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Natural Resources Committee
February 04, 2011

[LB105 LB549 LB697]

The Committee on Natural Resources met at 1:30 p.m. on Friday, February 4, 2011, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB549, LB105, and LB697. Senators present: Chris Langemeier, Chairperson; Ken Schilz, Vice Chairperson; Tom Carlson; Annette Dubas; Ken Haar; Beau McCoy; and Jim Smith. Senators absent: Mark Christensen.

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 welcome everybody here within our audience, as well as those that are watching us on-line and through closed-captioned television provided by NET. I'd like to introduce our committee that we're going to have with us today. Starting to my far left, or your right, we have Senator Jim Smith from Papillion. We have Senator Beau McCoy...Beau McCoy is coming in, but Senator Ken Schilz is the Vice Chairman of the committee from Ogallala. We have Laurie Lage who is the legal counsel for the committee. To my immediate right Senator Dubas will be here in a few minutes from Fullerton. And then we have Senator Tom Carlson from Holdrege. And then we have Senator Beau McCoy from Elkhorn. And then at the end of the table we have Barb Koehlmoos who is the committee clerk for the Natural Resources Committee. We have a page that will be helping us today; we have Kate DeLashmutt who is from Burwell, Nebraska, and she is a senior student at UNL. If you're going to testify today, we ask that in the corner of the room you'll see this green sheet. We ask that you fill it out in its entirety and as you come up to testify if you would give that to Barb, we would appreciate it. It helps us keep an accurate record of today's hearings. If you're here and you want to be part of the record as being here, but you don't plan to testify, you'll see in the corner of the room there's also a spreadsheet looking kind of a sheet that you can sign in on and you then you can tell us whether you're here to support or oppose a particular bill or not so we can have you as being part of our record here today. At this time, if you have anything you would like to hand out we ask that you have 12 copies. If you know you're short of copies right now if you'll raise your hand we'll have Kate come help you get those copies. Anything you give to the committee becomes of record. So if you have a family photo or something that you'd like us to see but you don't want us to keep, we ask that you show it to us from the table, because if you do hand it in, we are going to keep it for the record. At this time we'd ask that you turn your cell phones off so we don't interrupt those that are testifying at the table. In the Natural Resources Committee, don't look like it's going to be a big issue, we do use the light system. You get five minutes to testify. The green light will come on when you start and when it goes yellow you have one minute left, and when it goes red we ask that you stop and take our questions at that time. I'd like to introduce Senator Ken Haar from Malcolm has joined us and welcome to the committee. And with that said, we ask that when you come up to testify that you say and spell your name for the record; it helps us keep a cleaner record, before you start your testimony. So with that, Senator Council is here. We'll have the bills as they were

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posted. We'll start with LB549. Welcome and good afternoon.

SENATOR COUNCIL: (Exhibits 1, 2, and 3) Thank you, Chairman Langemeier, and members of the Natural Resources Committee. For the record my name is Brenda Council, last name spelled C-o-u-n-c-i-l. I'm the senator representing the 11th Legislative District and appear before you this afternoon for the purpose of introducing LB549, a bill that in my estimation is a classic example of collaboration and cooperation at its finest. LB549 evolves out of a conversation that I had with Rex Amack of the Nebraska Game and Parks Commission approximately two years ago. It was shortly after I was sworn into the Legislature and was invited to meet agency and department heads and spent some time over at the Game and Parks Commission with Rex and his staff. During the course of that conversation, we started to wax nostalgic about programs and services that had been provided in the past directed to youth in the state of Nebraska. And I was reminded of the neighborhood youth corps that I participated in when I was 15 and Rex had fond memories of the Federal Youth Conservation Corps. And we both talked about what possibilities would be available to young people in the state of Nebraska if we could re-create a youth conservation corps. And that is exactly the intent of LB549 is to establish a statewide youth conservation corps. And the purpose of the youth conservation corps would be to encourage Nebraska's youth, particularly at-risk youth, to reach their full potential through this youth conservation corps experience. They would be provided with an opportunity to develop work skills, to learn about nature and conservation, to learn to better interact with others who may be different from them. The plan is to make the program available to youth from throughout the state of Nebraska, though with a preference being given to youth who reside in areas of high concentrations of poverty. And if you look at the data, those are the areas from which we can identify the greatest number of youth who are going to be classified as being at risk. During the course of the interim, as a member of the Judiciary Committee, I had an opportunity to speak with representatives of youth serving organizations from across the state, those in Columbus, we actually visited Grand Island, spoke to some in Scottsbluff, and quite frankly, and naturally, the city of Omaha, all of whom saw value in providing an educational experience for young people during the summer. And under LB549, what the program provides for is to establish a Youth Conservation Cash Fund and that cash fund would be originally funded with approximately \$1 million to be transferred from the Settlement Cash Fund, which is administered by the Attorney General. And when I talked about collaboration earlier, that's what I'm talking about. I have had the pleasure of working very closely with Speaker Flood. When I spoke to him about this idea, he thought it was a great idea and offered his assistance. Chairman Langemeier, when presented with the idea, also saw value in it and has assisted in developing the focus and direction of the program, and certainly Attorney General Bruning, when approached about utilization of funds in the Settlement Cash Fund to fund this program. And so what you see in LB549 is to establish this program. The program would be administered during 2012 to provide us with opportunity to develop the program and implement it at the beginning of the

