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Natural Resources Committee
February 02, 2012

[LB928 LB1081 LB1163]

The Committee on Natural Resources met at 1:30 p.m. on Thursday, February 2, 2012, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB928, LB1081, and LB1163. Senators present: Chris Langemeier, Chairperson; Ken Schilz, Vice Chairperson; Tom Carlson; Mark Christensen; Annette Dubas; Beau McCoy; and Jim Smith. Senators absent: Ken Haar.

SENATOR LANGEMEIER: Welcome to the Natural Resource Committee. We'd like to welcome everyone here in the audience and those...as well as those that are watching us on the closed-caption television and those that are watching on-line. Welcome to the Natural Resource Committee. My name is Chris Langemeier, I'm the Chairman of the Natural Resources Committee. I'd like to start off by introducing our committee members that are with us today. You're going to see a number of holes in our committee today. There's a lot of other bills going on in other hearings, so you'll see our committee members come and go as they have to go present their bills in other committees. Starting to my far left or your far right we have Senator Jim Smith from Papillion; and then we have, I'll go through the spots, we have Senator Ken Haar from Malcolm will be with us, he's in another hearing, will be with us shortly; Senator Mark Christensen will be joining us a little later I believe; and then we have Senator Ken Schilz who is the Vice Chairman of the Natural Resources Committee; then we have Laurie Lage who is the legal counsel for the Natural Resources Committee. Then to my immediate right or your immediate left we have Senator Annette Dubas who is introducing a bill in another committee. She'll be with us later. Then we have Senator Tom Carlson from Holdrege; then we have Senator Beau McCoy from western Douglas County, Elkhorn area in Omaha. At the end of the table we have Barb Koehlmoos who is the committee clerk for the committee. She'll be helping us keep an accurate record of today's events. We have two pages that are helping in the Natural Resources Committee this year. We have Brian Eulie from Omaha, who is a student at UNL; and then we have Alex Wunrow from Los Angeles, California, that is now in Lincoln, Nebraska, going to school at Southeast Community College. If you care to testify today, in the corners of the room you're going to see a little green sheet. We ask that you fill that out in its entirety and as you come up to testify if you'd give that to Barb, it helps us keep a more accurate record of today's hearings. You'll also see there's a spreadsheet in the corner too. If you don't care to testify but you want to sign in that you were here and be on the record, there's a sheet there you can fill out. You don't have to do both. When you come up to the table to testify, we ask that the first thing you do is tell us your name and then spell it. It helps us keep a more accurate record of today's events. We also, in the Natural Resources Committee we use the light system. You get five minutes to testify. So the green light will come on when you start, the yellow light will come on to tell you you're in your last one minute. And then the red light will come on and we ask you to stop. Trust me, if you're in the midst of a statement or an argument you want us to hear, most likely the committee will ask you a question to allow you to finish that. But

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we do ask that you respect that. At this time we'd ask everybody to look at your cell phones and make sure they're either off or in a vibrate position so we don't disrupt the individual. It is their five minutes to testify and we want to make sure they have no interruptions for those five minutes. So with that, we're going to take the bills in the order they were posted out on the wall. We're going to start with LB928, then LB1081, and then LB1163. Senator Louden has joined us and so we will start the hearing on LB928. And welcome.

SENATOR LOUDEN: Well, good afternoon. And thank you, Senator Langemeier and members of the Natural Resources Committee. My name is LeRoy Louden, that's spelled L-o-u-d-e-n, and I represent District 49. I've introduced LB928 at the request of the Nebraska Game and Parks Commission. Presently, there is no law that controls the mountain lion population in Nebraska. Mountain lions are described in statutes 37-228 as a game animal, but there's never been any provisions in statutes for the Game and Parks Commission to implement a hunting season. LB928 mostly spells out a system for having a hunting season on mountain lions. Members from the Game and Parks Commission will probably be answering all of your questions and the technical questions, so I will defer most of the questions to them. But if there is anything you would like to ask me, I would be happy to answer any questions at this time. [LB928]

SENATOR LANGEMEIER: Very good. Are there any questions for Senator Louden? Seeing none at this time, thank you very much. You have heard the opening on LB928. We will now take testimony from those that are in support or proponents of LB928. Welcome. [LB928]

SAM WILSON: Thank you. My name is Sam Wilson, that's S-a-m W-i-l-s-o-n. I'm here representing the Nebraska Game and Parks Commission. Chairman Langemeier,... [LB928]

ANGELIKA TURTLE LADY BYORTH: Excuse me. Is there a chance that the microphone could be turned on? [LB928]

SENATOR LANGEMEIER: The microphones don't amplify. It's just a recording process unfortunately. [LB928]

ANGELIKA TURTLE LADY BYORTH: Okay, thank you. [LB928]

SENATOR LANGEMEIER: Go ahead. [LB928]

SAM WILSON: (Exhibit 1) Thank you. Chairman Langemeier and members of the committee, I want to thank you on behalf of the Game and Parks Commission for the opportunity to address LB928. The Game and Parks Commission, as Senator Louden mentioned, we do support LB928 which would authorize the commission to provide

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permits for hunting mountain lions. I would like to point out that LB928 does not start a mountain lion season; it does not begin a mountain lion season. It will not lead to uncontrolled hunting or decimate the mountain lion population in Nebraska. It simply allows us to manage mountain lions if the decision is made by the commission that a season or a harvest is warranted by the data that we collect through our surveys. As you probably know, mountain lions are native to Nebraska. They returned basically from the three neighboring states in the west that have large or growing mountain lion populations. They simply walked back across the border. Starting in 1991, we made our first confirmation in modern times. In 1995, mountain lions became a game animal under state statute and were therefore protected year-round under game law. It's this 17 years of protection under game law that has allowed mountain lions to recolonize portions of the Pine Ridge in Sioux, Dawes, and Sheridan Counties in northwestern Nebraska where we now think we have a population of approximately 20 mountain lions that includes adult females, adult males, subadults, and kittens, so it's a resident reproducing population in the Pine Ridge. State statute presently authorizes Game and Parks Commission and local law enforcement agents to kill mountain lions that are posing a safety threat to humans. Mountain lions can also be killed by citizens of Nebraska if they are in the process of attacking or stalking a person. Additionally, livestock owners can kill depredating mountain lions if they are in the act of killing livestock or if they have livestock that are in a field that have been killed by a predator, and the Game and Parks Commission determines that a mountain lion has killed that animal, then the Game and Parks Commission can issue a 30-day permit allowing them to kill a mountain lion. So we do have provisions in statute to allow mountain lions to be killed for safety and for livestock depredation problems. What's presently lacking and is addressed by LB928 is the authority for the commission to manage mountain lions with a limited, regulated harvest, similar to how we manage other game species. The commission does prefer to manage game animals like mountain lions as a game species. Other examples of small population animals because, of course, mountain lions do have a small population in Nebraska at this moment, but we manage elk populations and bighorn sheep with small and limited harvests. And mountain lions could be managed in a similar manner. We have conducted a genetic survey of mountain lions in the Pine Ridge and determined that there are between 13 and 28 total mountain lions in that area. That's the largest population that we know of. We have an additional survey planned for May of 2012. So we'll have two years of accurate population data for that population. We also investigate presence of mountain lions statewide, which you can see on this map that I've provided. We've documented mountain lion presence basically throughout the state of Nebraska. Most of these documentations outside of the Pine Ridge are dispersing of animals. They don't necessarily represent a population of local mountain lions, but mountain lions are clearly exploring the rest of Nebraska. And they may be able to recolonize other areas, such as the Niobrara River Valley, which has appropriate habitat--high deer populations, the Wildcat Hills and other areas of Nebraska. So it's the information from these genetic surveys and from our statewide investigations that we've been conducting for more than

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20 years that will inform the commission on whether a mountain lion season is warranted and at what level a harvest should be taken. We believe the following benefits for citizens and mountain lions will be provided by LB928: LB928, if a mountain lion season is begun, will provide the opportunity of a lifetime for a hunter, the sportsmen and sportswomen of Nebraska. It will provide permits for funding and research management of this species that has recolonized in our state. And we hope that it will create buy-in from private landowners with mountain lions on their ranches because many of these mountain lions live on cattle ranches right now and are seen as a liability and not really as a valued game animal. Management can also address depredation problems, so attacks on livestock, and it can decrease or it can address decreases in prey populations for small population animals like elk and bighorn sheep. So we believe it's basically a common-sense bill and will allow us to manage mountain lions similar to how we manage bighorn sheep and other populations. And we would like to encourage the members of the committee to support the bill. On behalf of the commission, I'd like to thank you for your consideration. [LB928]

SENATOR LANGEMEIER: Thank you. Are there any questions for Mr. Wilson? Senator Carlson. [LB928]

SENATOR CARLSON: Thank you, Senator Langemeier. I think you mentioned in Pine Ridge you thought there were between...what were the numbers that you thought were there? [LB928]

SAM WILSON: Our estimate is between 13 and 28 mountain lions in the Pine Ridge. [LB928]

SENATOR CARLSON: And that's come about over what period of time? [LB928]

SAM WILSON: Well, that estimate is based off data we gathered in a survey in June of 2010. So that estimate is a single point in time estimate. So we took trained scat detection dogs and collected genetic samples from mountain lions there. We analyzed them and basically counted up the number of individual mountain lions that were present in the Pine Ridge. [LB928]

SENATOR CARLSON: About how far back would we go to a point where there were practically none in Nebraska? [LB928]

SAM WILSON: The first documentation of the mountain lion was in the Pine Ridge in 1991. So you'd go back 20 years. [LB928]

SENATOR CARLSON: Twenty years? [LB928]

SAM WILSON: That's right. [LB928]

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SENATOR CARLSON: So is there an estimate statewide? [LB928]

SAM WILSON: We don't have an estimate statewide because the Pine Ridge represents the only resident year-round population that allows us to go and survey that area. The rest of the state, it's difficult to determine the number of animals that are across the rest of the state because they aren't necessarily staying in one spot. They're moving continually, young animals exploring new territory. So we don't have an estimate for that total number, but it is likely equal to or less than the Pine Ridge number. [LB928]

SENATOR CARLSON: But Pine Ridge seems to be the environment that is year-round? [LB928]

SAM WILSON: That's correct, yes. [LB928]

SENATOR CARLSON: Okay, thank you. [LB928]

SAM WILSON: You're welcome. [LB928]

SENATOR LANGEMEIER: Mr. Wilson, I have a couple questions. Well, let's talk about the way the law reads today. The law now if I'm in danger, we changed this recently. If I feel threatened or there's been a threatened activity on my property, I can shoot the animal, call Game and Parks and notify them that I've done that. What happens to the animal? Does Game and Parks come out and take it? [LB928]

SAM WILSON: Yeah, the animal...any mountain lion killed in Nebraska has to be turned over to the Game and Parks Commission... [LB928]

SENATOR LANGEMEIER: Okay. [LB928]

SAM WILSON: ...because there's no harvest season that allows a citizen to keep...to take and keep the animal. [LB928]

SENATOR LANGEMEIER: Okay, that's kind of where I wanted to go with this. And so this would allow...now, what's a good number to allow a hunting season in your mind? I mean, do we need 30 of them in this active area, is 20 enough that we could hunt 1 a year or do we need 30 to hunt 1 a year or what's the thought? [LB928]

SAM WILSON: Right. The bill as it's presently written is written similar to the bighorn sheep language. With bighorn sheep we take one or two and some years we don't take any sheep at all, depending on what the population is doing. So with lions, it would be a small number, likely between one and four, depending on management goals. But 20 may be a starting point for beginning a season, at least from that Pine Ridge population.

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[LB928]

SENATOR LANGEMEIER: Okay. So what would...let me back up then. What's going to be the trigger to...I mean, this just authorizes it. Game and Parks still has to decide whether in 2013 we're going to allow one permit or two permits or in 2018 we're going to start...what's the trigger that says this is the year we're going to hunt one? [LB928]

SAM WILSON: Right. We have an additional genetic survey planned for the Pine Ridge in May of this year. So we'll have really solid scientific information that will tell us if the population estimate from 2010 was accurate and if the population is trending upward or down. If it's stable or trending upward, we likely could hold a harvest season after that. [LB928]

SENATOR LANGEMEIER: Okay. Very good. Are there any other questions? Seeing none, thank you very much, well done. [LB928]

SAM WILSON: Thank you. [LB928]

SENATOR LANGEMEIER: Further testimony in support or proponent of LB928. [LB928]

JOE HERROD: My name is Joe Herrod, J-o-e H-e-r-r-o-d. I'm here representing the Nebraska Council of Sportsmen's Clubs. We support this bill and I won't be redundant in going over what Sam said, other than to just reiterate that this is a win-win-win-win, all the way down the line. It's good for the Game Commission, it's good for the landowners, it's good for the hunters, and it's just a great management tool to put in place. It reminds me back when we first did this with the elk and things like this. So that's the gist of it. I am a landowner that has mountain lions documented being two miles from my place. I'm kind of excited about it. I think I'm anxious to see one. And I just think it's a wonderful part of nature, that it needs to be managed, and the best way to manage it is with hunters. And looking forward to someday that comes about. [LB928]

SENATOR LANGEMEIER: Very good. Are there any questions for Mr. Herrod? Senator Carlson. [LB928]

SENATOR CARLSON: Thank you, Senator Langemeier. Joe, part of the bill here allows for no more than one additional permit as an option. In your experience, what kind of price do you think that would bring? [LB928]

JOE HERROD: Boy, I don't know on a mountain lion. I know that on our sheep it's just gigantic, I mean, the amount of money people will pay for that. And I also know on the elk we have the one permit still on the elk. And I've been in attendance every year at what that sells for. And I will be in attendance again this year and so will several of the game commissioners. In fact, a couple of them are going to come and stay at my house

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I think and we're going to go to it. I've seen that one sell for \$25,000 for an elk, and the lowest was probably about \$12,000 as I remember. We hope to get somebody over there and entertain them a little bit, maybe buy them a cocktail and see how high we can go. It's what we do every year in the Rocky Mountain Elk Foundation; it's kind of fun. I don't know if we'll ever have a Pine Ridge Mountain Lion Foundation, but who knows, you know, might do it. (Laugh) [LB928]

SENATOR CARLSON: Okay, thanks. [LB928]

