

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

Natural Resources Committee
February 07, 2013

[LB94 LB362]

The Committee on Natural Resources met at 1:30 p.m. on Thursday, February 7, 2013, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB94 and LB362. Senators present: Tom Carlson, Chairperson; Lydia Brasch, Vice Chairperson; Annette Dubas; Ken Haar; Jerry Johnson; Rick Kolowski; Ken Schilz; and Jim Smith. Senators absent: None.

SENATOR CARLSON: Welcome to the Natural Resource Committee. I am Tom Carlson, senator from District 38, Chair of the committee. And to my extreme left over here we have Senator Rick Kolowski from Omaha, District 31. Next to him, Senator Ken Haar from Malcolm, District 21. And next to him, Senator Jim Smith from Papillion, District 14. Senator Ken Schilz will be here, he'll take the next chair; he's going to be a little bit late today. And then to my immediate left is our legal counsel, Laurie Lage. To my far right is Barb Koehlmoos, our committee clerk. And then next to her is Senator Lydia Brasch from Bancroft who is...District 16, she is Vice Chair of the Natural Resource Committee. And then Senator Jerry Johnson from Wahoo, District 23, and Senator Annette Dubas from Fullerton, District 34. Our pages for today, Tobias Grant and he's from Lincoln; and David Postier from York, and they'll be serving as our pages. Today we're going to have hearings on LB94 and LB362. If you're going to testify, pick up a green sheet from the back on either side and make sure you have that filled out. Print it so that we can read it before you enter the chair, and that can be put in the box there next to Barb. If you don't wish to testify but would like your name entered into the official record, there are white forms by both doors that you can put your name down and indicate a preference on a bill and that will be entered into the record. If you choose not to testify, you may submit comments in writing and those will be read into the official record and you don't have to testify to do that. If you do have handouts, make sure you have 12 of them. And if by chance you didn't have 12, our pages can help you out on that. It's tempting to adjust the microphone and there's really no reason for it. That is in a position, it's going to pick you up. In fact, if you sit in the chair and back up and whisper, it will pick that up. So there's no need to touch the microphone and just leave that where it is. Speak clearly; spell your first and last name, at least your last name, and if you fail to do that I'll stop you and have you do that so we can have more accuracy on our records. And for all of us, please turn off any electronic devices including your cell phone, if that's necessary. And we do the same thing in the committee. We got a pretty good group today and that's good. As a reminder, there are no emotional displays in support or against and we'll keep everything in order that way, so I'd ask you to not do that. We do have a light system, and I don't think we're going to need to use it today. If we did use the light system, it would be green when you start for four minutes, the yellow would come on indicating you have a minute left, and then the red comes on at the end of five minutes, so try and keep your remarks within that time period. We'd rather not use the lights if we don't need to. Are there any questions before we proceed? Okay, we'll open with LB94 and Senator Dubas will introduce the bill.

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

Natural Resources Committee
February 07, 2013

Welcome.

SENATOR DUBAS: Good afternoon, Senator Carlson, members of the Natural Resources Committee. My name is Senator Annette Dubas, A-n-n-e-t-t-e D-u-b-a-s and I represent Legislative District 34. LB94 was brought to me by the Nebraska Game and Parks. The bill changes eligibility requirements for a variety of hunting permits and clarifies language regarding landowner permits. The bill directs the commission to issue at least 85 percent of their deer permits in certain management units to Nebraska residents before issuing nonresident permits. It also changes provisions regarding elk permits. Currently, a person can only harvest one antlered elk in a lifetime and only one elk permit can be issued to a person in a lifetime. This bill will allow for one permit to be issued to a person once every five years. But that person still may only harvest one elk in a lifetime unless they have a limited landowner permit or an auction or lottery permit. The bill will also allow the commission to adopt rules and regulations to designate a qualifying landowner in cases where the owner is a corporation, partnership, or trust for the purposes of issuing a limited landowner permit for deer, antelope, wild turkey, or elk. This is probably the portion of the bill where I don't know if you're getting any e-mails or phone calls into your office; we certainly are into ours. It's raised some questions among people who currently apply for a landowner permits. But because there's been a lot of change in the way agricultural land is owned now with a lot of partnerships, trusts, limited liability corporations, those type of things, this bill will give the Game and Parks Commission the ability to develop rules and regulations so they can take those different legal entities into account and come up with a system that, hopefully, will be workable in issuing those landowner permits. So, do have representatives from the Game and Parks Commission here who will give you further detail about this bill. I'd attempt to answer any questions you may have, but they're going to be the ones that will be the experts. [LB94]

