have to use to control them are really tough chemicals. And these are very deep-rooted plants and it's very hard to kill them off. And they take a lot of killing over a long period of time to get them down to the point where they're really under control. And so, you know, there's...you know, who puts the money in the kitty to be able to do that up front? But there's no question that the landowners a lot of times pay the price for the lack of investment that was made when you see...when you drive down...I spend a lot of time, Senator, taking back roads and cutoffs as I drive across the state, and I see some beautiful meadow ground that has what I know is going to be a very substantial weed infestation problem. And I'm thinking, boy, this is going to cost a ton of money. [LB582]

SENATOR DUBAS: Other questions? Senator Carlson. [LB582]

SENATOR CARLSON: Senator Dubas. John, as I listen to you throughout several different testimony, I've started to keep track of some of your sayings. And you had one

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today, the sins of the few are visited upon the many. You had another one that ends in something about repent at your leisure. What's that? [LB582]

JOHN K. HANSEN: (Laugh) I think that's sign in haste, repent at your leisure. [LB582]

SENATOR CARLSON: Okay. All right. [LB582]

JOHN K. HANSEN: I already used up my "an ounce of prevention is worth a pound of cure" across the hall today in Senator Dubas' bill on equipment parts before the Revenue Committee. [LB582]

SENATOR CARLSON: Thank you. [LB582]

SENATOR DIERKS: Other questions? Thank you, John. [LB582]

JOHN K. HANSEN: Thank you. [LB582]

SENATOR DUBAS: Any other proponents? Any opponents? [LB582]

DUANE GANGWISH: (Exhibit 12) Good afternoon, Senator Dubas, members of the committee. My name is Duane Gangwish, D-u-a-n-e G-a-n-g-w-i-s-h, and I serve as the vice president of environmental affairs for Nebraska Cattlemen, here today to offer testimony in opposition to LB582. I have spoken with Senator Dierks and his staff and with Ms. Major of the Nebraska Invasive Species Project and have reviewed the amendment that is before you. Nebraska Cattlemen has a well documented history of being very supportive of statewide efforts to aggressively attack the issues of invasive species, and we've strongly supported the proactive management of invasive, invasives of all kinds. However, we have four primary concerns with the amended language. The most important component of any effort or plan to prevent the spread or manage invasive species is the landowner. Although the amended bill includes two representatives of agricultural interest, it is significantly weighted with representatives of state and federal agencies. Senator Carlson alluded to the importance of the landowners' involvement at the Riparian Task Force. Secondly, definitions are important in any statutory construction, and during a brief search of the term invasive species, leads one to a myriad of verbiage. It's imperative to be precise so as not to unintentionally include or exclude specific flora or fauna. The term invasive can be rather subjective, for example, prairie dogs. There's a significant difference of the opinion between landowners and some NGOs as to whether the prairie dog should be listed as threatened or endangered. We specifically object to the inclusion of NGOs on the proposed advisory committee. It seems that this should be scientific in nature combined with landowners, and not agenda driven as some are. As you can see from the handout that I have presented, there's already a significant amount of educational and regulatory information from state and federal agencies as well as academic

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institutions relative to invasive species. In fact, the Nebraska Invasive Species Project already has a very robust Web site involved in education and promotion of this very goal of this bill. In conclusion, there are no barriers preventing the very activity being proposed in this bill from occurring today, and we do not see the need to set forth such a council in statute. I am able to speak on behalf of Nebraska Cattlemen in saying that we are very anxious to cooperate with and actively assist parties in addressing issues surrounding invasive species. And although I can't speak for others, I'm quite confident that all ag groups and specifically landowners would be equally committed to assisting and educating the public as well as the development and execution of integrated management plans for invasive species. We respectfully ask that the bill be held in committee and we pledge to work with proponents to achieve this noble and worthy cause. And I'd be happy to answer any questions. [LB582]

SENATOR DUBAS: Thank you, Mr. Gangwish. Questions? Senator Fischer, excuse me. [LB582]

SENATOR FISCHER: Thank you, Senator Dubas. Mr. Gangwish, we didn't talk about this bill ever, did we? [LB582]

DUANE GANGWISH: No. [LB582]

SENATOR FISCHER: Okay. I'd asked a question about the membership on the council after reading the bill. I had some of the same concerns that you brought up. Do you know if that's the makeup now of the group that's meeting? [LB582]

DUANE GANGWISH: In the amended copy it has changed the presentation a little bit from the green copy, but there are still several...it mimics, Senator, in some ways the makeup of the Nebraska Invasive Species Project now. However, it does include four...excuse me, five members at-large nominated by the Governor, and two of those would be of ag interests. It doesn't necessarily say landowners. [LB582]