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summer for young people. One of the, I think, encouraging parts we've been in discussion, and I don't even think Senator Langemeier is aware of this because it's just been occurring the last few days, we've been in conversation with representatives of the Department of Labor with regard to WIA and the potential for a program like this becoming a year-round program serving young adults. The age group that is identified under the Youth Conservation Corps is from 16 to 20. The program anticipates approximately 270 youth being able to be employed for a period of six weeks during the summer at minimum wage. At this point in time there's going to be a need for an amendment. The young people will be considered employees of the state only for particular purposes. And one of them was...in order to provide meals to them while they're working, and the budget does include funding for those meals, but in order to provide meals they have to be considered employees of the state before all other purposes other than workers' comp, they would not be considered employees of the state. The budget and the amount of funding reflected in LB549 covers all of their consumables, supplies, and equipment, van rentals because many of the young people who would be participating in this program live some distance from the facilities that they would be working in so the budget contemplates transportation. We've also given consideration and thought and we're working to provide opportunities for some of the youngsters to actually stay at some of the state facilities for a week at a time, for example, Chadron State Park, the opportunity to utilize the dormitories at Chadron State College to house some of the participants for a week at a time so they could have an experience away from their communities. It is the intent that after 2012 and beyond we would look for other funding sources that could sustain this program. As I indicated, the possibilities of involving WIA would provide a source of funding to extend this program beyond 2012, but 2012 is the implementation year and we hope that with the support of this committee we can make this employment and education opportunity available to youngsters across the state of Nebraska. I would like to introduce into the record, as I've indicated, I've had conversations with a number of organizations and agencies, many of whom work directly with at-risk youth who are all supportive of this program, but their schedules would not permit them to be here today. So Mr. Chairman, I would just introduce into the record a letter from the Urban League of Nebraska signed by its president and CEO, Thomas Warren, submitting their letter in support of LB549 and offering their assistance in developing and administering the program. The Urban League actually administered a summer youth program that was funded with stimulus dollars that worked with the same youth population that LB549 is designed to work with. I also have a letter from council member Ben Gray from the Omaha City Council who had an occasion to meet with us during the developmental stages of LB549 who offered his assistance as a city council member, but as well as the executive director of Impact One, which is an at-risk youth serving organization that also has the experience in administering summer youth employment programs. I'm delighted to offer into evidence as well, a letter from the AIM Institute and the AIM Institute works with young people in the Omaha area, in the Lincoln area, in the Scottsbluff area, and they, too, support the establishment and administration of the Youth Conservation Corps. I've had

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conversation with representatives from the Nebraska wildlife and I hope that we have someone here to testify from them. And with that I would answer any questions that the committee may have about the Youth Conservation Corps or any other aspect of LB549. [LB549]

SENATOR LANGEMEIER: Very good. Questions? Senator Haar. [LB549]

SENATOR HAAR: Thank you, We ask tough questions in this committee. [LB549]

SENATOR COUNCIL: Thank you, sir. [LB549]

SENATOR HAAR: This is for my education. What is the State Settlement Cash Fund? [LB549]

SENATOR COUNCIL: The State Settlement Cash Fund is a fund that is housed in the Attorney General's Office. It's the fund where when the state is involved in litigation and there may be damages awarded to the state or a settlement that provides for payment to the state, they are deposited into the Settlement Cash Fund. [LB549]

SENATOR HAAR: Do you have any idea how that's been used in the past for what kind of projects? [LB549]

SENATOR COUNCIL: Well it's my...well, and LB549 does address that, in the past the appropriations from the Settlement Cash Fund, the Legislature has been involved in the appropriations of dollars from the Settlement Cash Fund, but I can't tell you what types of programs have been funded. To my knowledge, and someone with more tenure in the Legislature than I may be able to enlighten all of us further. But it's unlike...for example, lottery, it doesn't have any designated programs or services that are to be funded from that fund. [LB549]

SENATOR HAAR: Thank you. [LB549]

SENATOR LANGEMEIER: Any other questions? Senator Carlson. [LB549]

SENATOR CARLSON: Thank you, Senator Langemeier. Senator Council, do you have any idea how much money is in that fund, the state Settlement Cash Fund? [LB549]

SENATOR COUNCIL: No, sir, I do not know what the outstanding balance is. [LB549]

SENATOR CARLSON: Okay. And you've requested a one-time transfer; and then earlier in your opening you said that...is that what you would look at this, a one-time transfer, or additional transfers? You mentioned at some point you'd look for other funding. [LB549]

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SENATOR COUNCIL: LB549 is based on a one-time transfer from the Settlement Cash Fund and in order to sustain the program, we would certainly have to identify other funding sources to take the program beyond the summer of 2012. But the cash fund...the Youth Conservation Corps Cash Fund is being established in a way that it can receive private donations, can receive federal grant dollars, so we have opportunities to utilize funds from other sources other than state sources. And I know that all of us hope that the present economic situation changes to the point that in the future there may be opportunity for general fund appropriations. But at this point in time it's a one-time transfer. [LB549]

SENATOR CARLSON: And the emergency clause is on here, how long will that \$994,000 last? One year? Two years? [LB549]

SENATOR COUNCIL: One year. [LB549]

SENATOR CARLSON: One year, so that's not a very big period of time and if we go in the summer I could envision something like this looking really good, but maybe not enough time beyond that to justify...or to have money there for the second year. So you don't know, and I don't know, it would be interesting to know how much money is in there. [LB549]