SENATOR CARLSON: Okay. Thank you, Senator Dubas. Any questions of the committee? Okay, thank you. All right, we're ready to listen to proponents of the bill. And how many are here that will testify as proponents? Okay, all right. Welcome. [LB94]

TIMOTHY McCOY: Thank you, Senator Carlson, Chairman, and members of the committee. My name is Timothy McCoy, T-i-m-o-t-h-y M-c-C-o-y and I'm the deputy director of the Nebraska Game and Parks Commission. I'm here today to talk in favor of this bill. This bill really has three different parts. Those parts all have genesis in actual issues that were brought up to us by hunters. And they were issues that we could not address in our regulations. So the reason we were looking for these changes is to try and address some challenges we've been facing in some of our permitting and some fairness issues that were coming up. The first part of the bill to...is basically to in specified management units to issue nonresident permits after resident preference has been provided by allocating at least 85 percent of the permits to residents. This would apply in our specific management units. We manage deer across the state; we have

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

Natural Resources Committee
February 07, 2013

management units across the state that we use to allocate permits and manage our deer herd. And in those instances where demand exceeds the availability we have of permits, we, typically, what we end up doing, especially during the firearm season, is we put a draw in. So say there's 1,700 permits that are available; those permits people apply during a designated period and then they're drawn. We can also provide favor in the draw; we provide preference to people who didn't receive a permit in the previous year. We also have the ability if we have, you know, if you have three or four times more people applying for those permits than are available, we can put in a preference point system. We've had some challenges, especially pertaining to some areas where we can hunt mule deer in the southwest part of the state. And we have had to put that into a draw unit. The way our current regulations read, our current statutes, it identifies a preference for residents. But it does not define how we provide preference. You can provide, potentially, preference by when they can apply for a permit or the cost of a permit or a variety of other ways. The comments we got from sportsmen, where they would prefer to see a draw for where residents had a pool of permits, nonresidents had a small pool of permits and they could draw for those. And the reason is, especially in western states where there is mule deer, that is the norm. And so it's a system that hunters are used to, that nonresidents that hunt in other states are used to, and so it has been a request that we try to do something like this so that it was clear to all the sportsmen, clear to the residents, clear to the nonresidents. And as far as the number, the 85 percent of available permits, we would have to...we would always allocate at least that amount to the residents. And it can be higher than that and that would be something that would be addressed at the commission as part of our public hearings in terms of when we set seasons for deer. So there would also be a public input process when we made that decision. The second part of this bill, as the senator talked about, that's probably the most interesting to folks and has been a big challenge for us, regards our landowner permits. Our statutes were developed at a time where the focus was, typically, a single landowner. It talks about a single landowner and the lessee as folks that can be eligible for our landowner permits. With the changes in land ownership, especially family corporate, you know, limited liability corporations, typically family corporations; we also have partnerships, we also have trusts that are out there, and these are issues that have been raised to our commission during our regulation setting process that it is not clear, if somebody asks us and they're in a partnership or an LLC or they're in a family trust, it is not clear unless there is a lessee of that land that they can be eligible for a limited-landowner permit. So we are requesting a way to ask them, the owners, to designate who will be the qualifying landowner for that year. They can establish it. When that's established, the other thing that comes are their direct relatives...also become eligible for those...for a limited liability...land...limited landowner permit, excuse me, which there is still a limit on those based on the acres available. There has to be at least 80 acres of land for each of the deer permits that is...that it can be provided to a landowner. So there is still a limit on that, but it defines the eligibility. They can change that. If it is a partnership, they can trade off year to year. If it's a corporation and they've, you know, they have two members that really like to hunt and