SENATOR LANGEMEIER: Very good. Seeing no other questions, thank you very much. Further testimony as a proponent. Welcome. [LB928]

WES SHEETS: (Exhibit 2) Good morning, Senator Langemeier and members of the Natural Resources Committee. My name is Wes Sheets, spelled S-h-e-e-t-s. I live here in Lincoln, Nebraska, and I'm here representing the Nebraska Division of the Izaak Walton League. As you know, we're a statewide organization. There are 17 chapters across Nebraska. We are very much a proponent of appropriate wildlife management. And we come to support Senator Loudon's introduction of LB928. We think it's most appropriate to consider this management tool and authorize the Game and Parks Commission to use such a tool in the management of our very limited number of mountain lions, but they were a native species. We think that the most valuable part of this legislation is that it indeed gives some stature and recognition of really a quality, in some people's mind anyway, a quality native species that was here before the turn of the century, previous century. So we wish to support this legislation. We think it's most appropriate. And we feel that it does provide an opportunity to work management scenarios with problem animals. We recognize that they can be a problem. Basically, any living organism that's out of its place might be considered a weed. But in this case I think that these weeds can be managed so that all of Nebraska can enjoy them and still be within the bounds of taking care of our livestock problems which we know predators are always going to be an issue with. So with that, we'd like to support Senator Loudon's legislation and urge that you pass this bill on to Final Reading. [LB928]

SENATOR LANGEMEIER: Very good. Are there any questions for Mr. Sheets? Seeing none, thank you very much. Further testimony in support. Welcome. [LB928]

LANCE KUCK: Thank you, Senator Langemeier and members of the committee. My name is Lance Kuck, L-a-n-c-e K-u-c-k. I farm and ranch north of Bassett, Nebraska. I was fortunate...I guess, I look at it as being fortunate on January 12 and 13 we had the, I believe, it's the 56th confirmed siting of a mountain lion on our ranch. I'm on the Niobrara River so when these guys were referring to the Niobrara River, we obviously have intimate knowledge of that. I'm here on behalf I guess today of the Nebraska Sportsmen's Foundation. I'm also a director of the Nebraska Council of Sportsmen's Club. And Joe and Wes did a good job of voicing, you know, the support of those

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groups as well. I'd like to support this legislation. I'd like to support the Game and Parks having this control to be able to do. And I think they will do a good job with managing our lion population. I've been fortunate in my life. I've hunted lions in Montana and Colorado. I've also been fortunate to hunt leopards and lions in Africa. So as far as cats, I'm familiar with them. And previous to this confirmed siting on my ranch, we've had in the last seven years at least five different ones that were confirmable. And because of a breakdown in some of this requirements with the Game and Parks and everything else, they weren't technically confirmed lions. So I would tend to believe that this estimated population or now with my 56th confirmed lion that there's probably a much larger population. And I think it is a harvestable resource now. I, personally, would love to be successful and harvest one. But if I do, I do; if I don't, I don't. I also need to reiterate that I don't mind living with them. They don't cause me any problems. You know, my wife would disagree with me on that. But at the same time I think it's a great resource, you know, in addition to our elk and everything else. Our indigenous species are continuously doing better and better. And I think it's a testament to a lot of our landowners, too, that I think we're all moving in the right direction. And I think this is a good time to address this lion issue and give the Game and Parks the ability to manage them correctly. And, you know, we can say if they harvest two, three, whatever, statistically that's not a significant harvest. And I think it can be a windfall financially for the Game and Parks as well so. [LB928]

SENATOR LANGEMEIER: Very good. Are there any questions for Lance? Seeing none,... [LB928]

LANCE KUCK: Thank you very much. [LB928]

SENATOR LANGEMEIER: ...thank you very much. Well done, well done. Thank you. Further support or proponents. Welcome. [LB928]

RON KLATASKE: (Exhibits 3 and 4) Mr. Chairman, members of the committee, I thank you for this opportunity to present a statement on mountain lions. My name is Ron Klataske, that's R-o-n K-l-a-t-a-s-k-e. I am manager of the 5,000, and there's a typo in my statement that I passed around, 5,000-acre Niobrara River, the Hutton Niobrara Ranch Wildlife Sanctuary, along the Niobrara River in Rock County. The property is managed for wildlife conservation, rangeland management with livestock grazing and visitation enhanced with two guest houses, as described in the Prairie Wings magazine, which is being passed around, pages 24 to 33. Harold and Lucille Hutton gifted the property to establish an Audubon Wildlife Sanctuary as part of our Great Plains Conservation Partnership Program. We have an on-site sanctuary coordinator and stewardship oversight has been provided by the board of trustees, including prominent Nebraska conservation leaders and other conservation partners since the property was accepted in 2002. During the past two years, specifically since May of 2011, we have documented the occasional presence of a mountain lion on this sanctuary and on

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nearby property. The presence of this magnificent animal is welcome on the sanctuary at least, as well as the region's...as part of the region's wildlife heritage. The area has an abundance of wild prey and we haven't heard of any livestock losses. A network of trail cameras on the sanctuary has indicated a dynamic reduction in raccoon population since the fall of 2009. Raccoons are notorious predators on ground-nesting waterfowl, upland game birds and songbirds, so a reduction in raccoon numbers is potentially a major benefit from the presence of a mountain lion. We were prepared to oppose this bill. We likely share the concerns of almost everyone who is opposed because they do not want to see this native cat unnecessarily killed, as it often has been. However, after considering the various policy options for management, I would like to offer qualified support. Although they are not officially designated as such, mountain lions are biologically a threatened species in Nebraska and Kansas. In fact, this native cat is essentially threatened, endangered or extinct in all areas east of the Rocky Mountains and Black Hills. If the concept of purposeful management of mountain lions is retained in LB928 and properly administered by the Nebraska Game and Parks Commission, it could lead to the type of positive wildlife stewardship that is highly commendable and beneficial for the species. If enacted, we hope the commission will follow the approach they have established with bighorn sheep. In the past, individual mountain lions have been simply killed because they were found...they found themselves in a setting surrounded by development as they searched for a suitable place to live. It is impossible to follow most river valleys without encountering towns and cities. Most are wandering young males that cannot stay in the area of birth because territories are already claimed. Sometimes young females travel considerable distances and some of them have been needlessly shot as well. When possible, these animals should be returned to the wild or, if in a rural area, monitored until they leave the proximity of people. I'm going to skip over a little bit here. I have two suggestions for improvement of the bill as follows. It would be beneficial if all funds, both from the sale of nonrefundable application fees and from any potential auction, are used only for perpetuation and management of mountain lions. As it is written now, that phrase only applies to revenue from the auction of a permit. Secondly, in addition I believe it would be appropriate for the Legislature to authorize, or the commission to establish the sale of mountain lion conservation stamps for \$25 to persons who support research, management and conservation activities. Although people could theoretically contribute the same amount simply by applying for a permit, nobody can contribute until one or more permits are offered. Nonresidents and others may not simply...may not qualify for a hunting permit, for example, if they have not completed a hunter safety course or are simply not inclined to or if they're a nonresident. We need to find more ways for the general public to support state conservation programs. And then the rest is self-explanatory too. Thank you. [LB928]

SENATOR LANGEMEIER: Very good. Are there any questions for Ron? Senator Carlson. [LB928]

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SENATOR CARLSON: Thank you, Senator Langemeier. On your suggestion about where the funds should go, I would think that the auction would be by far the largest amount of revenue. Wouldn't you agree? [LB928]

RON KLATASKE: Not necessarily. You might have 1,000 people who would apply for a permit and that could generate, at \$25 an application, that could be \$25,000. An auction you have no clue, it might only be \$2,000 or, you know, it could be more. But the point is that I think as part of this...this gives us an opportunity to direct money towards positive management and dealing with conservation and management of the species. I agree generally with all of the speakers that have come before me with the exception of one word used by my friend Wes Sheets, and he used the term "weed." We might all be weeds, but they're certainly an indigenous and very positive part of our wildlife heritage. [LB928]

SENATOR CARLSON: Okay, thank you. [LB928]

SENATOR LANGEMEIER: Any other questions? Seeing none,... [LB928]

RON KLATASKE: Thank you very much. [LB928]

SENATOR LANGEMEIER: ...thank you very much, Ron. Further testimony in support or a proponent. Now we will move to opponents, those that do not support. Welcome. [LB928]

PATRICIA FULLER: (Exhibit 5) My name is Patricia Fuller, P-a-t-r-i-c-i-a F-u-l-l-e-r. A good deal of what I wrote and researched dealt with livestock predation and human encounters, but it doesn't appear that that's what this bill is about. Doesn't appear that this bill is about conservation. It does appear that this bill is about trophy hunting. I can't really say that what I've heard so far that there has been many real good research on a large number that would allow culling of this population or management of this population. It sounds like it's more about funding an agency because in most states there's not enough money to fund these from taxes and that. But you hear about a magnificent animal and you also hear that there haven't been any livestock or human encounters. So a good deal of what I'm going to say I'm going to just submit in a written report. Just a few things I would like to add. The International Union for Conservation of Natural Resources lists the cougar/mountain lion in every North, South and Central American country. The cougar's total breeding population is estimated at 50,000 with a declining trend. U.S. state level statistics are often more optimistic, but we've heard pretty much that they are threatened in Nebraska and Kansas. Because of excessive hunting following the European colonization of the Americas and the continuing human development of cougar habitat, the populations have dropped in most parts of its historical range. In particular, the cougar was eradicated in eastern North America in the twentieth century, except for an isolated population of Florida, which now has 87

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cougars. So it looks like the biggest threat to conservation include persecution as a pet, environmental degradation, habitat fragmentation, and depletion of their prey base. Wildlife corridors and sufficient range areas are critical for the sustainability of cougar populations. So far, I haven't heard anything that says there's enough cougars to really justify managing them for a trophy species. And just to kind of see this in perspective, when you think of everything in the eastern United States has been wiped out, when you look at the future of big cats worldwide, and I think somebody had mentioned they had hunted lions in other countries, in the early 1900s there were over 100,000 tigers living in the world. Now there are approximately 3,200. Lions numbered over 200,000 in 1980, now there are approximately 10,000 to 15,000. Cheetahs numbered approximately 100,000 in 1900 and now there are about 10,000 left. So it makes me wonder, is there...are there the statistics to really justify this bill? Thank you. [LB928]

SENATOR LANGEMEIER: Very good. Thank you. Are there any questions? Are you willing to take a question? [LB928]

PATRICIA FULLER: Oh, gosh, yeah. [LB928]

SENATOR LANGEMEIER: Senator Christensen had a question. [LB928]

SENATOR CHRISTENSEN: Thank you, Chairman. Are you just against hunting in itself or you just don't think the numbers justify this? I guess, I was trying to follow all your comparisons. [LB928]

PATRICIA FULLER: Okay, okay. I didn't hear that the numbers justified it. Did you? [LB928]

SENATOR CHRISTENSEN: Well, I guess I've got the next bill that comes up on getting excessive numbers. And I also know, comparing that bill, if you don't stay on top of a situation it can get out of control. And so I commend them for observing, counting, watching. And this doesn't mean they're going to issue permits, but it gives them the right to. And that's why I just wondered if you were against hunting totally or if it was a numbers deal? [LB928]

PATRICIA FULLER: No, I wouldn't say I was against hunting totally. I just never heard any numbers that justified all of a sudden this bill being introduced. And I realize that they're saying there are limited permits and that somebody is going to be making that decision. But, you know, I'd like to know what number justifies the comeback based on scientific research that would justify the talk about management of this species or issuing the permits. [LB928]

SENATOR CHRISTENSEN: Because I see a very broad situation in the fact that if you're a cattle producer and you get too many in one location, they start killing the

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calves or the cows, it can be an issue. So that's why I commend them for watching it and looking at it. And that's why I wondered, you know, yes, the total numbers here for the state is very minimal. But if they're all in one location it can be a problem. So that's why I was asking. [LB928]

PATRICIA FULLER: Yeah. I think one of the statistics that I put in my report here was the number of livestock that was killed in Texas. They have a larger cougar population there. And anyway, I believe it was 86 out of...oh yeah, 86 cows and calves out of a total of 13.4 million, which turned out to be a percentage of 0.0006 percent were killed by mountain lions. And they have no limits, they treat it as a pest or to be exterminated in Texas. [LB928]

SENATOR LANGEMEIER: We do need you to sit so we can get it on the recording. [LB928]

PATRICIA FULLER: Oh, I'm sorry. Yeah, yeah. [LB928]

SENATOR LANGEMEIER: I don't mind you standing, but we can't record it. [LB928]

PATRICIA FULLER: Oh, okay. [LB928]

SENATOR CHRISTENSEN: My final comment just is that again, whether it's in Texas or it's in Nebraska, if that's in one location, if one person is taking all the damage, whether it be from deer damage my bill talks about or livestock damage from this, if one or two producers lose these calves it's an issue there that doesn't look to be a big issue on a statewide matter. So that's why I asked. I thank you. [LB928]

PATRICIA FULLER: Yeah, maybe we could be looking at bills that would compensate those one or two individuals or how many ranchers experienced livestock loss. That seems to be successful in a lot of areas where there are higher prey species. [LB928]

SENATOR LANGEMEIER: Senator Schilz I believe has a question. [LB928]

SENATOR SCHILZ: Thank you, Senator Langemeier. Good afternoon and thanks for coming in. During your testimony you kept bringing up the fact that you didn't see the numbers that justified that. First, can you tell me what you would consider a healthy enough population to justify this then? [LB928]

PATRICIA FULLER: I guess I would like to be educated on that. I would like somebody to come up with a scientific number, because I don't know. But what was the number he gave in Pine Ridge? Was it 13 to 20? Since... [LB928]

SENATOR LANGEMEIER: Twenty-eight, 13 to 28 estimate. [LB928]

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PATRICIA FULLER: Okay. And that's since 1991. So we're looking at 20 years. [LB928]

SENATOR SCHILZ: That's the last survey. [LB928]

SENATOR CHRISTENSEN: The last survey. [LB928]

PATRICIA FULLER: Last survey of...in... [LB928]

SENATOR SCHILZ: And the reason...I guess the reason I ask is that, you know, quite honestly, the experts on this are sitting behind you and have already testified to that. I was just wondering if you had any expertise yourself or education as to being able to actually come up with those numbers? [LB928]