SENATOR COUNCIL: Well and one of the reasons that we're looking at implementation in 2012 is to provide us opportunity to continue our discussion with private donors and to continue to look at potential federal and other grant dollars to be deposited into the Youth Conservation Cash Fund to sustain the program beyond the summer of 2012. [LB549]

SENATOR CARLSON: Thank you. [LB549]

SENATOR LANGEMEIER: Senator McCoy. [LB549]

SENATOR McCOY: Thank you, Chairman Langemeier; and thank you, Senator Council for bringing what appears to be a very worthwhile idea to us. Was there any thought given to an ongoing amount taken from the state Settlement Cash Fund? Why is it only just a one time? [LB549]

SENATOR COUNCIL: Well in the discussions that I was privy to, at that point in time, and I don't know what the actual final balance is or what the Attorney General's plans are for future use of whatever balance is in the fund, but at this point in time, based upon the balance in the fund and his current plans, he was agreeable to this one-time \$1 million transfer. [LB549]

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SENATOR McCOY: Thank you, and maybe by a clarifying question, I noticed on the fiscal note it says that the estimate from the Game and Parks Commission does not include the provisional lodging or noon meals. Maybe I got confused. Did you say earlier it does include that in your opening testimony? [LB549]

SENATOR COUNCIL: And maybe...and Senator Langemeier is going to help too, but at the time the fiscal note was developed, it was...that they were not going to be...they weren't going to be treated as employees. So it says that it doesn't include funds for meals. But in rearranging the program, there would be enough out of the \$1 million to provide meals. [LB549]

SENATOR McCOY: And the last question I would have would be, have you gotten any indications of any private sources that would be able to help perpetuate this program into the future beyond this one year? You mentioned, and obviously it's written with the ability to accept... [LB549]

SENATOR COUNCIL: We've been in conversation; we don't have any firm commitments and would not feel comfortable at this time disclosing the parties that have been engaged in discussion. But we have had discussions with some private funding organizations who see the value of this program and would be interested in providing some support into the future. [LB549]

SENATOR McCOY: Thank you. [LB549]

SENATOR LANGEMEIER: Just to, Senator Council, we had a little discussion. To follow up on that fiscal note, as we've looked to come up with the million dollars, the intent was to have housing was to have the food issue all in there. But due to the nature of the employees, the bill does not allow that. So we do have to amend it to get to what we projected here and that's what the fiscal office was trying to tell us. [LB549]

SENATOR COUNCIL: Right. We have to state that they are employees only for certain purposes so that they can use the money from the \$1 million for meals and lodging if necessary. [LB549]

SENATOR LANGEMEIER: And I am surprised that after we've had this discussion, how many people have come out of the woodwork saying this could be really big. [LB549]

SENATOR COUNCIL: Oh, I mean, so many e-mails that I have received; and with particular emphasis on the aspect of the program that will provide these young people an opportunity to be out in nature and to learn about natural resources and conservation methods and I'm just getting quite a bit of e-mail support for the bill. [LB549]

SENATOR LANGEMEIER: And we might get more of our parks mowed and we've been

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talking about that the last few days too. [LB549]

SENATOR COUNCIL: Exactly. Parks mowed and new hiking trails built. [LB549]

SENATOR LANGEMEIER: You bet. Senator Haar. [LB549]

SENATOR HAAR: Our questions, and mine too, is centered on the cost of this, but obviously these are work crews. [LB549]

SENATOR COUNCIL: Yes. [LB549]

SENATOR HAAR: And they're going to be doing...improving Nebraska's parks, right? [LB549]

SENATOR COUNCIL: Yes. And in fact, during my conversation with Mr. Amack two years ago, he can take you out and point to hiking trails and bridges that were constructed under the original Youth Conservation Corps which was a federally funded program. [LB549]

SENATOR HAAR: Thank you. [LB549]

SENATOR LANGEMEIER: Any other questions? Seeing none, thank you very much. [LB549]

SENATOR COUNCIL: And, Senator Langemeier, since my committee is meeting, I will...I'd like to stick around a little bit, but I'll be waiving closing. Thank you. [LB549]

SENATOR LANGEMEIER: Okay. Sounds good. You've heard the opening on LB549. We'll now move to proponents, those that would like to wish to testify in support. Good afternoon. [LB549]

JIM SWENSON: Good afternoon. Chairman Langemeier and members of the Natural Resources Committee, my name is Jim Swenson, J-i-m S-w-e-n-s-o-n. I currently serve as the east region parks manager for the Nebraska Game and Parks Commission and I'm here today representing the commission and registering support for LB549 introduced by Senator Brenda Council. Senator Council did a wonderful job of explaining the program. LB549 is designed to create the Youth Conservation Program for Nebraska which will provide for structured employment opportunities and hands-on learning experiences for young adults who are identified as at risk and in need of direction towards a positive path in life. We agree that the program can provide work experience and job-skill development, as well as instill positive work ethics in its participants. The proposed program is similar in scope to the Federal Youth Conservation Corps Program that was implemented in the 1970s, a program that had a