SENATOR FISCHER: The Nebraska Invasive Species Project, is that through the university? Who's that through? [LB582]

DUANE GANGWISH: I learned of it... [LB582]

SENATOR FISCHER: The handout you gave us here? [LB582]

DUANE GANGWISH: I learned of it today. [LB582]

SENATOR FISCHER: Okay. [LB582]

DUANE GANGWISH: But in talking with Ms. Majors, it is a cooperative effort between

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several universities and I believe federal agencies to look at invasives and various things. The first and second page of the handout addresses them and lists some of their partners. [LB582]

SENATOR FISCHER: And I had another questions earlier on how do you define invasive species? Is it nonnative? How do you define it? [LB582]

DUANE GANGWISH: Well, I think you've all seen the picture of the young man sitting on the bank of the Platte River when they were building the railroad and it was bare ground. There are some that might even consider our state tree as an invasive species. So I think it really determines...it's determined by your perspective, what is and isn't. Obviously we can look at some of the devastating things such as the ash borer and those that are obviously invasive, those that were addressed about as the muscle, certain fish species. Then when we get to those that are, you know, possibly our beef cattle could be invasive species to Nebraska. [LB582]

SENATOR FISCHER: Depending on your perspective. Of course I don't view it that way. [LB582]

DUANE GANGWISH: I appreciate that and the green copy did reference domestic livestock, so I think we're safe there. [LB582]

SENATOR FISCHER: Well, that's good. I appreciate your coming forward. Thank you. [LB582]

SENATOR DUBAS: Other questions? None, thank you, Mr. Gangwish. [LB582]

DUANE GANGWISH: Thank you. [LB582]

SENATOR DUBAS: (See also Exhibit 13) Any other opponents? Any neutral? Seeing none, Senator Dierks waives closing, so that will close our hearing today on LB582. And we will open with LB388. [LB582 LB388]

SENATOR LANGEMEIER: I'm going to violate my own rules here. I don't have a testifier sheet. I better fill one of those out when I'm done here. My name is Chris Langemeier. It's C-h-r-i-s L-a-n-g-e-m-e-i-e-r. I represent the 23rd District in the Nebraska Legislature. And on a side note, we have these task forces on the other deal that are always appointed by the Governor. I think this committee should take charge and start appointing some to their own task force. Side note. I'm here to open on LB388. LB388 is a very simple bill. It strikes two words and strikes "two-thirds" and puts in "a majority." This bill I brought to you, us by the Nebraska Public Power District. And it would change the rules from two-thirds to a majority of the board of directors in setting compensation for their general manager or president or vice presidents or assistant

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general managers, whichever terminology you'd like to use on that. It's very simple in that regard. There's a concern out there that as people in this industry become more and more technology oriented and tougher to find and it becomes a more competitive industry, that a majority of the board should set the wages, not the two-thirds supermajority, giving one or two or in this case, two members, the ability to railroad the opportunity to keep and hire good management staff within that agency for the future good of the agency. So with that, I'm going to conclude. Nebraska Public Power is here to give the exact examples of what their concern is. This was brought to us by their board. And so I will go with that, and if I need to address, I'll do it at closing. [LB388]

SENATOR DUBAS: Thank you, Senator Langemeier. Questions? Welcome. [LB388]

JOHN McCLURE: Thank you, Senator Dubas, members of the committee. My name is John McClure, J-o-h-n M-c-C-l-u-r-e. I'm vice president and general counsel for Nebraska Public Power District, here today in support of LB388. This may be the perfect legislative bill. It's short. It's simple. And I believe it's noncontroversial. This would apply to all public power districts. And as Chairman Langemeier has indicated, it would simply change the current requirement which I believe goes back into the 1940s that any officer of a public power district must have their compensation approved by a two-thirds majority. We have looked at other governmental entities in the state, municipalities, public schools, whether at that local level or colleges or universities, natural resource districts. We've not found any other public entity in the state that is subject to having its officers' compensation set by a supermajority. Again, as the chairman pointed out, the concern actually came from one of our board members that a minority could end up controlling the future of an executive, and it really ought to be a simple majority. If you look at how public policy is made by this body and in this institution, 25 votes can change the direction of the state. It's a simple majority. So with that I will conclude my comments and I'd be happy to try to answer any questions. [LB388]

SENATOR DUBAS: Any question for Mr. McClure? Senator Haar. [LB388]

SENATOR HAAR: Thank you. Well, I have bad news for you because in this session we're moving from majority to supermajority in a number of places. (Laugh) But this seems reasonable to me, so. [LB388]

SENATOR DUBAS: Senator Carlson. [LB388]