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

Natural Resources Committee
February 07, 2013

the other ones don't, they can trade off. They aren't going to establish this one point in time. This would be annually, they can identify for that year who will be their designated landowner, but then those other relatives, you know, the kids, the siblings, the other folks will be eligible for those permits. The final change is probably the simplest in this bill and it regards our elk permits. Our elk permits have always been considered a once-in-a-lifetime permit. We've had some questions from folks that had challenges come up. In one case, you know, a sick family member that required some attention and they were not able to get out and hunt elk like they would have liked to. And there is...we're sure there is probably other cases like this. But really the intent of it was to allow only...only allow them to harvest a single bull elk in their lifetime. And so rather than focus on the permit, we think this is a way to focus on the harvest; still provide an opportunity for those if they draw a permit and aren't successful. They'll have to wait five years before they reapply and it can take awhile to draw a permit. So there's no guarantee you'll draw another one, but it gives them that opportunity to come back and, hopefully, have another opportunity if they're lucky enough to draw a permit. [LB94]

SENATOR CARLSON: Okay. All right, Tim, thank you for your testimony. Any questions of the committee? If we look at the...must have at least 80 acres and we get into partnerships and corporation and trusts and such, they have at least 80 acres they can apply for a permit. [LB94]

TIMOTHY McCOY: Correct. [LB94]

SENATOR CARLSON: So that's the same whether they have 80 acres or 800 acres. They don't get multiple permits because they have ten times as many acres. [LB94]

TIMOTHY McCOY: That's the...actually the limitation on acres that are available is the same as would apply to a private landowner. [LB94]

SENATOR CARLSON: Yeah. [LB94]

TIMOTHY McCOY: A landowner with 800 acres, if they had ten direct family members that were eligible for permits, they could, theoretically, get ten permits. The same could happen for that...for that landowner that is part of a corporation. We do not...did not intend to change that part of the...the law stands...or an existing statute would stay the same, that there has to be at least that many acres available in their total ownership for each permit. [LB94]

SENATOR CARLSON: Okay. So I think I still don't understand this. Let's forget about the acres then; they got at least 80. [LB94]

TIMOTHY McCOY: Um-hum. [LB94]

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

Natural Resources Committee
February 07, 2013

SENATOR CARLSON: And they want a permit and so they get a permit. And there is six people involved in the limited partnership or whatever...owning that land, how many of them can hunt? [LB94]

TIMOTHY McCOY: Only the person who has the permit in their name that is the qualifying...that is either the qualifying landowner or a family member. [LB94]

SENATOR CARLSON: Now, if you have a situation where there is six owners and two of them are from out of state and those are the two that like to hunt, can they apply for a permit and if they got one this year, then it's got to go to one of the two, can they bank a permit and get two for the next year so that they can hunt together? [LB94]

TIMOTHY McCOY: We do not have a way to do that in our system. [LB94]

SENATOR CARLSON: Okay, okay. [LB94]

TIMOTHY McCOY: We're not building that. And actually this...the one thing that I will tell you that is, we have kept in this that this just applies to Nebraska residents. [LB94]

SENATOR CARLSON: Okay, all right. [LB94]

TIMOTHY McCOY: Because that's where our...that's where the issues that were brought to us are coming from, Nebraska resident landowners. [LB94]

SENATOR CARLSON: So it might be possible if they were both nonresidents, even though they're involved in a partnership and they apply individually as a nonresident, they might get them. [LB94]

TIMOTHY McCOY: Yeah. [LB94]

SENATOR CARLSON: Okay. [LB94]

TIMOTHY McCOY: And, actually, I would say in all but, probably, one unit in the state, they would likely be able to buy those over the counter and they can come back and hunt. So it wouldn't be a limiting factor for them. [LB94]