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beneficial impact upon outdoor resources and was a positive influence for program participants. Given that the proposed program will also work towards conserving or developing natural resources, we perceive similar results with this program and hope that participants will develop a greater appreciation for our natural environment, perhaps seeking to follow a career path in outdoor recreation or conservation professions. LB549 identifies the Nebraska Game and Parks Commission as the lead agency for this program. This is a reasonable fit considering our workforce needs and our ability to provide a diverse array of work opportunities within our network of parks and wildlife management areas across the state of Nebraska. Furthermore, we advocate for programs designed to educate individuals and build self-esteem and we proactively administer numerous outdoor education and skills programs that work towards that objective. Our 20-year recruitment development retention program which we call with the acronym RDR, is designed to increase participation in outdoor activities and currently guides our efforts. The Youth Conservation Program reflects similar objectives and a common positive outcome. Any program that invests in our youth and challenges them to work towards a better future is a step in the right direction. The Nebraska Game and Parks Commission maintains a strong reliance upon partnerships to effectively carry out our mission. We acknowledge that success is best achieved when experts are involved in a collaborative venture. Although identified as the administrative lead for the youth program, we feel that LB549 provides us with the latitude to partner with the secondary education system and appropriate agencies of state government that are experienced with programs of this type and have personnel who are trained to address program and participant needs. We will solicit their assistance and hopefully benefit from existing templates for the various program protocols. Game and Parks is able to identify work projects and help coordinate logistics for meeting those project needs. I provide management oversight for a number of parks in eastern Nebraska and I, myself, see potential for utilizing this program at those venues. Thanks for the opportunity to testify on behalf of LB549. I can address any questions at this time. [LB549]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Haar. [LB549]

SENATOR HAAR: Yes, just briefly; would young people in this program leave the summer program with cash in their pocket or does this really just cover the cost of their time? [LB549]

JIM SWENSON: It's intended they leave the program with cash in their pocket, yes. It provides a type of incentive and encouragement that would, you know, encourage them to continue in an employment effort as well, so, they would leave with cash in pocket. [LB549]

SENATOR HAAR: Okay, thank you. [LB549]

SENATOR LANGEMEIER: Senator Carlson. [LB549]

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SENATOR CARLSON: Thank you, Senator Langemeier. It would seem like quite a bit of this would involve...to be successful and to have the young people at the right place at the right time to do what they're supposed to do, it's going to involve being away from home and overnight. Would you say that would be the majority of the time? [LB549]

JIM SWENSON: It depends on the location in the state that the work group is being utilized. There will be opportunities to be close to home to where it's just day travel from time to time. But there will also be opportunities in remote areas of the state in park and wildlife areas where they may have to stay overnight. So, yes, that consideration must be made. [LB549]

SENATOR CARLSON: Yeah, if it was at Mahoney, that wouldn't be an overnight probably. [LB549]

JIM SWENSON: Right. [LB549]

SENATOR CARLSON: But it would seem like in order for this to be successful, those that are in a position of leadership and supervision, those are key people. [LB549]

JIM SWENSON: Yes, they are. [LB549]

SENATOR CARLSON: And part of it would be what happens between 6:00 A.M. and 6:00 P.M. as far as the work is concerned, but then if they're gone, what happens between 6:00 P.M. and 6:00 A.M., where the supervision would be maybe more critical than during the day? But I could see if that were done correctly, this could be a tremendous life-changing experience. [LB549]

JIM SWENSON: We certainly recognize from former experiences with programs of similar nature that a lot of the success is centered on the leadership that comes with that program and we're sensitive to that demand. We'll use our expertise as well as other agencies that can help us address those very needs to build the best program possible. [LB549]

SENATOR CARLSON: Good. Thank you. [LB549]

SENATOR LANGEMEIER: Any other questions? Seeing none, thank you very much. Well done. [LB549]

JIM SWENSON: Thank you. [LB549]

SENATOR LANGEMEIER: Further testimony of support? Welcome, Duane. [LB549]

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DUANE HOVORKA: (Exhibit 4) Good afternoon, Chairman Langemeier, and members of the Natural Resources Committee. I'm Duane Hovorka, that's D-u-a-n-e H-o-v-o-r-k-a and I'm here on behalf of the Nebraska Wildlife Federation to testify in support of LB549. Nebraska is a great state, but we're not without our problems. When I grew up in Lincoln in the 1960s, we didn't have cable TV or video games or i-Pads or personal computers and Al Gore hadn't even invented the Internet yet. So like most of my friends, I spent a lot of my free time outdoors. The creek at the end of our block was our playground and the rule was, be home by dark. That childhood and the holidays that I spent, and the summer days spent at my grandfather's farm near Palisade out in western Nebraska and my uncle's farms up in South Dakota really left me with an appreciation for the outdoors that I carry today. But things have certainly changed. Today kids in this country and in this state grow up indoors glued to TV screens, computer screens, video game screens. You have to push many kids outside just to get them to go outside. And that huge change in just a generation or two is really having some profound impacts. Childhood obesity is up, diabetes is up, we're raising a generation that's largely disconnected from our natural world around them. It's a challenge many of us have been working on, but there is certainly much more that needs to be done. We also have in our state some beautiful state parks and recreation areas. They're the crown jewels of what little public land we have in this state. And they're tremendous community assets. But with tight budgets we face an increasing challenge in maintaining trails and managing native prairies and woodlands and maintaining those cabins and the other buildings there, and in keeping our parks attractive and useful. So I think you would agree with the current budget deficit that that challenge is going to get worse, not better in the next few years. We face a third difficult challenge, we have kids growing up in poverty and in some cases they are second or third generations living in poverty. They live in poor neighborhoods where there are few jobs, few opportunities. Some have never been outside their city and some not even outside their own neighborhood. And these kids are growing up in different places, in north Omaha, in Grand Island, on the reservations in northern Nebraska, and elsewhere across our state. They need hope, but they need more than hope. They need job skills; they need training; they need on-the-job experience that they can put on a resume. And perhaps as much as anything, they need to spend some time outside their own neighborhoods to see that there's a world outside that's very different than the street they grew up on, to believe that their life doesn't have to be defined by the drugs, alcohol, poverty, or violence that may be around them. They need to believe that things can be different and that they can make a difference. So I'm very pleased to be here to support LB549 which would address all three of these important challenges by taking at-risk youth, introducing them to the natural world, giving them some on-the-job training, some real world job skills and some work experience. This program could be a real catalyst for some of these kids. It could broaden their perspective on the world and on the role they could play in it. And at the same time, the Youth Conservation Program would help us maintain and improve parks and recreation areas all around the state and allow us to pass on to our kids these important natural assets that in at least as good