PATRICIA FULLER: Oh, no, no, I don't. And I'm also saying I haven't really heard anybody base it on any specific thing of this is the number of cougars or mountain lions that can safely exist in an area, and after this number then they do need to be culled because, and then they could point out the various threats, this many livestock have been killed, this many people have been attacked or whatever. [LB928]

SENATOR SCHILZ: I guess thank you, I appreciate that answer. But I do think that if you're looking at it, and I believe the Game and Parks and others are looking at this not just from livestock depredation, but I know that they also have...let's look at their bighorn sheep population. One of the reasons why they have permits on those and are looking at the best management for those was because you can take a small population and if you don't manage that population, with disease and things like that, you can have some real issues in maintaining that population over time because of issues that have nothing to do with safety or anything, but have to do with the species and sickness and how that works. And so that can be part of it as well. But I appreciate your answer and I'm glad that you answered me. So thank you. [LB928]

PATRICIA FULLER: Yeah. I'm just wondering, are we looking at those relationships, because that's one of the prey species for cougars, you know, deer, elk, bighorn sheep. So by making a decision on cougars, which is one of their natural enemies, wouldn't that also increase that population? I think sometimes we have good intentions for management and it turns out we really don't understand the balance of nature. [LB928]

SENATOR SCHILZ: As always can be. Thank you very much. [LB928]

PATRICIA FULLER: Thank you. [LB928]

SENATOR LANGEMEIER: Question? Senator Carlson. [LB928]

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SENATOR CARLSON: Thank you, Senator Langemeier. This is simply a comment. Have you testified in front of a committee before in the Legislature? [LB928]

PATRICIA FULLER: I've testified before hearings, not before this committee. [LB928]

SENATOR CARLSON: Okay. Well, I'm going to compliment you because I think I understand how you feel. And probably not in agreement with some of us on the committee, but you've done it in a good, civil way and gotten your message across. And that's what's important about these hearings because as members of the public, you are the second house and you have every right to come here and express an opinion on a bill. And so thank you for doing that today. [LB928]

PATRICIA FULLER: Thank you. [LB928]

SENATOR LANGEMEIER: Very good. Thank you. Further testimony in opposition to LB928. Welcome. [LB928]

ANGELIKA TURTLE LADY BYORTH: Hi. My legal name is Angelika Turtle Lady Byorth. My residence address is 3027 Plymouth Avenue, Lincoln, Nebraska 68502. [LB928]

SENATOR LANGEMEIER: I need you to spell your name now. [LB928]

ANGELIKA TURTLE LADY BYORTH: (Exhibits 6 and 7) My name is spelled A-n-g-e-l-i-k-a T-u-r-t-l-e, Turtle, and Lady, L-a-d-y, and Byorth, B-y-o-r-t-h. I'm testifying as an individual concerned citizen and no longer as director of turtle conservation project because a stroke disabled me last year and ended my hands-on work with native reptiles and amphibians. I ask that you enter my testimony into the record as against LB928. Even though I speak out today against an institutional proposal made by the Nebraska Game and Parks Commission, also referred to as the NGPC, I would like to make it clear that I consider their work of vital importance to our state. Many of the NGPC employees have become friends during my 40 years of conservation efforts. I know the commission is struggling for funds or they would not dream of questionable ways to get money. LB928 seems like selling raffle tickets to kill one animal of an endangered species so that the rest may live. This is wrong. After not being seen for over 100 years in Nebraska, the mountain lion was sited again in 1991. It's an animal that just now is trying to emerge from the brink. It is also wrong for Nebraska society to relegate the important efforts of NGPC's Environmental Trust to depend on gambling money from the Nebraska lottery. Would there be a public outcry if we funded education or social services that way? I hope so. We in Nebraska can do better than that, and I encourage the NGPC to ask for more honest public funding to do their job. In 1972, when I immigrated to Lincoln, Nebraska, from my native Germany, I fell in love with the state, especially the Sandhills out west. Coming from a crowded European country where much indigenous and beautiful wildlife has been wiped out, I felt like I had

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wandered into the mythical Garden of Eden, and I've spent a great deal of my personal energy and time and money to save the paradise we have left here. Roger Welsch, the Nebraska writer and TV host, sent me his testimony from Dannebrog where he lives. Please enter him against LB928. I'm quoting from his e-mail. Quote, there has never been in the history of Nebraska a single attack on a human being by a mountain lion. This LB928 is a solution without a problem and we have a troubling surplus of deer. Leave the lions alone. We can't even see them, yet propose to kill them. Nebraska offers generous opportunities for recreational killing. Enough already, you can quote me, Angie, unquote. I have also received testimony from David Schulman in Coconut Creek, Florida. Please enter him as against LB928 also. Here is his letter for the committee with his complete address. Schulman says that, quote, it has come to my attention that there is a bill to permit hunting of mountain lions in Nebraska. I reside in Florida and it has been a decades old fight to try and get the Florida panther population even close to what it once was in the wilds and around the Everglades. Loss of habitat has forced the panthers onto roads where they are lost in any encounter with cars, unquote. In summary, I believe, like Roger Welsch, that a mountain lion has never attacked or killed a person in Nebraska and it is already legal to kill a mountain lion in self-defense or to protect livestock. By statute our wildlife belongs to the people, not to the NGPC. As a member of the people of Nebraska, I vote against any and all hunting and killing of the handful of mountain lions we may have in our state. [LB928]

SENATOR LANGEMEIER: Very good. Are there any questions? Seeing none, thank you very much, well done. [LB928]

ANGELIKA TURTLE LADY BYORTH: Thank you. [LB928]

SENATOR LANGEMEIER: Further testimony in opposition. Come on up. Welcome. [LB928]

RODNEY DREWES: Hello. My name is Rodney Drewes, R-o-d-n-e-y D-r-e-w-e-s. I wrote a letter to the paper when I heard about LeRoy trying to pass a bill on this and everything because they said something in the paper about him thinking it might be a threat to his family, his grandchildren or whatever. And there has been no killings or attacks by mountain lions in the years that I have ever seen, in the paper or anything like that. And these things, it's wrong to kill a living animal that...unless it's in self-defense or like they have been saying, getting to your livestock or whatever, I can see that. But just to go out and shoot them, and I think the human race is starting to get to the point where they think the animals' lives don't really mean too much, you know. We got people out here drinking, killing people every day, but yet we sell liquor and everything. And these mountain lions are less of a threat than the human race is to "theirselves." We have kids killing kids in schools, but we're worried about some lions that nobody ever sees. And we're going to go out there and shoot them. And what gives us the right to take their lives and everything? They have the right to live on this land just

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like we do. And as a matter of fact, they had a picture in the paper, Sunday paper, with a 13-year-old girl standing over a bobcat that she had shot. We seem to teach our young that it's a trophy to kill animals. If a cat or a dog or something gets killed or tortured, lit up with lighter fluid or banged with a brick or something, somebody might get a fine and a couple days in jail or a week in jail or something like that. And like I said, we're teaching young that this is okay and everything until...and there are states such as California that have had attacks on people, but yet it's illegal to shoot them. And they had a show on TV a couple years back where they enter a...they talked to people that were attacked by bears, lions and stuff like that. And everyone that had stopped and talked and said they had been riding out and they stopped their bicycles and got up on a rock and everything to rest, and not one of them had blamed the mountain lion for what they had done because they were in their territory. These are people that were attacked even and they didn't even blame the mountain lion and everything. But yet we got people that haven't even been attacked or even get near attacked are ready to go out there and shoot them. Like I said, we're to the point where these cats, they don't, you know, their lives don't mean nothing to us. But, you know, they got families just like we do really. And they're wild cats, they're not tame cats. But maybe we should go out and kill all the pit bulls that everybody has and stuff like that that are threats to people. And, you know, they're a threat to other animals. Pit bulls attack other people's dogs. These pets that other people have that these pit bulls attack, these are like family pets that get killed by these dogs but we don't go out and kill them and everything. So what gives us the right to say these lions are worse than these dogs or people that drink and everything? And why aren't we doing more about that? You know, to me it just boggles my mind that we can just go out and do this when them lions haven't killed nobody. They're getting run out of their territory, they can't go nowhere and everything. And until I see some proof that they're out of control, where they're killing people or attacking people, this is just completely wrong to go out and think we can just shoot them to take care of problems like this. Like I said, we got more problems with our own kids, our dogs, everything. And I don't know, that's about all I can say about it right now. [LB928]

SENATOR LANGEMEIER: Very good. You did a good job. Are there any questions? Seeing none, very good. Well done. [LB928]

RODNEY DREWES: Thank you. Thank you very much. [LB928]

SENATOR LANGEMEIER: Further testimony in opposition to LB928. Come on up. Welcome. [LB928]

DAVID THOMSON: My name is David Thomson, 730 D Street, Palmyra, Nebraska. And I just seen that in the paper. [LB928]

SENATOR LANGEMEIER: I need you to spell your name for us. [LB928]

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DAVID THOMSON: T-h-o-m-s-o-n. [LB928]

SENATOR LANGEMEIER: Thank you. [LB928]

DAVID THOMSON: And I just seen that in the paper about these mountain lions. And I just think it's a shame that they have to put them on a list to hunt. It's just all about money. And I think that them animals, they have a right to live. I don't think they do any harm. I think they have enough trouble just trying to survive in this day and age with people with their cars and vehicles. And they have all that trouble, let alone having to worry about somebody running around shooting them with a high-powered rifle or anything else. And I think it's just completely stupid that we've gone so far that we just have to resort to stuff like this. And I just think it's appalling. That's about all I have to say. [LB928]

SENATOR LANGEMEIER: Okay. Very good. Are there any questions for Mr. Thomson? Seeing none, thank you. And one of the pages will bring you...we need you to fill out one of the green testifier sheets. [LB928]

DAVID THOMSON: Okay. [LB928]

SENATOR LANGEMEIER: (Exhibits 8 and 9) So Brian will help you with that. Further testimony in opposition. Seeing none, I do have a letter, I have a letter from Robert Wise from Fremont in opposition. Then I have a letter from Jocelyn Nickerson on behalf of the Humane Society of the U.S. in opposition to LB928. Is there anyone who would like to testify in a neutral capacity? Seeing none, Senator Louden, you're recognized to close on LB928. [LB928]

SENATOR LOUDEN: Well, thank you, Senator Langemeier. And thank you, committee members, for the attention you've paid to this. And also thank you for the testifiers, both for and against this bill. I worked on some of this mountain lion bills now for it's been about three or four years since we started some of this. And the reason I started on this mountain lion bill is because a bunch of people now that have testified I'm sure have never heard of the phrase of shoot, shovel and shut up. And that's what is happening to your mountain lions today. There is...where I live within about 5 or 6 miles, well, a 15-mile radius at least, but it would be 7 miles either way, so a 50-mile diameter, there's been about...there's been five of them killed here in the last three years. And that's...I mean, this is just the way it is. The tolerance is zero for them. I talked to a man this morning from south of Hay Springs that told me that within the last two years there's been six of them shot within about 5 miles of his place. So it goes on out there. And this is what we were trying to do with the Game and Parks Commission. And I told them a few years ago, you have no idea how many you have out there. You need to have some kind of legislation or something so that when these people do have to put one down you can bring it in to them and they can have a method of finding out how many there are

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out there and what the population is. And so as we've worked through this, this is where we're coming through with some of this lion and this population. They've come up with the idea that if they needed to control them this is what they would like to have. As one fellow the other night when we was at the Department of Natural Resources supper over there, lives up there, he won't let his wife take a walk away from the house. They live up in the Pine Ridge. He said, she can walk around the house, but she can't walk down the road anyplace unless she wants to carry a pistol, and she don't want to do that. The guy from Hay Springs called me this morning to talk about it. And he says, we can't let our grandkids outside and play outside unless there's somebody out there to watch them. I mean, it is serious with people that are living in the vicinity where they are. The one person told about that he goes to work in the morning. And he went to work the other morning and when he came back that night he noticed where his pickup was parked, why, there was lion tracks all around the pickup. Well, he leaves in the dark in the morning, so I guess after that now he's a little bit more concerned about when he gets up in the morning and goes to work. We've had them run through our yard there, where I have a granddaughter, grandson both. But this is something that it is a concern about there. And when people say, of all the years in Nebraska no one has ever been killed yet by a mountain lion, I say, my God, heaven forbid when it does happen. I mean, look around you. Which one of you or your neighbors are going to be the ones that have this happen to your family? I mean, this isn't something we wait until it happens. This is something that we need to have some method and some controls in here to take care of it now. And this is mostly what it's about. It gives the Game and Parks some authority to have some control over mountain lions. And I think it's a good bill and I appreciate if you can move it out of committee and move it on to the floor.
[LB928]

SENATOR LANGEMEIER: Very good. Are there any questions for Senator Louden? Seeing none, thank you very much for your testimony. [LB928]

SENATOR LOUDEN: Yeah, thank you, committee. [LB928]

SENATOR LANGEMEIER: That concludes the hearing on LB928. We will now move to LB1081, and I'd like to thank everybody that testified. Senator Christensen, welcome.
[LB928]

SENATOR CHRISTENSEN: (Exhibit 10) Thank you, Senator Langemeier, members of the Natural Resources Committee. I'm Senator Mark Christensen, C-h-r-i-s-t-e-n-s-e-n, represent the 44th Legislative District. I'm here to introduce LB1081. Before I start, I'd like to first thank Game and Parks for responding to many of Nebraskans' voice, voicing their concern about deer populations across the state the last several years. The commission has increased the number of permits, created new programs to control the number of deer, and I commend them for it. Unfortunately, though we are moving in the right direction, not all the available permits were sold last year, still leaving farmers with