SENATOR CARLSON: Okay. All right. Any questions of the committee? All right, thank you for your testimony. Next. Welcome. [LB94]

LANCE KUCK: Thank you, Senator Carlson. I appreciate being here. My name is Lance Kuck, L-a-n-c-e, my last name is spelled K-u-c-k. I'm from Bassett, Nebraska. I farm and ranch and I'm also an outfitter. And today, I guess, as well as...as complicated as the bill is, I'm trying to figure out which hat I'm wearing today, but I'm president of the Nebraska

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

Natural Resources Committee
February 07, 2013

Outfitters and Guides Association and I think that's the hat I'll probably wear. I'm also a board member on the Nebraska Sportsmen's Foundation and I'm also a member of the Nebraska Council of Sportsmen's Club. I've taken notes here trying to hash things out on this bill. As we know there are three distinctly different components to it, but in a lot of ways they're quite similar. If we start...we start out with the issues with the nonresident deer tags and if we want to go to up to 15 percent nonresident in the draw, the Outfitters Association and there has been some discussion that we would push this issue because it would help us as an association bring in more out-of-state hunters. And with the makeup in the state and the way we can draw our tags, where I live we have no issues with tags, so it's really not a significant issue. What I see it more is a...from the Sportsmen's Foundation and the Council of Sportsmen's Club, I think in some of these more difficult to access areas, I think it's important that we allow our nonresident hunters to have access to at least certain percentage of tags so they can hunt. One thing that Mr. McCoy, you know, didn't necessarily touch on and as a rancher, you know, I hear these things, is you have out-of-state family members, we have out-of-state friends, another thing that we run into is a lot of our properties that either I lease or I have my cattle on or everything else, if there was an access for out-of-state hunters there might not...people might not be allowed to hunt on there. I mean, that's how our landowner attitudes are getting now. And we can simplify it and back up and say, okay, who is going to harvest those deer. I think down the road we could all agree that with Mother Nature it's hard to say what could or couldn't happen, but this may not be specifically a mule deer issue. I think it's a good first start. I feel for the people of Nebraska that think, you know, we should give those preference, and we do give them preference, but ultimately in the end it's the landowner who chooses to allow access. And I'm not saying it's right or wrong or indifferent, but I, you know, I run into those issues as well all the time. With the other component on this bill, I'm going to go right to the elk aspect. I'm fortunate I have elk on my ranch. I have elk on all my neighbors' ranches. We have elk on two of our hunt leases and elk on one of my pasture leases. The idea, you know, you draw that coveted tag and whether it's something happens with a family member where you can't pursue that or something else, you know, that's an unfortunate thing, you're done and an elk is a significant trophy. I, actually, was lucky, I killed a giant bull on my neighbor's three years ago. But another issue that we run into more and more with the elk is they're highly transient. We could go to my ranch tomorrow and I could get you a nice big, six-point bull, or we might go three months and not see one. So what we've seen, and it's none of our core members in the Outfitting Association, but there are people that are charging significant amounts of money to access to hunt elk when the elk may not be on these people's ranches or there is a lot of different things that can happen. So giving somebody the opportunity to be able to at least draw a tag again, which is...it's difficult to draw one to begin with. I...personally, I think five years may be a long time to wait. Maybe you get a chance at three years, but, you know, it's something. So it's...there is a lot more to that...that aspect than I think people think about. And I know it's been brought up, well, you could draw a tag and we could go buy one of the donation tags and you could conceivably kill two elk in one year. Well, okay, that's great,