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condition as they are now. So thanks to Senator Council for bringing this important idea to the Legislature and we ask you to advance LB549. I'd be glad to answer any questions. [LB549]

SENATOR LANGEMEIER: Thank you. Are there any questions? Seeing none, thank you very much, well done. [LB549]

DUANE HOVORKA: Thank you. [LB549]

SENATOR LANGEMEIER: Further testimony in support? Seeing none. Is there any testimony in opposition? Seeing none, is there any testimony in a neutral capacity? Seeing none, Senator Council, do you want to close? [LB549]

SENATOR COUNCIL: Senator Langemeier, I waive closing, but I do...it was brought to my attention and I just want to recognize that there is an individual in the room who is a product of the '70s Youth Conservation Corps and I couldn't encourage her to testify. She's here on another bill, but she came up to tell me how much she benefitted from having participated in the Youth Conservation Corps that was maintained and operated in the state in the '70s. Would you just stand if you won't testify. [LB549]

_____ : And more so than what the state benefitted (inaudible). [LB549]

BRENDA COUNCIL: So thank you. [LB549]

SENATOR LANGEMEIER: Very good. And I just want to add one comment. There was a question to those funds of what they could be spent on. We found that out; it's for the benefit of the state of...it can be spent for the benefit of the state of Nebraska and general welfare of our citizens. That's the only restriction. Thank you very much. [LB549]

SENATOR COUNCIL: Thank you again, Senator Langemeier. [LB549]

SENATOR LANGEMEIER: That concludes the hearing... [LB549]

SENATOR HAAR: Senator Langemeier. There was a letter in this section that really looked weird. It's in opposition and I'm sure it should be LB529 and not... [LB549]

SENATOR LANGEMEIER: It is, it is...they misstyped the letter so we can move that to a different bill on a different day. That concludes the hearing on LB549. Senator Schilz is here and we will recognize him to open on LB105. [LB549]

SENATOR SCHILZ: Thank you, Senator Langemeier, and members of the Natural Resources Committee. My name is Ken Schilz, spelled K-e-n S-c-h-i-l-z and I represent

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the 47th Legislative District. Today I'm introducing LB105. And before I get started I would like to take a minute to thank Herb Angell from Game and Parks for providing great information to the committee about boating education. I hope you all had a chance to look into that information from the interim study this summer. Herb has worked in this area for many years and is here today to share his testimony and expertise and answer any questions that I may not be able to. As you know, I'm a native of Ogallala, which is home of Lake McConaughy. Each year we always see the boating accidents, casualties and fatalities that happen. The following testimony will give you a better picture of the details of these accidents and what we think we can do to help curb some of those. Mandatory boating education options are available for states to implement. The one...this bill that we'll have today, we'll use the "born on" or "after date" of the boat operator so I think the date we have in there is 1985 where we'll start, so anybody that's 26 or under will have to comply. Currently, 47 of the 56 states and territories have some type of mandatory boating education in place. Those states who have already implemented mandatory boating education have shown an overall decrease in the number of fatalities per 100,000 registered boats. For instance, states which have had mandatory boating education in place for at least the last 20 years have an average of 3.89 fatalities per 100,000 registered boats. States which have had mandatory boating education in place for 10 to 19 years have a slightly higher average of 5.5 fatalities per 100,000. And states which have had mandatory boating education in place for 1 to 9 years have an even higher average of 6.68 fatalities per 100,000 registered boats. States which have no mandatory boating education in place have an average of 12.28 fatalities per 100,000 registered boats. Currently, Nebraska law requires boaters under the age of 18 to take a mandatory boating education course. There will be testimony to follow that will show you the statistics of how boating accidents have decreased in that range since implementing the boating education courses. However, there is still a number of boating accidents occurring in older adults. Educating individuals on motor boats and the capacity they have to cause disastrous accidents when not operated properly can only help eliminate the fatalities we have each year. There's an example of boater education in place at several private lakes whose associations require all boaters to take a boater education course. The accidents at these lakes, though they may be smaller than like a lake like Lake McConaughy, are very rare. The program these associations implement is the same course I'm suggesting be implemented through this bill. The cost is minimal. As I said before, there's testimony that follows that will be able to give you more specific information on cost efficiency and staffing needed to accommodate mandatory boating education. With that I would encourage you to support LB105. Thank you for your time and I would be happy to answer any questions. [LB105]