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excessive damage to account for. Because I believe the problem still remains, I introduced LB1081. I believe more should and can be done. LB1081 amends Section 37-448, which currently gives permission for Game and Parks to set deer depredation season and issue permits. In addition to the current provisions, this bill would allow owners and operators of farmland a free permit to hunt one antlerless deer for every \$1,000 proven damage caused by deer. The bill allows for several ways to prove the amount of crop damage caused by deer. The owner or operator of farmland may show Game and Parks Commission official an insurance estimate by a claims adjuster, a paid insurance claim for such damage, a yield map, or an estimate done by the commission. My intent in giving several different directions on how to prove the damage was so that we wouldn't have to see a huge fiscal note, as you will see that is here. They are looking at trying to look over every situation and I don't think that is necessary. To have them checking up as they can and using other methods I think will keep the fiscal note in check and also be able to accomplish the goal that needs to be done here. I understand their concern about this and I understand their fiscal note, but many of us know death by fiscal note is an easy way for an agency to end directions on a bill. LB1081 would allow owners and operators of farmland and their immediate family to hunt the bag limit on the permit on such property. In addition, if an owner and operator cannot use or sell any deer carcass and the commission is unable to pick up and find a place for the meat in a timely manner, then the owner or operator may dispose of the carcass by other means. Again, as I said before, Game and Parks Commission is moving in the right direction, allowing and promoting more deer hunting, controlling populations in the last few years, but many farmers are still seeing large amounts of crop damage. Some farmers have incurred \$20,000 to \$40,000 damage...worth of damage. For example, I'm handing out testimony from Dale Wahlgren from North Platte, testifying to such levels of damage on a yearly basis. I have additional farmers that planned on coming to testify that chose not to today, not...because of the upcoming weather more than any other reasons. But we've seen a variety of bills introduced the last several years from making Game and Parks/the state liable for damage that's caused on the vehicles, crops, to measures like I'm introducing today. But I believe we can find some common ground and work together to provide a solution to deal with the situation that is before us. Bottom line, LB1081 seeks to create an additional tool to manage deer population that causes thousands of dollars of damage worth of crop damage, let alone the thousand dollars spent by insurance companies fixing motor vehicles after colliding with deer. Additional measures need to be done. I would gladly work with the committee and Game and Parks and move us forward in controlling the deer populations in Nebraska. Remember, private citizens now are taking all the damage and Game and Parks is issuing the permits and trying to manage this, but the damage still falls on the local producer. Thanks for your consideration of LB1081. I urge its advancement to General File. Are there questions? [LB1081]

SENATOR LANGEMEIER: Are there any questions? Senator Carlson. [LB1081]

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SENATOR CARLSON: Thank you, Senator Langemeier. Senator Christensen, you brought this bill yourself. This wasn't anything requested by Game and Parks. And so perhaps some other producers have talked to you about this, but nobody asked you to bring this bill? [LB1081]

SENATOR CHRISTENSEN: No,... [LB1081]

SENATOR CARLSON: Okay. [LB1081]

SENATOR CHRISTENSEN: ...other than producers. [LB1081]

SENATOR CARLSON: Okay. Thank you. [LB1081]

SENATOR LANGEMEIER: Senator Christensen, I have a number questions and you're...it's going to feel a little like I'm razzing you here but I know you can handle it. The one-liner on this bill says to provide a free antlerless deer hunting permit to farmers, as prescribed, okay? But yet you would allow one free permit per \$1,000 worth of damage. [LB1081]

SENATOR CHRISTENSEN: Yes. [LB1081]

SENATOR LANGEMEIER: So is it really free? Okay? [LB1081]

SENATOR CHRISTENSEN: Well, it's not free to the producer but it's not purchasing a permit. [LB1081]

SENATOR LANGEMEIER: And you also made the comment that all the permits in your area were not sold. [LB1081]

SENATOR CHRISTENSEN: Correct. [LB1081]

SENATOR LANGEMEIER: Okay. So why I'm bringing this up is I don't know that the permits are your problem. Okay? There's permits out there, your people can go get permits in your area. You can get a depredation permit if you can demonstrate enough damage and that. I think it all gets back to the very last line of your bill. What do you do with the deer? [LB1081]

SENATOR CHRISTENSEN: Correct. [LB1081]

SENATOR LANGEMEIER: I don't think it's the free permit. I don't think it's proving you got \$1,000. It's what do you do with the...because you could go buy several permits. I don't think there's any limitation to how many permits you can buy. But then you've got to, by law now, you've got to process that deer. You got to do something with it, you

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can't just dispose of it. [LB1081]

SENATOR CHRISTENSEN: Correct. [LB1081]

SENATOR LANGEMEIER: So in this whole thing, that's really the problem, isn't it? [LB1081]

SENATOR CHRISTENSEN: Exactly. In fact in my closing I mentioned the current system we have of depredation would work perfectly if we didn't have to find a place for the meat. And we could...if we could take it to homeless shelters and places that serve... [LB1081]

SENATOR LANGEMEIER: Well, don't get to the next bill yet. We'll get there. [LB1081]

SENATOR CHRISTENSEN: But that's the issue is getting rid of the meat. My family gets depredation permits. The Game and Parks has been very generous on them, but we can't get rid of all the meat. And that's the permits that weren't bought, was the new permits from...that allows you to hunt the antlerless ones between...I think it's like October 1 and January 15. There was like 400 left in the Frenchman or 300, I believe, and 100 left in the Republican. We farm in both them areas and that's the permits that I commend them for offering and getting out there. And I'm willing to go shoot the deer but I don't want to process it and throw the meat away. That's a wasted expense. But not getting the deer controlled is an issue. [LB1081]

SENATOR LANGEMEIER: Okay. Very good. Are there any other questions? Seeing none, very good. You've heard the opening on LB1081. We will now move to proponents, those that support LB1081. Welcome. [LB1081]

NATHAN BARTELS: Good afternoon, Senator Langemeier and members of the Natural Resources Committee. I am Nathan Bartels, N-a-t-h-a-n B-a-r-t-e-l-s. I'm a farmer and pork producer from Elk Creek, Nebraska, located in Johnson County. I currently serve as the district 1 representative on the Nebraska Farm Bureau Federation's board of directors. I'm here today testifying on behalf of Nebraska Farm Bureau in support of LB1081. I come before you today primarily to reiterate our members' and our organization's ongoing interest in efforts to manage deer populations in the state. Our interest in deer management relates back to both our desire to reduce wildlife damage to crops and ag property from deer populations and, second, to enhance safety on our roadways through minimized motor vehicle-deer collisions. I have had personal experiences with both agricultural losses from deer and I've also had some experiences with deer-car collisions. In a previous stint in my life, I was an insurance agent practicing in the southeast Nebraska area and, without question, at least half the motor vehicle claims that I dealt with were a result of motor vehicle-deer collisions. In terms of Farm Bureau, we have a longstanding member adopted policy that supports the

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establishment of a state wildlife damage claims program that would compensate farmers for losses and damage caused to crops and agricultural land by wildlife. While we recognize that Senator Christensen's bill would not set up a form of compensation, it does seek to provide yet another option for farm or management of deer populations where there may be problems. While it is difficult to get good information on the actual losses to agriculture, we know these losses are real. The most recent information we could find on the topic was some work done by the University of Nebraska going back to 1987, where at that time it was estimated the statewide annual loss to field crops alone from deer populations was in the \$600,000-plus range. Obviously, those losses would be inflated in today's dollars and the increasing value of today's agricultural crops. For that reason alone, we believe it is important that we continue to have conversations about deer management. In closing, I would like to make just a couple more points or one more point. One is that we do want to recognize the Nebraska Game and Parks Commission for their efforts to help reduce deer populations through numerous control programs. Those efforts are greatly appreciated. Lastly, I would point out a couple of specific items in the bill which we think would make it more helpful. As proposed, LB1081 limits the use of the depredation permit to the immediate family member of an owner or operator of the farm. We would suggest that there are times when those involved in farming operations may not be active deer hunters. Allowing for the transfer of the permits may prove to be a more effective mechanism in helping with deer control. [LB1081]

SENATOR LANGEMEIER: Very good. Are there any questions of Mr. Bartels? Seeing none, thank you very much. Well done, thanks for coming in. Further testimony as a proponent to LB1081. Seeing none, is there anyone that would like to testify as an opponent, in opposition? [LB1081]

TIM McCOY: Thank you, Chairman Langemeier, members of the Natural Resources Committee. My name is Tim McCoy, T-i-m M-c-C-o-y. I am the Wildlife Division administrator for the Nebraska Game and Parks Commission. I'm testifying today against this bill and there's several reasons I will point out. Some of them have been brought up earlier. There are some concerns we have with this language that it provides language that conflicts with existing laws in other sections, in the other statutes, one of those being that deer meat legally harvested on any permit cannot be sold. That's a common law applied to all game species that are harvested. The other one is the responsibility for the person who takes a game bird or a game animal is responsible, in Section 37-507, for recovering edible portions thereof and for proper disposal. And those are a couple of, I think, the really outstanding concerns, and you mentioned those earlier. I do want to mention a comment on the fiscal note, since Senator Christensen brought it up. The fiscal note was really based on our concern is the disposal issue, because this bill would attempt to transfer that authority or that responsibility, if the landowner is unwilling to be able to take care of that deer, to us. And so our concern is obviously staff time in running around and potentially picking up deer and moving them

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around, and that's a concern to our agency because that would take additional staff at a time when we are usually very busy, especially during our rifle deer season, when the majority of our deer are harvested. The other concerns this bill does, you know, it creates sort of a new type of permit that also overlaps with some of our existing permits. It was actually really helpful to hear sort of the target of where this is going. But we do have provisions within the section of statutes this was created in for depredation season that talks about landowners or operators needing at least 20 acres of land in the area in which the depredation is happening in order to be eligible. Our normal landowner permits are tied to an 80-acre parcel size. It does bring up some questions of potential eligibility for landowners that are in very small, potentially landlocked areas where they don't necessarily have a deer problem. Perhaps they have a deer in their garden problem and we are concerned about that happening. The other challenge it creates for us from an enforcement standpoint and being able to track deer, and deer harvest permits are normally assigned to individuals. Having a permit that is general that provides a list of eligibility that may have multiple deer on it is actually...I think the idea is similar to what we do when we have depredation, when we have animals that are actively depredating crops. That's a process where the landowners contact us, we go out, we look at the damage with the landowner, and we issue what is not a hunting permit. It is a kill permit and that permit allows them to designate a group of shooters. As far as a hunting permit, this could create some problems for us in terms of being able to put it out there and track it. We would suggest, if something like this does go forward, perhaps allowing the owner or operator to at least designate those permitholders, who they would be in their family for these permits, so that that would at least be a way that those could be tracked as they went through our system. The other concern that we have is, moving forward, the idea that a yield map on its own could be evidence for crop damage is a little concerning. There's a lot of potential factors of what can cause differential yields on a field, and I know most of you that are familiar with agriculture are all well aware of that. The other challenge it creates for us from the standpoint of establishing depredation is it's after the fact. It's once a field is harvested, it's very hard to go out and see what the damage was and what it was caused from. And so we do have that concern with it. And, you know, I think the challenge we face with a lot of this is access, is one of our biggest issues. Access even to hunt antlerless deer is a challenge. We hear from hunters that access to these areas is what they want and they would buy more permits and use them and that's...and I understand the balance with private landowners of trying to limit access somewhat but also to get those deer harvested. [LB1081]

SENATOR LANGEMEIER: Very good. Are there any questions? Oh, Senator Schilz. [LB1081]

SENATOR SCHILZ: Thank you, Senator Langemeier. Mr. McCoy, thanks for coming in today. I'm just curious, I don't know the answer to this. I was just wondering, during a given year how many depredation permits are given out. How many? [LB1081]

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TIM McCOY: In 2010, we issued 148 damage control permits... [LB1081]

SENATOR SCHILZ: Uh-huh. [LB1081]

TIM McCOY: ...and authorizing the kill of 1,947 deer. That's an average of about 13 deer per permit when damage was there. Our harvest permittees that had those only harvested about 30 percent of the deer. And we saw this with our depredation program through the years. Last year we issued fewer damage control permits, 107. We saw a big a decrease in our damage complaints coming in, in the eastern third of the state with where we've really got after our white-tailed population. That authorized the kill of over 2,000 deer so it was actually significantly higher in terms of the number of deer than before, averaged 20 to 21 per permit. And again, we averaged...they harvested, you know, 670 deer out of those permits. [LB1081]

SENATOR SCHILZ: Sure. Do you know, and are there more applications for depredation permits than are given out or how does that work? I mean I guess for my own curiosity, how does that process work? [LB1081]

TIM McCOY: How the process works is they contact and our biologists go to site with the landowner and assess damage and issue the permit. These don't reflect the number of requests we had in. We go on many sites and look at depredation in many cases that may not be from deer or we get out there, we've had, you know, we've had cases where, you know, you find out somebody's cattle is getting into somebody's corn field. You get all sorts of things that happen, so... [LB1081]

SENATOR SCHILZ: Right. [LB1081]

TIM McCOY: ...we have to get on site. But we have significant ones and we have a lot of repeat ones, and the repeat ones that we get into are typically where neighbors have somebody who doesn't provide much or any or very limited access for hunting and that antlerless deer population just...there's no way to really get at it. [LB1081]

SENATOR SCHILZ: Can you handle it, huh? Sure. Thank you. [LB1081]

SENATOR LANGEMEIER: I do have one question. I want to flesh out some numbers you gave us. Two years ago we worked on that 20 acres for the depredation... [LB1081]

TIM McCOY: Uh-huh. [LB1081]

SENATOR LANGEMEIER: ...and we changed it down to 20 acres, if I remember correctly, for a depredation permit to deal with that small person that has the orchard. [LB1081]

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TIM McCOY: Yeah. [LB1081]

SENATOR LANGEMEIER: Okay. But you're saying we don't...so a landowner, to be a landowner you have to have 80. [LB1081]

TIM McCOY: In our...for our normal permits. [LB1081]

SENATOR LANGEMEIER: Right. [LB1081]

TIM McCOY: If you're in a depredation season, depredation issues, we don't apply those. When we look at depredation on a complaint, we're not looking at the acreage on it. We're looking at the damage. [LB1081]

SENATOR LANGEMEIER: Okay. Should that 80 be lowered to 20 as well? [LB1081]

TIM McCOY: That is an interesting question. [LB1081]

SENATOR LANGEMEIER: That's a statute, right? [LB1081]

TIM McCOY: It is in statute. It's in a different statute related to how landowner permits are allocated. That discussion could be had in terms of the challenge becomes the number of deer that you might be able to harvest. That 80 acres in different parts of the state, we run into...there's potential here to get into small acres where people really have a small house or, you know, a ranchette outside of Lincoln and become eligible for a landowner deer permit when they're likely not going to be able to harvest a deer on that, and that's a concern we have with that size issue. [LB1081]