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

Natural Resources Committee
February 07, 2013

go buy a lottery ticket too. You know, those are...probably not a really legitimate concern. So it's...I think...overall, I think all three of these components of this bill are fairly straightforward. And now to the last one, you know, with regards to the landowners and how we define the landowners. Some of our...I'm fortunate, we have...I personally, I don't think I even exist anymore, so everything is limited liability, corporations, limited partnerships, and we come up with all these things and you have family members that are part of contributing significantly to our property tax burden which continues to increase and everything else, and if those people in these entities you meet the land acreage requirement, I don't see any issue why we shouldn't allow them to benefit from the properties that they own and spend a lot of money on. So it's a...like I said, overall, three of these, in my experience, I have hunt agreements or leases and I was trying to figure it out, I think it is seven different counties. I have pasture rental in four different...five different counties. I have, luckily, family members they...we own ground in, I think, four different counties. So you have relationships with a lot of people that this impacts directly and it seems to those people to be a fairly straightforward, progressive move to address some of these things that maybe a lot...some people don't agree with, but at the end, you know, from a landowner's standpoint or sportsman's standpoint it's probably a direction we're going to continue to go. [LB94]

SENATOR CARLSON: Okay. Thank you for your testimony. Any questions of the committee? All right, seeing none, thank you. [LB94]

LANCE KUCK: Okay, thanks. [LB94]

SENATOR CARLSON: You've been here before, Lance, come back again. [LB94]

LANCE KUCK: Oh, I will, sir. Thank you. [LB94]

SENATOR CARLSON: All right. Welcome. [LB94]

SCOTT SMATHERS: Good afternoon, Chairman Carlson. My name is Scott Smathers, S-c-o-t-t S-m-a-t-h-e-r-s, and I am executive director of the Nebraska Sportsmen's Foundation. Pleasure to be in front of the council again...for the first time this year, a lot of new faces, look forward to it. We at the NSF, the Nebraska Sportsmen's Foundation, our executive board members and our advisory board members have taken this LB94 under great consideration over the last several weeks, also in addition with a lot of our partners that we work hand in hand with on a daily basis. We will stand probably different than some of our partners that we work with on a daily basis on this bill and we are happy to do so. We applaud the leaders of the Game and Parks for being progressive, to looking at legislation that will help adjust to situations that have occurred. The three components of the bill, as you've heard by previous testimony will address these issues. One is the nonresident and the resident permits. From our standpoint of the Sportsmen's Foundation, we're...our whole goal is to educate,

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

Natural Resources Committee
February 07, 2013

promote, recruit, and enhance traditional passions for sportsmen and outdoorsmen in our state. One of those avenues that needs to occur is to bring people from out of state, nonresidents, to our state to understand our resources that we've worked very diligently over the years to build, some of which our neighboring states that have done very well with from an economic standpoint. Two, some very crafty, nonresident sportsmen took advantage of a loophole in the system where Nebraska offered a wide range of permits available for deer. They were able to craft their own statewide buck permit, which I am...I buy every single year because I never know where I'm going to be each year during deer season for my job. But some of the out-of-state residents were able to do that and then end up in the Frenchman Region as a statewide buck permit and take mule deer and prize mule deer. So the Game and Parks has stepped forward with a very positive piece of legislation. Yes, and in our conversations with the Game and Parks, and with our members and with our partners, we understand that this needs to be a continuing conversation and observation to make sure that that number in draw-heavy units or popular units remains a fair and traditional number. We also like LB94 from this aspect for this portion of the bill because of the fact that it brings back the hunter to the small rural town main street. When an average hunter travels out of state, and I'll use myself as an example because I do travel out of state to chase other game, I'll spend an average of anywhere from a thousand, two thousand dollars during that three to four day trip. I can say that confidently because I know my wife is not watching this, so we don't have to worry about that conversation when we get home. (Laughter) But during that trip, that's what I'll spend. That money is spent predominantly within the community that I am hunting in and around, whether that's one or two communities. In the community of 1,200 to 1,300 people, that's a vital piece of economic growth, even if it's a short period of time of year. It adds to that individual's ability. So we support LB94 and in particular, the first step of this because of that. We also permit...or support the elk permit being every five years. Obviously, being an avid outdoorsman, in our group always educating and mentoring and growing sportsmen. For somebody to be lucky enough to draw an elk permit, spend the time to scout, spend the money for the equipment, spend the money educating themselves on the right fare and taking that animal, then to spend that entire time in the woods or in the plains or on the ridges and not draw or not have an opportunity to harvest an elk, it is fair to let them wait five years instead of not ever being able to draw that permit again. Because again, if we take that individual out of the system completely forever, we never have an opportunity for his money again to hit our economy in our state. Third, for the landowner section of the bill, designating one individual with a corporation or a limited liability or LLC, it's a bill that...it's a portion of the bill that needs to come, the time has come. The single-owner farms are few and far between these days, sadly, sadly in my opinion, but it is the nature of the beast. We need to identify those individuals so that we have a clear record so the Game and Parks can manage that land. And, Senator Carlson, I know that you were asking about if the out of staters could come to state. If there were two partners from out of state, one could have a landowner's permit, the other one could purchase a permit as an out-of-state resident which helps our economy here, so. We're in support