SENATOR CARLSON: Senator Dubas. John, how many board members are there on NPPD? [LB388]

JOHN McCLURE: We have 11 board members. [LB388]

SENATOR CARLSON: Eleven? Now, the way this reads, "approval of a majority or

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more of the members of the board of directors." So on a board of 11, 6 is a quorum?
[LB388]

JOHN McCLURE: Six would be a majority of that 11, yes. [LB388]

SENATOR CARLSON: And a majority of six would be four? [LB388]

JOHN McCLURE: I'd have to go pull up our bylaws. We have some provisions about what constitutes a quorum of the board and I'd have to check that and get back to you.
[LB388]

SENATOR CARLSON: That just hit me as I was looking at this that if... [LB388]

JOHN McCLURE: Could four people make this decision. [LB388]

SENATOR CARLSON: ...if six is a quorum and it takes a majority, then it'd be conceptually 4 out of 11 are determining compensation. [LB388]

JOHN McCLURE: Yeah. And as written, the statute currently takes two-thirds of the members of the board, so it is clear. And this would be a majority of the members of the board. So it would be six. Yes, yes. [LB388]

SENATOR CARLSON: It would be six. Okay. That answers... [LB388]

JOHN McCLURE: I've answered you question now I believe. [LB388]

SENATOR CARLSON: Yeah. Thank you. [LB388]

SENATOR DUBAS: Other questions? Senator Cook. [LB388]

SENATOR COOK: Thank you, Senator Dubas. Do you know why it was set in the '40s the way it was? Do you have any idea? Has anybody done a historical... [LB388]

JOHN McCLURE: I don't. I went back to the original act which was passed in 1933 to create public power districts. And curiously at that time there was actually a dollar limit. You can't pay a salary over \$10,000 to an employee of a public power district. And just as a bit of history, those employees for many of the power districts, for Consumers Public Power District in particular, came from the private utilities who were operating in the state. It was the management of those utilities that were acquired by Consumers Public Power District. Most of them came over. But then how the transition came, I don't know, Senator, I'd love to try and find out. [LB388]

SENATOR COOK: All right. Thank you. [LB388]

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SENATOR DUBAS: Other questions? I would have one for you, Mr. McClure. I found it interesting that no other entities require this supermajority. So I question similar to Senator Cook's as to why that was put into place, but I appreciate any other input you might have on that. Did this just come out of a concern that a particular board member had or has this been a problem? [LB388]

JOHN McCLURE: It has not been a problem. And quite honestly I think that's one of the beauties of this bill is to come to the Legislature and ask for a change for something that could become an issue before it really is a problem. It's a simple matter. It's something that one of our directors has talked about from time to time. He has a strong belief that the will of a majority should prevail on a public board. And he has concern about other places that supermajorities may be required either through our bylaws or by statute. [LB388]

SENATOR DUBAS: I guess just in light of today's economic times, and this is not a reflection on your board or the way your executives run anything, but you know there is a heightened suspicion with executives. And so having boards have to have that much more agreement when they're doling out salaries, you know, I can see people thinking that that would be a good thing. But the fact that you said this is not coming out of a current problem I think is a good thing to know. Other questions? Seeing none, thank you. [LB388]

JOHN McCLURE: Thank you. [LB388]

SENATOR DUBAS: Next proponent. Any opponents? Anyone in the neutral? Mr. McClure, you may be right. Seeing none, Senator Langemeier, you're welcome to close. [LB388]

SENATOR LANGEMEIER: I probably don't need to do this. But as I was asked to introduce this bill and I don't sleep much, so I was doing a little research. And following on John's statement there of requiring the \$10,000 pay when this all started, I don't know what the mind-set was behind that, but here's my theory. My theory is is when George Norris was out selling this idea of public power, we had a lot of public/private power industry out there. And when he was giving everybody this sale job to go to public power, I think my theory is is there was some fear out there is it going to be the fight for which one of these power companies' employees became the power of the public power. And I think that was set to bring all those employees that would come to the table all at an equal level so you didn't have that fight of this little power company as it got integrated and this little power company as it got integrated, who was going to be the commander-in-chief, per se. And we bring them all in that want to come in at the same pay kind of limits that ego of who's going to be in charge if you're all making the same amount of money. So that's the only thing I wanted to add. That's my little theory

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as I ponder when I don't sleep. And so with that, I'd ask the committee to advance LB388. [LB388]

SENATOR DUBAS: Any questions for Senator Langemeier? Seeing none, thank you. And that closes our hearing today on LB388, and closes our hearings for the day. Thank you for your attendance. [LB388]

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

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Disposition of Bills:

LB388 - Placed on General File.

LB582 - Held in committee.

Chairperson

Committee Clerk