SENATOR LANGEMEIER: Very good. Are there any questions for Senator Schilz? Seeing none, very good. [LB105]

SENATOR SCHILZ: Thanks. [LB105]

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SENATOR LANGEMEIER: We'll now move to proponents, those that wish to testify in support of LB105. Good afternoon and welcome back. [LB105]

HERB ANGELL: Thank you, Senator Langemeier, and good afternoon, members of the Natural Resources Committee. My name is Herb Angell, H-e-r-b A-n-g-e-l-l and I'm the state boating law administrator. I'm employed by the Nebraska Game and Parks Commission. It's a great privilege to be here on behalf of the Game and Parks Commission to testify in support of LB105. I'd also like to thank Senator Schilz for introducing this important legislation. We feel that the key to boating safety is boating safety education. We just need to reduce boating accidents and injuries and fatalities. In fact, boating safety education on a national scene has proven just that, as Senator Schilz just mentioned. I'd like to start just by giving you a little bit of a historical...short historical background of boating safety in our state. Prior to the year 2000, the only requirement to operate a motor boat in our state was to be age 14 and be big enough to turn the key on and go. So at that time, we noticed that we were having about 50 to 60 boating accidents in the state and about half of those were jet ski accidents, or personal watercraft is the proper name. We brought the idea of boating safety education to the Legislature and the law was passed to mandate 14- and 15-year-olds to take a boating safety course prior to operating a personal watercraft, or a jet ski. In 2004, we realized that we were educating people to operate jet skis, but any 14-year-old could operate a 50-foot boat with the same requirement as before, be 14, turn on the key. Then in 2004, the Legislature mandated boating safety education for all boat operators under the age of 18. The first year that we had that, we realized a decrease of 19 percent accidents involving people in that age group. We continued to maintain those low numbers, as far as those people under 18, and in fact, we have not had a fatality involving anyone from that age group since we started doing it. I just think that's a pretty good record. Currently, the age group most accidents are caused by is the adult age group that's not required to complete boating safety education. LB105 would begin addressing this age group which statistically they're most likely to get in...be involved in a boating safety accident. In conclusion, I think you've heard me all before, especially at the interim hearing, but just to be brief about it, I just want to again thank Senator Schilz and his staff for bringing up this important legislation. Boater education has proved to be reducing accidents. It's currently required only for youth 14 to 17 years old. We believe that LB105 will begin to address the adult age group that is most likely to be involved in a boating safety...boating accident. Boater safety education is mandated by nearly all the states and they've experienced positive results. The concept, it's interesting, the concept is of mandatory boater safety education is already supported by the Nebraska Lakes Association and many of the private lakes in the state, including Capitol Beach right out here out the edge of town, require every single person on their lake, regardless of their age, to have boating safety education. And we certainly continue their efforts to maintain boating safety. That concludes my testimony. If you have any questions, I'll attempt to answer them. [LB105]

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SENATOR LANGEMEIER: Are there any questions? Senator Haar. [LB105]

SENATOR HAAR: Yes. Does the state play any role in training the trainers, or how is that done? Is it just fee based or what? [LB105]

HERB ANGELL: We have about 220 volunteer instructors and nobody teaches a boating safety class in Nebraska without us training them first. So when...and we've got a really good group of people. We certify about 1,300 people a year which is two times more than what Iowa does. We're pretty proud of that fact. [LB105]

SENATOR HAAR: Yeah. Is that at state expense or do those folks pay for the course? [LB105]

HERB ANGELL: By statute in 2004, the Legislature gave us the authority to charge up to \$10 per student. Many of our instructors teach it for free. Some of them teach it for \$5. [LB105]

SENATOR HAAR: Okay. [LB105]

HERB ANGELL: It varies from instructor to instructor. [LB105]

SENATOR HAAR: Thank you. [LB105]

SENATOR LANGEMEIER: Are there any other questions? I do have one. You said we went in 2004 to require training on all boats, boats and jet skis. So now that we've been doing that, basically eight years, a lot of our boaters from ages 18 now up to 26 should be trained. Do we see a lot of people coming new into boating at age 22 or 19? Do we see a lot of people going out buying boats and saying let's go boat? [LB105]

HERB ANGELL: I think the folks that...the folks that are likely purchasing boats are people that are earning enough money to do it. So I'm thinking along the lines of 25-, 35-year-olds. People under that age, they've got a lot of other things that they have going on. But if they have the opportunity to operate a boat, they would. I think that this "born after date", that Senator Schilz recommended was...if you look, hypothetically, the people that we were educating in 2004 that are 17 and 18 years old, fit this age group now. So the impact on our program is going to be very little. And we can absorb that little bit. [LB105]

SENATOR LANGEMEIER: Okay. Any other questions? Seeing none, thank you very much for your testimony. [LB105]

HERB ANGELL: Thank you very much. [LB105]

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SENATOR LANGEMEIER: (Exhibits 5, 6, and 7) Further testimony in support of LB105? We do have a couple letters. We have one from the National Transportation Safety Board. We have one from Joe Herrod from the Nebraska Council of Sportsmen's Clubs and Susan Smith from Omaha in support of LB105. Is there anyone here that would like to testify in opposition to LB105? Seeing none. Is there anyone that would like to testify in a neutral capacity? Seeing none. Senator Schilz waives closing. That concludes the hearing for LB105. Very good. Now we will open up the hearing on LB697. Senator Coash, welcome to the Natural Resources Committee. [LB105]