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

Natural Resources Committee
February 07, 2013

of LB94. We applaud the Game and Parks. We look forward to working with them in the future. [LB94]

SENATOR CARLSON: Okay, Scott, thank you for your testimony. Any questions of the committee? All right, seeing none, thank you. Next proponent. Are there additional proponents? I think if I counted right this would be the last one. Okay, welcome. [LB94]

HENRY RICK BRANDT: Thank you for letting me testify. My name is Henry R. Rick Brandt, Henry, H-e-n-r-y, Brandt, B-r-a-n-d-t. I represent the Nebraska Big Game Society. Our mission is to ensure the future of big game and their habitat in Nebraska. I had a whole speech lined up, but everything these guys have said is what I was going to say. I don't want to repeat it again. I definitely applaud how Game and Parks takes these issues and is fair and works out a problem and a solution. They just do a heck of a job for us and our wildlife. Thank you very much. [LB94]

SENATOR CARLSON: Oh yeah, well, thank you for your...now wait a minute, we might want to ask you a question or two. (Laughter) Are there any questions? Yes, Senator Brasch. [LB94]

SENATOR BRASCH: Thank you, Mr. Brandt, for coming before us today. I have one question, are you related to the State Fair Henry Brandt? [LB94]

HENRY RICK BRANDT: Henry Brandt was my father. [LB94]

SENATOR BRASCH: Well, he's a wonderful... [LB94]

HENRY RICK BRANDT: Great man. [LB94]

SENATOR BRASCH: Great man, legend, many contributions to our state and State Fair so thank you on his behalf. [LB94]

HENRY RICK BRANDT: Thank you very much. [LB94]

SENATOR BRASCH: And I'm curious, when we talk about the bill today and all the hunting, do you, yourself, have people from out of state that contact you about coming to Nebraska to hunt? Is that... [LB94]

HENRY RICK BRANDT: Yes. [LB94]

SENATOR BRASCH: You do, and you feel that we accommodate them enough? [LB94]

HENRY RICK BRANDT: Yes. Oh, very much, very much so. [LB94]

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

Natural Resources Committee
February 07, 2013

SENATOR BRASCH: Very much so. Is there more we could do? [LB94]

HENRY RICK BRANDT: Oh, not really. I can't see it. I see it from the standpoint of the...I was the chairman of Nebraska Rocky Mountain Elk Foundation for eight years. And now with the Big Game Society I do a lot of promotion at the conventions for our out-of-state auctions for our elk tag and our sheep tag. And they're probably, right now, the most sought after...the sheep tag is the most sought after sheep tag in America. And as long as it stays the way it is, it will stay that way for a long time. Next the elk tag has come a long way because of...and it's because of how Game and Parks has managed it, controlled it. [LB94]

SENATOR BRASCH: Excellent. [LB94]

HENRY RICK BRANDT: So no, I...everybody that I have talked to from out of state at these conventions has a deep respect for...just...I just got back from the Wild Sheep Foundation and it's...all of the...it's my first time there, and I was there at the...I stayed with the Nebraska booth for two days and every one of the board members came by and thanked Nebraska for their contribution on managing sheep. [LB94]