SENATOR LANGEMEIER: Okay. Very good. Any other questions? Seeing none, very good. Thank you. Further testimony in opposition to LB1081. Mr. Herrod, welcome back. [LB1081]

JOE HERROD: Thank you. My name is Joe Herrod, J-o-e H-e-r-r-o-d. I'm here representing the Nebraska Council of Sportsmen's Clubs. It's very difficult to testify against a bill that Senator Christensen has and knowing the situation that he has. I thank him for bringing this bill, but the things that came to our council from the Game Commission about the problems with the other statutes and things made us say that, you know, we see some things in this bill that we oppose it. But I can remember well Senator Christensen years ago talking about this problem. And the problem is the people that allow very limited hunting. They lease their ground out and the trophy hunters come in and that becomes a sanctuary, and then those deer come out of that sanctuary and do all of the damage and then retreat back into it. And this bill doesn't address that. I don't know how you address that. But we thank him for bringing

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continued attention to it. One of the things that the testifier from the Farm Bureau said was allowing other people besides family members to utilize these depredation permits. I think that needs more conversation. I can certainly imagine that there's people out there that within the family couldn't do that, but by allowing the hired man to do it or allowing somebody that really wanted to come in there on the depredation permit and get that deer and take it and utilize it, maybe that's...I don't know if we've discussed that before. I don't know whether there's a problem with it or not. But thanks to this bill, it's something that we can come out of it with, with something positive. [LB1081]

SENATOR LANGEMEIER: Very good. Are there any questions? Seeing none, thank you very much,... [LB1081]

JOE HERROD: Thank you. [LB1081]

SENATOR LANGEMEIER: ...well done. Further testimony in opposition? Seeing no more, is there anyone who would like to testify in a neutral capacity? Seeing none, Senator Christensen, would you like to close? [LB1081]

SENATOR CHRISTENSEN: Again, thank you, everyone, for your time, and everybody that testified. Because I just want to reiterate, everyone supports hunting, we support what Game and Parks has done, and I'm just excited to see if we can work a little more detailed on controlling some of the isolated situations that I know they're working on but I would like to see speeded up, done a little bit further. And something that Tim testified on and it is listed, and this is where we got the language for sold and disposal of in any manner. I just read out 37-560. I mentioned it to him coming back and this is in the depredation area and it's not a permit area, and that was their concern there and I know we can work around that. And at that, I have no other comments. [LB1081]

SENATOR LANGEMEIER: Very good. Are there any questions for Senator Christensen? Seeing none, thank you very much. That concludes the hearing for LB1081. Now I see Senator Fulton is back to Natural Resources, two days in a row. We will start the hearing on LB1163. Welcome back. [LB1081]

SENATOR FULTON: Thank you, Mr. Chairman. Members of the committee, my name is Tony Fulton, T-o-n-y F-u-l-t-o-n, and I represent District 29 here in the Legislature. I bring to you LB1163 which provides for a statutory means of creating and maintaining a deer donation program intended to help feed the hungry in our state and potentially supplement the needs of our corrections system. Similar programs as that envisioned by this bill successfully occur in many other states, including our neighbors in all directions: Iowa, Kansas, South Dakota, and Colorado. LB1163 is intended to get a venison donation program off the ground in Nebraska that maximizes participation while minimizing regulatory needs. I should state at the onset that...what this bill does not include. I and other proponents of the bill do not think it is prudent to pay for this

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program by mandating an across-the-board increase to the cost of deer permits, and that's not what the bill does. What affords this program the ability to function is the creation of the Hunters Helping the Hungry Cash Fund, which is in Section 6 of the green copy. This cash fund is the sole means for the program's sustained operation. The cash fund is designed to be able to accept funds from a variety of voluntary sources, including corporate and foundation partners, as is done in at least 13 other states. In addition, the "3H" Cash Fund would be funded by hunters choosing the option to participate in the program. The bill affords Game and Parks the latitude to (a) establish the additional fee paid by the hunter choosing to participate in this program and (b) determine the market rate for paying the meat processors that Game and Parks deem appropriate to participate in the program. All costs to Game and Parks for payment to processors, promotion of the program, and administration are to be paid for through the cash fund and through the cash fund only. I learned about this, about Iowa and other surrounding states having a successful means of feeding the hungry and controlling the deer population, some years ago and I've worked in varying ways on this particular item. And I recognize that there needs to be some clarity in the bill and perhaps there are other ways of going forward, but this at least is my idea as to how Nebraska can join the ranks of so many other states who have similar programs and I bring it to you in the form of this bill. With that, I'll take any questions and try to answer them. [LB1163]

SENATOR LANGEMEIER: Are there any questions? Senator Christensen. [LB1163]

SENATOR CHRISTENSEN: Thank you, Chairman. Thank you, Senator. We've talked about this before in this committee that we couldn't get it over to the hungry people program or whatever we're creating here because it had to be federally inspected. Otherwise, could get...I've been...I don't think it would be hard to get rid of the meat at all. But I've been told before that we couldn't give it to food distribution places. Do you know anything about that? [LB1163]

SENATOR FULTON: Well, I guess I'll try to answer this in two ways. The general way is that which is being done in other states ought to be able to be done here. And secondly, there will be a more specific answer to this and what is entailed in that specific answer, if we have to bring in...if the USDA has to enter into this equation in some way, shape or form. If there has to be some type of regulatory function that exists in order to effectuate this program, then let's see what they did in other states. Like I said, I'm laying out a broad guideline here. And my experience on the Appropriations Committee, when this was brought to me and there are reasons given as to why this can't be done, this can be done. And I think there's enough willpower to get it done and I'm hopeful that anyone who would participate in this, particularly Game and Parks, they're going to have insights as to how this can be done. But it's being done elsewhere so hopefully we can replicate that which works elsewhere. [LB1163]

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SENATOR CHRISTENSEN: Thank you. I appreciate the bill. [LB1163]

SENATOR LANGEMEIER: Are there any other questions? Seeing none, thank you very much. [LB1163]

SENATOR FULTON: Thank you, Mr. Chairman. [LB1163]

SENATOR LANGEMEIER: You have heard the opening on LB1163. We will now move to testimony in support, those that would like to...proponent. [LB1163]

LANCE KUCK: Thank you, Senator Langemeier. As I stated earlier, my name is Lance Kuck, L-a-n-c-e K-u-c-k. I'm from Bassett, Nebraska. My ranch is located on the Niobrara River north of Bassett. I also am an outfitter and I'm testifying today in support of this bill on behalf of the Nebraska Sportsmen's Foundation, as well as the Nebraska Outfitters and Guides Association. I operate on my 5,000-acre ranch, and I also have a 12,000-acre deer lease that we hunt on as well in part of my deer hunting business. This year we have harvested 24 does off my 5,000-acre ranch on the Niobrara River and we've harvested another 14 does off my 12,000-acre lease. Now what we run into is that I take the management of my deer herd very serious and not just because it is part of my business. I make more money ranching than I do outfitting. But I also feel that I'm a steward of the land. Another thing is, too, I do do some farming and my best irrigated ground on the Niobrara River I can get 140 bushels off of, and that's just something I've learned to live with, you know, and right now that's not so bad. So this bill is really kind of near and dear to my heart because I would love to have a vehicle to where I can harvest these antlerless deer, help me manage my deer herd, which is also beneficial to all my neighbors because I have a lot of neighbors that don't harvest deer. That came up in Senator Christensen's bill. We run into those issues a lot and that's a reality everywhere, particularly like in my neighborhood where a lot of our properties on the Niobrara River are not necessarily extremely income producing and they're more recreational properties, and I think we all respect people's right to decide what they do with their properties. But it becomes a serious, serious issue and what me, as a landowner, am I to do. I can allow access and I do try to allow access, but 38 deer, and it's probably not enough, particularly on my bigger lease, it becomes a tremendous burden just having people on my property to hunt all those deer. And I've tried that for years. I'm fortunate now that I have a couple local families that I can get these deer to, but I don't have time to hunt 38 deer a year. I actually purchase permits for my hired man, pay him to harvest these deer as part of his employment, which he greatly appreciates because it beats working, you know. But the other thing is, too, I've spent many years trying to find these families that will take these deer. I live in northern Rock County. Nobody lives in Rock County. Keya Paha County is worse. And if this bill or some semblance of this bill were to pass, then that gives me a vehicle to help manage these, the properties I'm on, whether it's my property or the other properties I'm on. It also is less of a burden on me to handle this. And like I said, I don't want this to

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necessarily become a financial issue but it really, truly is as a landowner. I mean were just...you know, Senator Christensen's bill, you know, addresses that as well. So I think there are a few...I think people would tend to concede there are some issues in this bill but I don't think they're as insurmountable as you think. I actually have two large neighbors, large landholding neighbors to the north of me that participate in South Dakota's program, and as nonresidents of South Dakota, they pay to take their deer to the donation program up there. And their belief is they're doing something charitable. You know, forget about land management and everything else. They feel they're blessed with a meat resource that they can put into this program in South Dakota and that, to them, is very important to them. So we need to address all the different aspects of this bill but we can't forget about the charitable component as well. So it's a big undertaking but it's doable. It's been done everywhere else. I think it's one step. Does it solve our problem with our overpopulation of deer? No, but I think we can all agree that the things we're doing right now aren't necessarily working the right way and I think this could be a real important component to help solve these issues and as we move ahead. So with that, I'm going to close. And if you guys have any questions, I'd be happy to answer them. [LB1163]

SENATOR LANGEMEIER: Very good. Are there any questions of Mr. Kuck? Seeing none, well done. [LB1163]

LANCE KUCK: Thank you. [LB1163]

SENATOR LANGEMEIER: Further testimony in support, those that would like to testify in support? Mr. Sheets, welcome back again. [LB1163]

WES SHEETS: (Exhibit 11) Good afternoon again, Senator Langemeier and members of the committee. My name again is Wes Sheets, spelled S-h-e-e-t-s. I do live here in Lincoln, Nebraska, and I'm representing the Nebraska Division of the Ikes again in this testimony. We had a lot of concerns when we discussed this legislation in our review meeting a week or so ago, and one of our members labeled it the good, bad and the ugly bill because there are a good part. And I'd like to just touch on the good part. The good part about the bill is, in our opinion, we recognize that the white-tailed deer population in Nebraska is quite abundant and in some places more abundant than it should be. And I would take this opportunity to argue a bit with Ron Klataske. I think in some cases, such as Senator Christensen's cornfield, he would consider those deer probably weeds. And so...but nevertheless, it does recognize that it's a valuable, renewable natural resource and may have some redeeming values in providing protein to some of our less advantaged citizens of our state. So in that way, it's probably a very good piece of legislation. We debated whether we adopt a good position or a bad position and the goods kind of outweigh the bad. But I'd like to point out a couple of not so good things. Currently, there are several donation option sort of scenarios going on with deer harvest in Nebraska. The bad news about that is that they're very

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underfunded and it's very awkward and difficult to see the significant strides or to reach the magnitude that takes care of our issue of unwanted meat products. We don't know how to solve that. The ugly part of the bill we think is the provision in Section 6 on page 4 and the following language in line 15 and 16 of Section 12 on page 6 that should be stricken. Our concern is now that, as we understand that statement, it would require deer hunters or any part of a deer hunting fee would be attributed to the Hunters Helping the Hungry Cash Fund. Now any contributions and gifts would be very appropriate. However, I have a problem with noting that--I believe it's correct anyway, it used to be the situation--that the Legislature established an upper limit on permit fees for the Game and Parks Commission and at that point they allocate what part of that permit fee goes for whatever purpose. And in so doing, the hunters would be asked to create a mandated, quote, volunteer addition to their permit fee perhaps. I'd contend that deer hunters are stepping up quite responsibly now but we may have seen the upper limit of their charitable giving in that the ones that do contribute to the Whitetails Unlimited processing fund and other processing operations that we have in the state. So we consider this an ugly section of the bill and we request that if that section was stricken, our comfort level and our support for the bill would certainly go up. Whatever you do, we certainly believe that funding should be acquired through a voluntary nature. It may be such that, and strike me down if I'm saying something bad, but perhaps insurance companies and others that have a problem with deer populations or other citizens' groups that might be utilizing this protein source, could find a way to help support that processing fee. As we've all noted, the issue of getting deer meat processed is an expensive proposition when it needs to be federally inspected, etcetera, etcetera, before it can be donated to food banks and those sorts of operations. So it is a sticky wicket. We certainly would support the establishment of a hungry feeding the hungry or a hunters feeding the hungry cash fund as long as it's not totally or majorly supported by adding fees, even though it might be termed a voluntary added fee to the hunter. I'd just note that it's my understanding the Iowa program, which this is somewhat patterned, in the past year was substantially underfunded to the tune of about \$350,000 or some type thing, which creates a hardship on the other, quote, natural resource funding mechanisms, the general permit dollars going to the program. So if there could be a way that it could be truly supported by a broader spectrum of support from those people utilizing the meat or any other benevolent source, then we would be more in support of the bill. So with those comments, it's a difficult sticky wicket and I know some of our Ikes members would be happy to help harvest extra deer. I get my plenty, thank you. [LB1163]

SENATOR LANGEMEIER: Very good. Are there any questions for Mr. Sheets? Seeing none, very good, thank you very much. Further testimony in support or proponent. Welcome. [LB1163]

SCOTT SMATHERS: Good afternoon, Chairman Langemeier, members of the committee. My name is Scott Smathers, S-c-o-t-t S-m-a-t-h-e-r-s. I am the executive