SENATOR COASH: (Exhibit 8) Thank you. It's my first time here. Well thank you, Chairman Langemeier and members of the Natural Resources Committee. For the record my name is Colby Coash, C-o-a-s-h and I represent Legislative District 27 here in Lincoln. I'm here to introduce LB697. LB697 creates an appeals process for hunters who want to obtain a Nebraska hunting permit but have suspended or revoked permits in other states pursuant to violations committed in those states. This bill allows them to appeal to the Nebraska Game and Parks for a hunting permit here in our state. It's very good that we have reciprocity with other states with regard to our hunting laws, but I felt it was important that we give the Game and Parks a tool to evaluate that. As I began to research other states and their hunting laws, I was able to find out, and let's pass these out to the committee, that there are several violations that you can lose your license for in another state that you might otherwise be able to keep if you did the same thing here. So I'd like to highlight some elements of this bill which are local control, transparency, and accountability. LB697 allows for local control and discretion by the Game and Parks. Some states suspend hunting permits only for minor violations which would not necessarily forbid them from hunting in Nebraska. This bill allows our authorities to dictate who may hunt within our borders. Nebraska may be at the mercy of other states' laws whether we agree with them or not. And those are some examples that I passed out. This bill provides Nebraska with transparency and oversight of hunters who would operate clandestinely due to their revoked permits in other states. And finally this bill provides accountability as Game and Parks can obtain information about the petitioner through the hearing process and can make judgments whether or not he or she is fit to hunt in our state. I want to be clear, this isn't about saying that if you lose your hunting rights in a different state that you should have them here. This is a mechanism for which that hunter can come to our state and say, let me tell you what happened and why I would like to hunt in your state and let the Game and Parks ultimately decide. I don't think there should be...I want to be clear, this isn't about excuses. If you hunt in another state you should know those state's laws. It is that hunter's responsibility, but I do believe that when it comes to our state that discretion and some judgment is warranted. And so that is the reason for bringing this bill. You should have a letter of support from the sportsmen's who were unable to testify today. So I wanted to make sure you had that. And I'll close and see if there are any questions. [LB697]

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SENATOR LANGEMEIER: Very good. Are there any questions? Senator Carlson.
[LB697]

SENATOR CARLSON: Thank you, Senator Langemeier. Senator Coash, I was kind of looking here, and if you said this, I'm sorry, but how did you come about this bill?
[LB697]

SENATOR COASH: Well I became aware of instances where other states have passed hunting laws that are much more prescriptive than what we have and that if a hunter had his license suspended, they thought, well, they maybe could come here, but found out that because we have reciprocity they wouldn't be able to. And so that kind of pulled a string for me and I started to do a little bit of research about what other states are doing and how they may be very different than what Nebraska is doing and that was where this came from. [LB697]

SENATOR CARLSON: Okay. Thank you. [LB697]

SENATOR LANGEMEIER: Are there any other questions? Senator Coash, in our law, in our reciprocity with other states, it's my understanding that it's very cut and dry.
[LB697]

SENATOR COASH: That's right. [LB697]

SENATOR LANGEMEIER: If you were suspended there, you don't get one here.
[LB697]

SENATOR COASH: That's correct. It's cut and dry. There's a compact which Nebraska does not belong to, but we do have in our statute that we recognize other states' hunting laws. And I think we should. And I would never say we shouldn't, you know, if somebody is a bad actor in one state, we don't want them here. But I do think we can give the Game and Parks some discretion to decide, you know what, there are circumstances here we ought to consider and this bill just gives a process for them to bring that forward. Because right now there's nothing they can do, that's correct. [LB697]

SENATOR LANGEMEIER: Very good. Are there any other questions? Seeing none. Senator Coash, thank you very much. [LB697]

SENATOR COASH: Thank you. [LB697]

SENATOR LANGEMEIER: (Exhibits 9 and 10) You have heard the opening on LB697. We will now take testimony for those in support or proponents to LB697. Seeing none. Is there...oh, I've got...I do have two letters, one from the Nebraska Sportsmen's Foundation, and one from the National Rifle Association in support of LB697. We'll now

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go to those who would like to testify in opposition. Is there anyone that would like to testify in opposition of LB697? Seeing none. Is there anyone who would like to testify in a neutral capacity on LB697? Welcome to the Natural Resources Committee. [LB697]