SENATOR BRASCH: Wonderful. Thank you for taking the time to come here today. [LB94]

HENRY RICK BRANDT: It's worth every minute. [LB94]

SENATOR BRASCH: Thank you. Hope to see you again. [LB94]

HENRY RICK BRANDT: You will. [LB94]

SENATOR CARLSON: Okay, thank you. Any further questions? Seeing none, thank you for your testimony. [LB94]

HENRY RICK BRANDT: Great. Okay. [LB94]

SENATOR CARLSON: (Exhibits 1 and 2.) Any other proponents? Okay. Are there any opponents to the bill? Anyone testifying...all right, in a neutral position? And we do have letters of opposition from Wes Sheets of the Nebraska Division of the Izaak Walton League and Joe Herrod from the Nebraska Council of Sportsmen's Clubs. Welcome. [LB94]

GLORIA ERICKSON: Welcome, thank you. [LB94]

SENATOR CARLSON: And are you neutral or did I not wait long enough? [LB94]

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

Natural Resources Committee
February 07, 2013

GLORIA ERICKSON: Just a caution...cautionary, yes, I am neutral. [LB94]

SENATOR CARLSON: Okay, all right, welcome, Gloria. [LB94]

GLORIA ERICKSON: I mean I'm neutral in that...a lot of caution needs to be taken with this. [LB94]

SENATOR CARLSON: And we need to tell who you are and spell it. [LB94]

GLORIA ERICKSON: Okay, I'm Gloria Erickson from Holdrege, Nebraska, 315 18th Avenue. And Erickson is E-r-i-c-k-s-o-n. I was on the Game and Parks Commission from 1990 to 1995. This was an issue at that time, nonresident licenses. And I was always...and, by the way, I was chairman of the...president of the Nebraska Safari Club International for about six years. I was...I also served on Safari Club International, their international board, for about six years. And so I'm very well tuned into the issues of nonresident hunters in states. And you know, as a Nebraska resident and most Nebraska residents, we feel that, you know, perhaps we have first dibs at the wildlife in our state because we've all, for many, many years, contributed to their management and their survival. But I think that...I think that when we set out now to give a full 15 percent to nonresidents, let me just say what happens then. We, unlike Wyoming, Colorado, the western states, we are a private land state. And so we don't have a lot of public land for nonresidents to come hunt on. You know, really it isn't the amount of...the problem of getting a permit. We have enough permits for...for deer particularly. But caution needs to be taken and the last few years it has been with mule deer, and of course elk, there's not going to be enough for everyone, resident and nonresident. But...or sheep, I mean, that's...actually the Safari Club International, that was our very first project in Nebraska was reintroducing, in conjunction with the Nebraska Game and Parks, reintroducing bighorn sheep into Nebraska. We started out with sheep from Wyoming that were placed at Fort Robinson and in an enclosure and then finally they were in with the elk, they let the elk out, that was a big issue at one time. And I attended quite a few hearings in the Panhandle over that. But in a private-land state, when we have a lot of nonresident hunters come in, understand that they are not here to...just for the experience. They expect that there's going to be some quality animals. And, frankly, our Game and Parks has done a very good job that there are a lot of quality animals. I've always praised their management system. But what I'm most concerned about in this bill and setting aside this amount, I mean it's fairly significant, is that people are going to...and I don't have a problem with outfitters, I use outfitters when I go hunting out of state always, but it costs a lot of money. It costs a lot of money to be an outfitter. And so they are leasing up property and they lease up a lot of acres; I mean, they have to. That's good for the landowner, I understand that. I'm a landowner so I see this from both sides. But my main concern is that we don't end up, in the state of Nebraska, with such small amount of public land that we end up making this just a rich man's sport. Because if we do that, and I don't know why it is so hard for we as hunters to see that if