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director of the Nebraska Sportsmen's Foundation. We are here today in support of LB1163 with the caveat that we understand that our good friends at the Game and Parks and several of my own sporting organizations that are part of our family have some concerns in regards to certain language within the bill. We also understand, in fact, that in past relationships with the Game and Parks, with our partners, this is where we always start. You start with a rough draft of a bill or, if you will, clay, and through conversations of hearings, this, questions from your panel, questions from our own members, work in collaboration with other groups, we arrive at a final destination of a bill. I can tell you that from our standpoint of the Nebraska Sportsmen's Foundation...and before I forget I will correct my good friend Wes Sheets on the fact of Iowa's deficit was \$150,000 last year, not \$350,000. That is off the presses as of this morning before I came to testify. So I apologize, Wes, for correcting you. The idea of providing deer meat to help feed the hungry is not a new discussion or in fact a new program in the state of Nebraska. There is limited service areas and limited organizations with limited budgets that have attempted this program. In fact, I think you'll probably hear testimony--I'm not sure if he's arrived--from an individual meat processor who has done this on his own accord, through his own business, to support his local area at his own expense. With the "adventation" of a statewide program, we have the ability to reach far greater numbers on a consistent basis. As previously stated by Wes, we do have opportunities to copy, mimic, improve upon surrounding states' programs. It's not a new situation. We can utilize the information of those who have gone before us to improve our program here with the help of this body, the Game and Parks, our organizations, and sportsmen's organizations. There's going to be testimony coming after me that is far better suited to describe the needs of the homeless, the low income that have trouble feeding their families on a daily basis a high-in-protein meat substance on a daily basis. The last figures that I looked at, 90,000 children in Nebraska as of 2010 went to bed without either a meat product in their lunch or their dinner on a daily basis. Nebraska sportsmen, the Game and Parks, and our other partners have always been willing to support fellow Nebraskans, in fact have desired mentoring programs, other avenues of donation to support our fellow Nebraskans. To me, we have a need that we can provide an additional tool to Game and Parks, which I admit and our organization admits, have done a fantastic job in reducing deer populations over the last three years in key areas. They've worked very hard at it. We feel that LB1163 can also add an additional tool to the Game and Parks for that purpose, in addition have a third benefit to the homeless, the needy, and the underfed on a daily basis. We at the Nebraska Sportsmen's Foundation look forward to that opportunity, are willing to spend those long hours on those complicated conversations to arrive at a possible legislation that benefits all. With that, I would take any questions. [LB1163]

SENATOR LANGEMEIER: Very good. Are there any questions? Mr. Smathers, I do have a question. You talked about the Iowa program and it was brought up earlier they're in a deficit. In your testimony you talked about other states having these programs. What state has got the best program? [LB1163]

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SCOTT SMATHERS: Minnesota at the present time, within the surrounding footprint of our area right now. Minnesota has a positive cash flow. Some of the attribution to Iowa's deficit is that they have a lower processing cost for the state correctional system. But their numbers have tripled over the last ten years in the correctional system in Iowa, therefore, the need has gone up. So therefore, even though the processing cost is less, they've created more meat processings. Off the top, to go with Senator Christensen's (inaudible), we get around the regulations. Iowa and every other state has a list of preapproved processing houses that do meet these qualifications where that meat does go through, where the hunter takes that carcass to that facility, that facility then processes that meat out in either two- or five- or eight-pound packages, then is distributed to the appropriate institutions that have required or asked for that meat. [LB1163]

SENATOR LANGEMEIER: So it all goes out as a ground product then. [LB1163]

SCOTT SMATHERS: Yes, it does. [LB1163]

SENATOR LANGEMEIER: Okay. Senator McCoy. [LB1163]

SENATOR McCOY: Thank you, Chairman Langemeier. Thank you, Mr. Smathers. You mentioned that Minnesota has the best program, in response to Senator Langemeier's question a moment ago. Can you speak to, briefly, Minnesota or other states that you know that have successful programs in this, how they...have they pulled any other segment of the population, the business community, otherwise to help with these processing fees? [LB1163]

SCOTT SMATHERS: You are exactly correct, Senator McCoy. It is a strong commitment in the states of Minnesota and the other states that are successful from the corporate America aspect of sponsorship of the program, are key components. We recognize that and understand that. We're not asking...we also agree there's issues with the finances and/or who's paying for the tab. Strong corporate responsibility has to be a part of this. We're fortunate in Nebraska that we have some very strong, strong organizations and companies in this state that are sportsmen driven. I am confident, I've made some of those contacts, there's continuing conversations that occur. We would like to see that be a large portion as opposed to putting it on the backs of the sportsmen and/or the Game and Parks. [LB1163]

SENATOR McCOY: That's...I would agree that we are fortunate in our state to have a corporate community and a corporate culture that is very inclined to charitable giving. Do you know of any program that has involved property and casualty insurance companies, as was mentioned in earlier testimony? Has that been found to work, that you're aware of, in any state? [LB1163]

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SCOTT SMATHERS: We have at this time explored those opportunities with several large, national insurance companies. They have not expressed an interest at this point. However, I would feel that if there was a unified body amongst this body, the Game and Parks, our organizations making that request...because quite frankly at this point the request has come from the Nebraska Sportsmen's Foundation. Let's be honest about it, folks, 1,500 members, 2,000 members doesn't quite get the insurance companies' attention. [LB1163]

SENATOR McCOY: Well, and perhaps, I mean, it's somewhat unique in that the insurance industry is one of our largest industries in this state. [LB1163]

SCOTT SMATHERS: Absolutely. [LB1163]

SENATOR McCOY: So perhaps, you know, we might be able to have some further discussions along those lines. [LB1163]

SCOTT SMATHERS: That was the first direction that I went when asked to be a part of this, this process on LB1163. And at this point, we don't have much interest but, again, I think that the more people in line and the more people asking, the better response we will get. [LB1163]

SENATOR McCOY: Thank you. [LB1163]

SENATOR LANGEMEIER: Very good. Are there any other questions? Seeing none, thank you very much. [LB1163]

SCOTT SMATHERS: Thank you. [LB1163]

SENATOR LANGEMEIER: Appreciate your testimony. Further testimony in support of LB1163. Welcome. [LB1163]

TOM SALISTEAN: Thank you, Senator Langemeier and committee. My name is Tom Salistean and I happen to be that... [LB1163]

SENATOR LANGEMEIER: I need you to spell it. [LB1163]

TOM SALISTEAN: Oh, Salistean, S-a-l-i-s-t-e-a-n. [LB1163]

SENATOR LANGEMEIER: Thank you. [LB1163]

TOM SALISTEAN: I happen to be that processor that's developed their own hush program. And I think one of the biggest problems that we need to look at the other

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states, the other states have state inspection. We do not have state inspection here in Nebraska. Now as to the use, the USDA, my plant is a USDA custom exempt plant. I can only deliver meat to people who are the eventual users. So therefore, I've worked out a program with the Open Door Mission where we have...I have the customer or hunter pays for the first deer and he can keep it himself, it doesn't make any difference. The second deer, I give him a card and with that second deer he can donate it to the Open Door Mission. I fill out...I fill out my paperwork, I fill out a transfer tag from him to the Open Door Mission, and then I fill out the Open Door Mission's gifting that allows them a tax deduction. Every deer that's donated costs me money, but in the long run, in the long run I'm being helped later on. I mean the Open Door Mission is paying me for part of the processing; I'm swallowing the other part. There's a lot of people in my position who are not willing to take the loss that you're going to take for a processor processing these deer, but I'm willing to do it because I do work well with the Open Door Mission and they bring meat to me all the time. I work with their chef and the chef tells me if he wants beef, pork or whatever he wants added to it, I add to the deer meat. We deliver or we have them come by and pick up. They told me they didn't want to pick up until they had at least 500 pounds. I put them in five-pound tubes that I purchase and they get the meat. I have all of the tags showing that they're transferred from the hunter to the Open Door Mission. The hunter then gets his receipt and his receipt from the Open Door Mission allows him for half of his tag, because here in Nebraska most of your tags are two for ones, which means you get one deer, then you get an additional deer. So they get a tax deduction for \$15 and for \$25 for gutting the deer. They bring deer into me 12 months of the year. I get deer if they get hit by cars. I take them 12 months of the year. So the previous bill, maybe I should have gotten up and talked about, I will take deer but my problem is I can't afford to do every deer for free. I've got to get some part of my costs covered. Now the last three years I've been working with the Open Door Mission. This last year, I'm just taking for example, we gave them X number of pounds of meat and when I figured it out, it cost me somewhere in the neighborhood of \$1.50 a pound to grind it and prepare it for the Open Door Mission. Now they pay me a percentage of that. I figure that I'm losing probably 50 cents a pound in order to do that for them, but I'm feeding the people that are going to use it and they're using it immediately. As soon as I take, or as soon as they come by and pick it up they're using it, and they're making such things as meatloaf, they're making chilies, they're making hamburgers, they're making everything they can with that meat. The Open Door Mission is the only person I could think of to contact at that time because my church deals with them on a regular basis where we go down and donate our time every month. And that's all I have to say. Any questions? [LB1163]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Christensen. [LB1163]

TOM SALISTEAN: Uh-huh. [LB1163]

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SENATOR CHRISTENSEN: Thank you, Chairman. I just wanted to say thank you for your service and for stepping in and filling the gap in the state. [LB1163]

TOM SALISTEAN: Uh-huh. Thank you very much. [LB1163]

SENATOR LANGEMEIER: Senator Schilz. [LB1163]

SENATOR SCHILZ: Thank you, Senator Langemeier. Good afternoon and welcome. [LB1163]

TOM SALISTEAN: Thank you. [LB1163]

SENATOR SCHILZ: Obviously, you know, being a custom-pack plant where you don't have a federal license or a state permit does add some issues to it. What are...have you had any issues with the mission that you're working with in any sort of worries about contamination of the meat or anything like that? [LB1163]

TOM SALISTEAN: No. [LB1163]

SENATOR SCHILZ: How do you go about making sure that when you process a deer or a wild game animal that it's done properly so that you don't run into any of those issues? [LB1163]

TOM SALISTEAN: Well, when a deer hits my door, we hang every deer. The reason we hang is because they continue to bleed out for a couple of days afterwards. Then it goes directly to my guy who takes the hides off and then he cleans the deer and he washes it down. We put it in our cooler and the next day we'll bring it out and we will burn the excess hair off the deer. Then when my cutter or my breaker breaks the deer down, he'll put each piece of meat in water to keep it as clean as possible. Then we put it on our tables and we cut it that way. The meat at the Open Door Mission is the same meat that I'm giving out to my customers and my customers are very happy with what we've done in the past and what we're doing right now. The Open Door Mission, I've not heard any complaint. I mean there is...sometimes there's a complaint with hair in the ground deer, but we don't have that problem because we're going through three cleaning processes to give them proper deer. Now if I get a deer in that's what we call a Christmas tree or a green deer, we throw it out. I refuse to take it. If they want it to donate to the Open Door Mission, I tell them I'm sorry, we can't take this deer at this time because this deer has not been properly dressed and the meat is rotten. And I'm not going to give that rotten meat to my customer, I'm not going to give that rotten meat to the Open Door Mission. I refuse to do it. [LB1163]

SENATOR SCHILZ: Right. [LB1163]

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TOM SALISTEAN: The only meat...and another thing when you're cutting a deer, when you cut between the ribs there's cartilage that's on the inside. Well, we don't cut that. We leave it because that's just bad meat as far as I'm concerned. Why do you want to give somebody gristle? You should be giving them good, clean meat and that's what we do. [LB1163]

SENATOR SCHILZ: All right. Thank you. And then next, more of a comment than anything, and you talked about the state meat inspection program. I believe that last year the Legislature, last session, passed a state meat inspection bill and hopefully Department of Ag is continuing to work on that as we speak. So maybe that will be an opportunity some day. [LB1163]

TOM SALISTEAN: Yeah. Well, maybe then they can come out and inspect the plants and make sure the meat is done correctly. [LB1163]

SENATOR SCHILZ: Right. [LB1163]

TOM SALISTEAN: I mean I have no problem with them walking in my door. The USDA comes in all the time because I live in...well, my plant is in Ralston, which is a suburb of Omaha. I mean those guys are there, I mean they come in and buy meat from me, the USDA inspectors do, yeah, because I have a good quality meat. We dry age our meat. We don't do it...we don't wet age meat. Wet-aged meat is just basically letting the blood rot, and I won't do that. That's why I don't like wet-aged meat. [LB1163]

SENATOR SCHILZ: Okay. Thank you, sir, very much. [LB1163]

TOM SALISTEAN: Okay. [LB1163]

SENATOR LANGEMEIER: Senator Carlson. [LB1163]

SENATOR CARLSON: Thank you, Senator Langemeier. And again just a comment to thank you for what you do. It's kind of a mission for you. [LB1163]

TOM SALISTEAN: Uh-huh. Yes, it is. [LB1163]

SENATOR CARLSON: Now you're not USDA inspected. [LB1163]

TOM SALISTEAN: I'm USDA custom exempt. The USDA does come in and inspect me. They come and inspect. They make sure that I'm doing what I'm supposed to be doing, but I'm custom exempt. What that means is my...when we kill hogs, which we don't kill cattle but we kill hogs or sheep, the USDA does not have to be there. But I have to have that whole animal sold before I can kill it. It has to be sold to a customer. I can't keep it for myself. [LB1163]

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SENATOR CARLSON: So if it has to be sold, then that's different than being arranged to give it away. [LB1163]

TOM SALISTEAN: I don't... [LB1163]

SENATOR CARLSON: You said it has to be sold before you... [LB1163]

TOM SALISTEAN: Right. I have people that call me up and say, I'd like to have a hog. Okay, fine, come in, I need a deposit on the hog, then we will cut it to your instructions however you want it cut. So therefore, I have, according to the USDA, I have the proper documentation because I have the guy's name, address and phone number and I have a deposit on the hog. So the man has purchased the hog and then what he wants me to do is process the hog, and he pays me additional to process it. [LB1163]

SENATOR CARLSON: What's the difference between that and that person bringing you in a hog and saying dress this, but I'm going to give it to People's City Mission? [LB1163]

TOM SALISTEAN: Well, he's taking the animal, he's paying me for the processing. When I give it to the ultimate consumer, which is him, he can do anything with it he wants. [LB1163]

SENATOR CARLSON: Okay. I think there's probably... [LB1163]

TOM SALISTEAN: Uh-huh. [LB1163]

SENATOR CARLSON: ...a stumbling block in there, in that... [LB1163]

TOM SALISTEAN: Right. [LB1163]

SENATOR CARLSON: ...they can't accept it unless it's USDA inspected. [LB1163]

TOM SALISTEAN: Correct. Well, now, okay, the Open Door Mission accepts hogs from Iowa that are state inspected. I buy meat from South Dakota that's state inspected. That goes across state lines. So I think what we really need is a state inspection. [LB1163]

SENATOR CARLSON: Okay. Hopefully we're getting closer to that. [LB1163]

TOM SALISTEAN: Yeah, yes. [LB1163]

SENATOR CARLSON: So thank you. [LB1163]