CRAIG STOVER: (Exhibit 11) Thank you. Senator Langemeier, members of the committee, my name is Craig Stover, C-r-a-i-g S-t-o-v-e-r and I'm the assistant administrator of law enforcement for the Nebraska Game and Parks Commission. The commission recognizes that this bill is important to Senator Coash and we're hopeful that what you hear from me today reflects our neutral position on this bill, but we do have a few concerns. Our primary concern revolves around the potential number of hearings that may possibly have to be held. We attempted to establish the number of people that could possibly be affected by this and in doing so we attempted to get the numbers from the Wildlife Violator Compact that was mentioned earlier. I've got a map here that illustrates what we're talking about. There's 36 states that are a member of the Wildlife Violator Compact and all the states west of the Mississippi belong to this group with the exception of the state of Nebraska. Nebraska kind of sits on an island out there. The compact exchanges information back and forth between member states. They recognize each other's revocations and you can access their database to determine whether somebody is revoked or not. Since Nebraska is not a member of this compact, we were able to talk with the state of Iowa and the state of Iowa indicated that at any given point in time they have 1,500 residents that are under some sort of a suspension or revocation from their hunting and fishing privileges. So based on that particular number, if you calculate in there the 36 states, that puts it up around 54,000 people across the country. Now I don't think that figure is accurate because I don't think all of the states have as many revocations as what the state of Iowa has, but that was the only information that was available to us. I also know that not all of those 54,000 are going to attempt to come to the state of Nebraska in order to get...to seek hunting and fishing privileges. However, there's enough of them out there, and based on the number of phone calls that we have, the number of potential hearings could be fairly high out there. Our second concern is that we assume that the changes that are being proposed would only apply to court order revocations or suspensions from other states, but we have some concerns that it could be interpreted to question a suspension or revocation that was imposed by the state of Nebraska. And that's one situation that we would like to try to avoid. Lastly, in looking at the regulatory authority that's being granted to the commission under this bill, we wonder if the commission would have the authority to limit the number of hearings by possibly prescreening requests through an application or questionnaire process. If they failed to meet some criteria or if it was clear that they weren't probably going to get through the hearing, they could be denied at that level in order to minimize the impact on our commission meetings out there. That's all I have for you today. If you have any questions, I'll do my best to try to answer them. [LB697]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Carlson.
[LB697]

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SENATOR CARLSON: Thank you, Senator Langemeier. In your...I understand your neutral position here, could you see any advantages to Senator Coash's bill? Any advantages for the state of Nebraska? [LB697]

CRAIG STOVER: Well we're going to sell another permit for anybody that we would allow to come into this state and in addition to those permits, they're going to buy gas here and they're going to possibly pick up a motel room here and those types of things. [LB697]

SENATOR CARLSON: That would be the main plus that you would see? [LB697]

CRAIG STOVER: I would think so. We would be offering another opportunity for someone out there that at this moment didn't have an opportunity in those other 36 states. [LB697]

SENATOR CARLSON: Okay. Thank you. [LB697]

SENATOR LANGEMEIER: Senator Haar. [LB697]

SENATOR HAAR: This morning on the way to work, 12 deer went across the road right in front of me. And so the other benefit might be that help us cull our deer herd. [LB697]

CRAIG STOVER: That's possible. [LB697]

SENATOR HAAR: Yeah. They were going slow and I was going slow so it wasn't a problem. [LB697]

SENATOR LANGEMEIER: Are there any other questions? Well I appreciate your testimony and I think to make it optional for the Game and Parks to decide whether they want to have the hearing is kind of the intent, so we'll work on that as well. [LB697]

CRAIG STOVER: All right. [LB697]

SENATOR LANGEMEIER: Thank you very much, appreciate it. Are there any others that wish to testify in a neutral capacity? Seeing none. Senator Coash? [LB697]

SENATOR COASH: Briefly, am I the last one for today. [LB697]

SENATOR LANGEMEIER: You are it. You're the only thing keeping me from going home. (Laughter) [LB697]

SENATOR COASH: Okay, understood. Just to clarify, it is my intent that the Game and

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Parks can put in the process that they choose to and that they ought to have the discretion to screen out who they want to look further at and who they don't and I trust that they will do that. The statistics on Iowa are interesting. And although I can't...I don't have any data necessarily to support this, but I would guess that some of the folks in Iowa who have had their hunting rights revoked for whatever reason might be coming to Nebraska and hunting anyway. And this bill gives them an opportunity to come in and hunt legally. And if that is another positive outcome, I would like to see that as well. So I will leave it at that. Thank you. [LB697]

SENATOR LANGEMEIER: Very good. I just have one final comment for Mr. Stover and I should have asked him, but...and they will provide us the information later, is why are we not part of this compact is a question that came to my mind? You don't have to answer it, you can get it to us later. [LB697]

SENATOR COASH: I have a...I think I know why, because that was the first question that I asked as I was researching this bill is why do we have it hardwired in statute and not just part of the compact that many other states are. The answer that I got was Senator Chambers didn't like us...didn't want us to be in the compact and would not allow bills that would put us in the compact to go forward. And in talking with the folks in the Game and Parks and hunters, being in the compact doesn't...people seem to be very happy with the way that we have our statute now and being in the compact isn't on anybody's radar. That's what I understood. [LB697]

SENATOR LANGEMEIER: Senator Carlson. [LB697]

SENATOR CARLSON: Thank you, Senator Langemeier. Just your comment brings up a question though; how are people from outside of the state able to come in and hunt illegally? [LB697]

SENATOR COASH: Well they just drive across the border, find a place to hunt and hunt and they haven't purchased...what I mean, they haven't gone through and purchased the permit. [LB697]

SENATOR CARLSON: Oh, okay. [LB697]

SENATOR COASH: So they are just hunting without a legal right to do so. [LB697]

SENATOR CARLSON: Okay. Thank you. [LB697]

SENATOR LANGEMEIER: They shoot one of Senator Haar's deer that he stopped and so graciously went across the road. [LB697]

SENATOR COASH: That's right. [LB697]

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SENATOR LANGEMEIER: Very good. Seeing no other questions, that concludes the hearing on LB697. Great job and everybody have a safe trip home and that concludes our day. Thank you. (See also Exhibit 12.) [LB697]