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TOM SALISTEAN: Uh-huh. [LB1163]

SENATOR LANGEMEIER: Very good. [LB1163]

TOM SALISTEAN: Okay. Thank you. [LB1163]

SENATOR LANGEMEIER: Thank you. Well done. Further testimony in support of LB1163. Welcome. [LB1163]

TIM SULLY: (Exhibit 12) Hi. Good afternoon. My name is Tim Sully and I serve as development director of the Siena/Francis House homeless shelter in Omaha. My name is spelled T-i-m S-u-l-l-y. I am testifying in support of LB1163. The primary mission of the Siena/Francis House is to provide food, emergency overnight shelter, clothing and care of persons and families in Nebraska who become homeless. The Siena/Francis House is the largest homeless shelter in the state of Nebraska in terms of numbers of meals served and nights of shelter provided to persons and families who are homeless. In 2011 alone, the Siena/Francis House served 441,779 meals, an average of over 1,200 meals each day, and this number has grown annually for many years. I would also note that the Siena/Francis House receives in donation virtually all of the food we use to prepare the meals we serve, although we never receive enough donated meat items. The Siena/Francis House supports LB1163. It would provide to social services agencies like ours additional resources to meet the needs of the poor and hungry whom we serve. LB1163 in great part mirrors successful programs that are operating in several other states which allow the donation of deer meat by hunters to agencies for distribution to the poor and the hungry. This bill provides great possibilities for our shelter as we inevitably struggle to receive in donations sufficient meat products to adequately satisfy the dietary needs of our homeless guests. The Siena/Francis House is willing to commit the necessary resources to pick up deer meat donated through this program. This potential donated food source would truly allow our shelter's kitchen staff greater capability to prepare and serve meals containing a high-quality, lean protein source. Programs like this one have enjoyed considerable success in other states and we believe it would be successful in Nebraska as well. On behalf of the Siena/Francis House homeless shelter, I urge your support for the advancement of LB1163. Thank you. And I'd be happy to answer any questions you may have. [LB1163]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Schilz. [LB1163]

SENATOR SCHILZ: Thank you. Mr. Sully, thank you for coming in today. [LB1163]

TIM SULLY: Sure. [LB1163]

SENATOR SCHILZ: Once again...and not knowing, you know, I don't know if you've

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accepted any wild game meat or anything like that in the past. Are there any...if you have or could you tell me if there are issues as far as, you know, what concerns do you have with safety, with those kind of aspects of taking donated meat? Is that...how would you like to make sure that you're protected... [LB1163]

TIM SULLY: Well, some... [LB1163]

SENATOR SCHILZ: ...as you move forward? [LB1163]

TIM SULLY: I'm sorry. Excuse me. [LB1163]

SENATOR SCHILZ: No, you're fine. [LB1163]

TIM SULLY: Well, some of the questions previously kind of were addressing some of that, clearly, with regard to inspection rate. And you've asked a couple questions and so we do...we have accepted and we do accept donated game meat of all types and, you know, some folks do process...they'll drop off, like for deer, they'll drop off the deer at a processor and pay the full rate and then when they pick it up they bring it down to the Siena/Francis House in package, you know, properly packaged and all that, right? And that happens occasionally. And we also get...we also receive...we also receive other wild game, things like ducks and geese and turkeys and things like that. And when we...I mean, frankly, we don't...I mean I'm not the kitchen manager but I can tell you, on behalf of the organization, we don't have any...we don't have any concerns about this program at all, this particular program. We do have concerns sometimes where about folks who...really nice, good-minded folks who would bring in deer meat that clearly may not have been processed properly, and so we would not accept that and we don't accept that. And I'll just go off...just off a little bit. One guy actually showed up and he had the deer on the top of the hood of his truck and he wanted to donate it to us and we turned it down. So I mean that kind of thing is rare, but it did happen once. And so...but we don't have concerns about this, especially with regard to...I mean I would suggest that we would share the same concerns that this committee has with regard to inspections of the meat, or the processor, right, but beyond that I wouldn't say we have any concerns. [LB1163]

SENATOR SCHILZ: Okay. Thank you. And I guess a follow-up question to that is, you say you never receive enough donated meat items. Do then what...what do you do then? How do you make up for that? [LB1163]

TIM SULLY: Well, we do receive...we do receive meat in donations. It's not game meat, you know. So there are businesses that process meat, meat packers and all that kind of thing, and often what we get, we will get lots of bits and pieces and parts, as I will call them. And so what we'll do is we make our two most popular entrees, if you want to use your imagination and stretch the definition of that word, is we make stew and we make

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goulash. Goulash is used very loosely. So it's like we can stretch...noodles are relatively inexpensive, red sauces are relatively inexpensive, and you know if we have ground meat or ground beef of some sort, we'll put that in there and we stretch it that way. With regard to bits and pieces and parts, we make stew quite a bit and we just, you know, stretch it with the creativity of our kitchen staff. [LB1163]

SENATOR SCHILZ: Sure. And then I guess so those folks that are donating those bits and parts, parts is parts in beef, chicken, never mind. With those I guess my question is, do you have to go solicit those donations or are they getting rid of something that they wouldn't use anyway or how...? [LB1163]

TIM SULLY: It's a little bit of all that. You know, we have a person on our staff, our professional staff, whose job it is to have relationships with persons that...I mean his job is mostly about food donations, and so we have relationships with organizations, people, food brokers, whatever, meat packing places too, and we keep those lines of communication open so that if there is...if there is...let's say somebody made an order and it didn't...they didn't pick it up or something or there's something that, you know, that the transaction didn't work with the supply, with the meat processor, and I'm speaking specifically of a particular processor, they'll call us up and say, oh, we have this, can you come and pick it up or can we deliver it, and that's kind of how that works. And so do we solicit it? We do, you know, we have newsletters and, you know, we're not a big advertising sort of organization so we don't, you know, we don't promote it overtly, you know, to the wide public other than on our Web site and through our newsletter that is sent to friends and donors of our shelter. And in that though, I will tell you that, you know, hamburger, I mean which this would be deer burger or venison burger, right, we would welcome that because, you know, we don't serve...we never serve steaks, right? We don't serve roast beef because we never receive enough of any of that. That's why I mentioned about the bits and pieces and parts. Sometimes we do receive enough hamburger where we actually are able to make hamburgers and serve hamburgers, but it's not often. [LB1163]

SENATOR SCHILZ: Right. And so then my last question, if there was a program such as this or similar to this where that could be done, would it actually save you resources even if you had to go pick it up, to use to something else, not have to be out there, quote unquote, pounding the pavement looking for protein? [LB1163]

TIM SULLY: I want to make sure I understand your question. Would it save us resources to... [LB1163]

SENATOR SCHILZ: If you knew and you could plan on a certain amount of venison coming in,... [LB1163]

TIM SULLY: Yeah. [LB1163]

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SENATOR SCHILZ: ...would that help your planning, would that help your organization to be able to cut resources in other areas to make up for this? [LB1163]

TIM SULLY: Okay. I don't think so. I don't think it would cut. It would enhance our ability to serve a protein source to the guests who come to us and which we think would be beneficial to...it's beneficial to us to be able to do that in a better way. You know as far as...we do have a driver and a truck who goes out six days a week to go pick up mostly food, and so that would be one other, you know, stop that we would be making. So it's not taking...necessarily taking away from...it would be one more stop on a route or stops on a route, which we would very much welcome to be able to have the opportunity to do. [LB1163]

SENATOR SCHILZ: Right. [LB1163]

TIM SULLY: So did that answer your question? [LB1163]

SENATOR SCHILZ: Yes, it did. [LB1163]

TIM SULLY: Okay. [LB1163]

SENATOR SCHILZ: And let me ask you this. [LB1163]

TIM SULLY: Sure. [LB1163]

SENATOR SCHILZ: How many pounds of meat do you serve in a week, in a year, whatever? [LB1163]

TIM SULLY: I don't know the answer to that question and I'd be guessing about that. [LB1163]

SENATOR SCHILZ: That's fine. That's fine. [LB1163]

TIM SULLY: Yeah, so I mean often we do meal planning relative to what comes in our door, you know, and so if...and especially with regard to something like this, if we...and it I guess relates sort of to your previous question. You know, if we did have the ability to know that we're going to have the ability to provide meals that are more...that have more, you know, lean protein in them, we would welcome that. We would love that, I mean, and our guests would appreciate that and we would...it would be a wonderful thing. And yeah, so... [LB1163]

SENATOR SCHILZ: Thank you. [LB1163]

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TIM SULLY: You're welcome. [LB1163]

SENATOR LANGEMEIER: Other questions? Senator Carlson. [LB1163]

SENATOR CARLSON: Well, thank you, Senator Langemeier. Thank you again for what you do. Now you mentioned that it would be pretty obvious, somebody drives in, in a pickup, with a deer in the back and you say we can't take that. [LB1163]

TIM SULLY: Right. [LB1163]

SENATOR CARLSON: But if it comes in packaged, how do you know whether you take it or not or should accept it or not? [LB1163]

TIM SULLY: Right. Well, we...I mean we...that's a good question. We make sure that it's wrapped and it looks to be processed by a...properly processed. You know, that's...and it's probably not a great answer to your question but we ask the question if it was processed and we don't provide...we don't ask for proof of that it was processed by a professional processor. But if it looks like it and if the person verifies it, then we...that's what we do. [LB1163]

SENATOR CARLSON: So if I've had something processed in a noninspected facility and bring it to you and it looks okay, you have no problem accepting that. [LB1163]

TIM SULLY: Well, it would...we are...what we tell our donors and anybody who calls or comes down, we say we will accept...for instance if we get a call...we get calls a lot about deer meat. [LB1163]

SENATOR CARLSON: Uh-huh. [LB1163]

TIM SULLY: And we say we would accept it if it has been processed by a professional meat processor, if that's, you know, that's what they do for...you know, that's their business and it's properly done, and that's what we tell people over the phone and that's what we tell people as they bring it down. [LB1163]

SENATOR CARLSON: Because there are a number of professional meat processors in the state that aren't USDA inspected, so that's good to hear because that's a good use of a resource that means it doesn't need to go to waste. [LB1163]

TIM SULLY: Yeah. Well, we... [LB1163]

SENATOR CARLSON: So okay. Thank you. [LB1163]

TIM SULLY: Yeah, okay. You're welcome. Are there any other questions? Yes.

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[LB1163]

SENATOR LANGEMEIER: I just have one. I don't know, it's a comment or a statement. I'm part of Knights of Columbus. We spend a Friday a month down in your facility and we want to commend you on that. [LB1163]

TIM SULLY: Oh sure, yeah. [LB1163]

SENATOR LANGEMEIER: The biggest concern with processing meat is E. coli or some kind of a bacteria on it. [LB1163]

TIM SULLY: Right. [LB1163]

SENATOR LANGEMEIER: The way it sounds is the way you process or the way you're serving it, you're fully cooking the product, which removes a lot of the concern you might have on quality,... [LB1163]

TIM SULLY: Of course. Sure. [LB1163]

SENATOR LANGEMEIER: ...if you're putting it in a goulash and that kind of stuff versus a hamburger patty that might not be cooked all the way through. I mean we keep telling everybody cook it all the way through,... [LB1163]

TIM SULLY: Yes. [LB1163]

SENATOR LANGEMEIER: ...cook it all the way through. So I think that might limit your exposure. [LB1163]

TIM SULLY: I would agree, yes. [LB1163]

SENATOR LANGEMEIER: Any other questions? Seeing none, thank you. [LB1163]

TIM SULLY: Thank you very much. [LB1163]

SENATOR LANGEMEIER: Further testimony in support. [LB1163]

JIM CUNNINGHAM: (Exhibit 13) Senator Langemeier, members of the committee, good afternoon. My name is Jim Cunningham, that's spelled C-u-n-n-i-n-g-h-a-m. I'm the executive director of the Nebraska Catholic Conference and I'm appearing today before you on behalf of Catholic Charities of the Archdiocese of Omaha and Catholic Social Services of Southern Nebraska. Both of these agencies provide an array of human services that seeks to meet the needs of the homeless, the impoverished, and the hungry populations in Nebraska. LB1163 is favorably viewed by these agencies as a

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potentially important component in helping to fulfill their mission, and my primary purpose here is to share with you a letter from John Griffith, who is the executive director of Catholic Charities of the Archdiocese of Omaha, which gives greater details about the programs that they have. Thank you. [LB1163]

SENATOR LANGEMEIER: Very good. And I think I can welcome you for the first time to Natural Resources since I've been here. [LB1163]

JIM CUNNINGHAM: Senator, I was thinking of that walking down here and I think in my 36 years this is my third time before the Natural Resources Committee... [LB1163]

SENATOR LANGEMEIER: Very good. [LB1163]

JIM CUNNINGHAM: ...and I'm pleased to be here. [LB1163]

SENATOR LANGEMEIER: Are there any questions? Seeing none, thank you. [LB1163]

JIM CUNNINGHAM: Thank you. [LB1163]

SENATOR LANGEMEIER: Well done. Further testimony in support of LB1163? (Exhibits 14-15) Seeing no others, I have a letter from Mr. Mark Hewett, president of Northern Natural Gas, in support of LB1163. Do I have another one? Well, we'll find the list. I think I...oh, excuse me. I have a letter from the Metropolitan Utilities District, signed by Doug Clark as president, in support of LB1163. We'll now move to opposition. Anyone want to testify in opposition to LB1163? Welcome. [LB1163]

JIM DOUGLAS: Good afternoon, Chairman Langemeier, other members of the Natural Resources Committee. I'm Jim Douglas, J-i-m D-o-u-g-l-a-s. I am deputy director for the Nebraska Game and Parks Commission and I'm representing the commission this afternoon and speaking in opposition to LB1163. I would start out by saying that I'm not testifying in opposition to a concept of the good utilization of deer protein or any other wild protein. As a matter of fact, the Nebraska Game and Parks Commission has tried to assist in the matter of putting in the hands of those who need and want deer, good deer meat. We have a program that is an exchange on our Web site where people can sign up and indicate that they would like to receive deer, and others sign up and say they have deer to give away. I listened with great interest to Mr. Smathers earlier hold up Minnesota as the best, one of the best programs to emulate. Last year in their donation program 500 deer were given away and on our deer exchange program nearly 700 deer were given away. Two years ago 1,250 deer exchanged hands between different persons. That cost the state of Nebraska nothing. Essentially it was just an exchange. In Minnesota, their program started out with a program cost for each deer there donated of \$125.29 so...and also in Minnesota, their Legislature gave them \$160,000 start-up costs for them to get their program going. One of...the two main...two

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main items that I think really need to be considered in serious consideration of whether or not you can put together social programs associated with the Hunters Feeding (sic) the Hungry Program and the aspects of deer that are harvested by deer hunters, two things are how it's going to be funded and how that meat is actually going to be distributed and received, okay? And on the funding side, for example in Minnesota, they're funding that with a \$5 increase in all their nonresident hunting licenses. In South Dakota, I believe they're putting a lot of the funding responsibility on the back of their nonresident hunters. In Iowa, they're funding this, their processing costs in Iowa are \$80.65 per deer. They're funding that with a \$1 surcharge on every deer permit that they sell. Now if you fund it with a surcharge and then you let demand sort of evolve, then you'll find, for example, that like in Iowa, they've got a \$500,000 program going on but they're only taking in \$350,000. So as somebody said earlier, they're \$150,000 in the hole. So with the bill that we're looking at today, the funding is...doesn't involve adding any subsidies into the system. There's no new money. The money that we're talking about is having a deer hunter elect to take part of what he would...his costs of a deer permit is and take it out of our game cash fund and put it into this new cash fund. So depending on what that demand is, let's say that it's \$200,000 worth just for the sake of discussion, that deer hunter is electing to tell how the commission and this Legislature, how that game cash fund is going to be spent for the first \$200,000 right out of the box. So if we want to add six new game wardens, for example, that cost \$200,000, we won't be able to do that because we'll be subsidizing this program with that effect. Now if people would like to see the Game and Parks Commission be a bigger part of raising truly donated funds, you would have instead in this bill you would have that a deer hunter could elect an additional \$1, \$2, \$5, \$100,000, whatever amount they'd like to elect, and we'd be happy to be part of a program that helps get truly donated dollars into a system to subsidize a program like this. The subsidy is something that you can't ignore. And even the successful programs that are going on, it's funded. It's funded through some sort of a surcharge, some sort of an increased permit fee. If you want to fund it truly towards donations, we'll be happy to help get donations for such a program through a separate cash fund. The distribution aspect of this also needs to be more fully addressed in this bill. There's mention of penitentiaries receiving donations but no real allocation procedures for that. There are issues associated with inspection, issues associated with in western Nebraska getting processed meat to places where it's more fully needed, etcetera. So this bill, although it conceptually has a lot of merit, has a lot of work that would need to be done before we could support it. With that, I'd answer any questions. [LB1163]

SENATOR LANGEMEIER: Very good. Are there any questions for Mr. Douglas? I do want to ask one. You talked about 1,250 deer last year or the year before, 700 deer this year went through the exchange. What form are they going through the exchange? Is that I'll take it hanging in hide or I'll take it in quarters or...? [LB1163]

JIM DOUGLAS: You are able to...oh, I didn't mean to interrupt your question. [LB1163]

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SENATOR LANGEMEIER: But it's my understanding is I put that out there and says I can handle, if you'd give me your deer, I could handle it field dressed or I could handle it cut in quarters or I could handle it put in Ziploc bags in chunks. [LB1163]

JIM DOUGLAS: That's correct. You can stipulate how you would take deer. You can stipulate how you would give it away. [LB1163]

SENATOR LANGEMEIER: But it's not in there as processed, I don't think. I went and looked at it the other day. I didn't think I saw anything out there that ever was I want it fully processed and I'll pay for it. [LB1163]

JIM DOUGLAS: I think you could do that. I don't know if that's in there right now. [LB1163]

SENATOR LANGEMEIER: Okay. Okay. Are there any other questions? Seeing none, okay, thank you very much. Further testimony in opposition. Welcome back. [LB1163]

JOE HERROD: Thank you. My name is Joe Herrod, H-e-r-r-o-d, and I represent the Nebraska Council of Sportsmen's Clubs, which is different than the Nebraska Sportsmen's Foundation. However, they did attend our meeting yesterday and we want to thank those of you senators who came over and had lunch with us. I think that we can look at what Iowa does and it costs them \$150,000 and I won't tell the little joke that I told you as we walked down the aisle. But, you know, Iowa could look at what we do with this deer exchange, and the deer exchange has less activity because so many relationships have been built over the years of somebody knowing that there's somebody that wants a deer and somebody that has a deer, and they quit going through the deer exchange. But I looked at the deer exchange today. Lance Kuck testified about his situation up in Rock County. I went on to the Internet, it's real easy to do, and there are people up there in that county and adjoining counties that are looking for deer. So maybe Iowa ought to look at what we're doing. Now we have...I had some things down here about that this bill, one of the things that we don't like about this bill is it's just full of "the commission shall," "the commission shall," "the commission shall," "the commission shall," and we don't have a...there's no business plan. Iowa is so different in their demographics, the way the population is spread out. They can do things with transportation and all of the great number of people and everything else. And we just can't make a program this big, telling the commission all of the things that they should do clear across the state, without some sort of a trial program, some sort of a business case, some sort of a study. We supposedly have people that will donate. We have people that will take the meat. We have processors that will do it. Why do we have to jump into a whole bunch of binding legislation in this body until we try that first? And then I know it's not proper to ask questions of this group but I'm asking this of myself, therefore. When Jim Cunningham came in, it really hit. And Jim, I don't know if he's still

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here but we've known each other for I think over 36 years and I started thinking of the Catholic Social Services and everything else and the question hit me: Why is this hearing in Natural Resources? Why is this hearing not in Health and Human Services? Aren't they the people to take care of this? I'm through. [LB1163]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Schilz. [LB1163]

SENATOR SCHILZ: Thank you. And, Joe, thanks for coming in. And I wish I would have thought of this question one testifier ago but I'll ask it anyway to get it on the record and maybe somebody can tell me. You know, as I look out and I see the folks here from the missions and things like that who are screaming for meat, has the Game Commission ever gone to them and said, hey, can we work something out? Because... [LB1163]

JOE HERROD: Yes. [LB1163]

SENATOR SCHILZ: And so how's that...how's that? You say that like you know it. [LB1163]

JOE HERROD: Yes. [LB1163]

SENATOR SCHILZ: And how is that working? [LB1163]

JOE HERROD: Well, it didn't work very good. At the Lincoln City Mission, once CWD hit, they turned us down. They didn't want it anymore. So, yes, that's always been proactive. It's been proactive by Whitetails Unlimited. It's been proactive by the Game Commission. It's been proactive by sportsmen. Sure, we're all looking of ways to do this. But again, why put this tremendous responsibility on Game and Parks Commission? This is a social issue. People without food is a social issue and it just dawned on me, if Jim Cunningham has only been in here three times in 36 years and what brought him in, maybe we should all be over where he normally goes and having this discussion or eventually the two agencies together. Because Game and Parks, they can't spend all of this money running out and trying to find processors and trying to find customers in Scottsbluff and doing all of this stuff and pay for it. You know, if you have a business case, first of all you've got to have a demand. And we know the demand is there in Lincoln and Omaha for food, but we don't have even an agency in Lincoln to take care of it. We have one in Omaha. So let's keep looking at Omaha. But I don't know, is there a food bank in Ogallala? I don't know. I don't know what goes on out there. But we can't just all of a sudden throw out all of these "the Game Commission shall," "the Game Commission shall," "the Game Commission shall," and obligate them to all this. We have an opportunity to start in Omaha. We evidently have some people who said they'd donate money. We obviously have people who will take this deer meat, and we have people that will process it. Let's figure out somebody to put this all together

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and maybe do it without having to put more statutes on the books. [LB1163]

SENATOR SCHILZ: Thank you. Thank you, Joe. I do appreciate that and I understand what you're saying and I don't disagree. It's much easier to get things done if you don't have to legislate it. I look at...whenever I look at something I say, okay, where are the opportunities here. And if there was a program where somebody could donate meat like this and see that it's doing some good for others besides just themselves, could the Game Commission not look at that as an opportunity to sell more permits? [LB1163]

JOE HERROD: Well, I think, yeah, I think if you go to the Web site and you go to deer exchange, my gosh, there's a ton of information on there: how to process a deer, what to do with the deer, how to operate the deer exchange. And I know a lot of this is going on in your territory because I'm involved in some of it. [LB1163]

SENATOR SCHILZ: Right. We do it too. [LB1163]

JOE HERROD: And our mutual friend, Mark Spurgin, used to take his deer every year to Jose, and Jose retired and moved with his family to Denver and Mark took his deer in to have it processed this year and it cost him over \$400. He got a little crazy on the jerky and things like this. So this is going on in the rural communities. It's the big cities where we've lost touch with who is in need and how do we take care of them. The smaller the town you go to, you know who's in need and you take care of them, so we're doing this in a lot of places in Nebraska. We need to focus on Omaha because we've got a customer, we've got a supplier, and we've got financing. [LB1163]

SENATOR SCHILZ: Thank you. Appreciate that. [LB1163]

SENATOR LANGEMEIER: Senator Carlson. [LB1163]

SENATOR CARLSON: Thank you, Senator Langemeier. And, Joe, thanks for bringing a question here because as I sit here and kind of think about this a little bit, why is it in Natural Resources, well, Game and Parks is part of Natural Resources and so it's legitimate that it be here. But here's a source of food and HHS is a source of need. And that's probably appropriate for the two divisions to talk together. And we've got a source and then we have many individuals, and I've forgotten your name, but that process, know what's needed, know how to do it and ought to get paid for it. And you think of the food that's available for the cost of processing as opposed to what I'm guessing is paid out from HHS on an equivalent basis for that amount of food in another direction, this is a savings plan and we simply need to work it out. But your question helps bring that to the surface. Thank you. [LB1163]

JOE HERROD: Thank you. [LB1163]

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SENATOR LANGEMEIER: Seeing no other questions, very good. Are there any other testifiers in opposition? Seeing none, anyone who would testify in a neutral capacity? Seeing none, Senator Fulton, you're recognized to close. Welcome back. (See also Exhibit 16) [LB1163]

SENATOR FULTON: Thank you, Mr. Chairman. I'll just, pointwise, make an attempt at refutation for reasons to oppose the bill. The exchange program as it exists now, what I've heard posited is that the exchange program already addresses the need. And if indeed that's the case, then I would agree with the opposition that this isn't necessary. And you all know my philosophical underpinnings: If it's not necessary, we shouldn't do it. But I spoke with a citizen here in Lincoln who had put forward, I think it was like 200 pounds of deer meat that was ready for donation and it's been on that exchange, now we're on four weeks, and it hasn't been touched yet. That's anecdotal, I understand, but nevertheless it seems to militate against this idea that the exchange is already addressing the need. Now if indeed the statistics bear out that I'm incorrect, then so be it and we don't need this. There is, I think, in Section 6 of the bill, it's possible that the bill can be misread such that it's understood that money would be taken out of the existing fee that's paid for a permit and put into this cash fund such that there is no net increase in revenue. That's not my intention. My intention is to apprehend the volition of a hunter in excess of that which he already pays. And so that's just math. It would be more money in the system. So if we have drafted this erroneously then that certainly should be corrected, but that was not my intention. The mission, I think it was said that one of the refutations or one of the reasons for opposition was that the mission had turned down an offering on the part of the Game and Parks to work collaboratively for meat. Perhaps that was the case, but I'm positive in saying that that would not be the case with the mission. I'm not going to testify on their behalf, but I'm on that board of the People's City Mission here, in fact I'm the president this year, and there is a need for protein there. So hopefully that need can be addressed somehow here. As to whether this is indeed a social issue for the HHS Committee or your own committee, I think Senator Carlson did a good job in recognizing that there is certainly elements of both, but the source here is deer meat, protein, which falls under the purview of this committee. And with respect to all of the "shalls" that are being imposed on Game and Parks, I recognize and actually applaud the concern that they have when they're being told to do X, Y, and Z. I mean we all react viscerally toward that. And I just ask that if indeed there is a will to move forward, that we address this collaboratively so that any "shall" that appears in legislation that this committee or our Legislature puts forward, it's something that can be agreed to by Game and Parks. I don't want to force them into doing something they're not willing to do. But what it sounds like is that...or I'll end it by saying where there is a will there's a way and it does sound as if Game and Parks is willing. I just hope that we'll be able to work together such that there is a way. So thank you, Mr. Chairman. [LB1163]

SENATOR LANGEMEIER: Very good. Are there any final questions for...Senator

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Christensen (sic). [LB1163]

SENATOR CARLSON: Thank you. Yeah, thanks, Senator Langemeier. Not to put you on the spot, but would this be, by any chance, your priority? [LB1163]

SENATOR FULTON: The possibility exists. I'll just be frank in saying that if there's a chance this can go forward, it would move up higher on my possibility list. But, yeah, it's something that I would consider anyway. [LB1163]

SENATOR CARLSON: Otherwise, if...it seems to me like it would be a good interim study to bring in HHS along with Game and Parks and this committee and see what could be put together. That might be very, very meaningful. [LB1163]

SENATOR FULTON: Yeah, and that certainly is an option I'm willing to consider. This was something we worked on back in my first year down here in '07 and I'll just say that we weren't able to move forward. And it was brought again I think in '08 in the form of another bill. I worked on that. And this was brought to me here in my last year, about December or so, and my initial reaction was I'm not going down that road again. And so if indeed we're not able to find the finish line in this session, then perhaps someone can take the baton and run in the next session. [LB1163]

SENATOR CARLSON: Well, I think it seems to me like, as I recall in talking about this before, a big stumbling block is the processing cost. [LB1163]

SENATOR FULTON: Of course. [LB1163]

SENATOR CARLSON: And if that could be dealt with, which I think it maybe could as we're talking here today, that that would be a giant step in the right direction and really a service to many people in Nebraska. [LB1163]

SENATOR FULTON: Thank you, Senator. [LB1163]

SENATOR CARLSON: Thank you. [LB1163]

SENATOR LANGEMEIER: Very good. Are there any other questions? Seeing none, thank you very much. [LB1163]

SENATOR FULTON: Thank you. [LB1163]

SENATOR LANGEMEIER: Well done. With that, that concludes our hearing today on LB1163 and it concludes our hearing for the day. [LB1163]