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

Natural Resources Committee
February 07, 2013

we don't keep bringing young people up, I know there is a lot of money in the outfitting business. And our state, for heaven sake, we need that revenue stream. But what is so important is that we maintain access for our younger people, younger families that don't have the wherewithal to pay a big trespass fee in order to hunt on leased property. The other thing is, that the outfitter...or the...excuse me, the nonresident hunters, they want a quality animal so they're not going to shoot a doe. And, you know, if we're going to have some game management, we've got to, kind of, take control of that deer herd by not just taking out the biggest bucks. So that's an issue. But as these leases, as we have more and more resident, nonresident hunters the leases are going to get higher and so our own residents, there's not nearly enough public land to...for them to have any...a quality hunt. So they're just shut out. And when these young families don't take their kids out and introduce them to a sport like hunting, they just aren't going to pick that up. And they're not going to understand all of the advantages and...that hunting provides for game conservation and that they don't understand, you know, the habitat, how important the habitat is. If you don't get young people out there to see this, participate in it, not just watch a video about it or have a teacher talk about it, but actually get out there and feel it and see it and smell it and touch it, they're just not going to...they're not going to have the passion that the rest of us have about conservation in general. So, my caution is, and I guess it is that we don't...we don't get such...so fixated on the revenue stream that we forget that we have a lot of young citizens of this state that need a place also to go, and they don't have the revenue to add to this revenue stream. So that's my caution on it. [LB94]

SENATOR CARLSON: Okay. All right. Thank you. Any questions? Yes, Senator Johnson. [LB94]

SENATOR JOHNSON: Thanks, Senator Carlson. Thank you, Gloria Erickson. You brought up the caution, but I bring up a question. Other states...and I'm not a hunter, other states, how do they react to nonresident and are they more open, are they...their opportunities are...are we able to go to the other states and have different types of freedoms that are better than what people coming in here? [LB94]

GLORIA ERICKSON: Well, understand, and it's like the fellow said, the outfitter, that, I mean, the state of Nebraska is 97 percent in private ownership. [LB94]

SENATOR JOHNSON: Um-hum. [LB94]

GLORIA ERICKSON: And so the Game and Parks can't force people to open their land for hunters. And so, you know, you're at the mercy of landowner acquisition and, I mean, landowner permission. I think that in other states they have, maybe, a little more public land. I mean, I'm talking about states east of us. This is actually a problem, it's a problem in a lot of those states that are privately owned. And that there is, sometimes, the game and fish commissions have figured out some kind of access, they pay

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

Natural Resources Committee
February 07, 2013

landowners, they pay landowners to provide some access for younger people. I just...you know, like I say, I've hunted with a lot of outfitters and I have been to a lot of states and I...I understand...I understand that they need to have some security in that...in fact, there's going to be a permit, they go to a show and they get people who want to come hunt with them and then it's all dependent at the last minute on whether they get a permit or not. I understand that puts them in a real bind. So I think that's fine. But, I mean, setting a percentage is just...it needs to be cautiously done. And I think that the...I mean, I trust the Game and Parks people to do that. But I just wanted you all to know that there is a downside to this, having a lot of...because I want our young Nebraskans to have an opportunity. And I might say something about the bighorn sheep that Mr. Brandt talked about. I will say that in the state I was at a Sheep Foundation convention many years ago, or a number of years ago, where the sheep that year brought \$250,000 at an auction for the...and that wasn't...the guy wasn't guaranteed that he was going to get a really big sheep. But there are people out there that are willing to pay tremendous amount of money. And that...all that money, except for 10 percent of it, went into their big game fund. So I, you know, there's a real plus to nonresident hunters, but just don't get carried away. [LB94]

SENATOR CARLSON: Okay, any other...yes, Senator Schilz. [LB94]

SENATOR SCHILZ: Thank you, Senator Carlson. Gloria, good afternoon, thanks for coming in. [LB94]

GLORIA ERICKSON: Thank you. [LB94]

SENATOR SCHILZ: I was just looking here and reading through the bill and as I read it, and maybe I'm mistaken, but, you know, it says at least 85 percent of the available permits to residents. [LB94]

GLORIA ERICKSON: Right. [LB94]

SENATOR SCHILZ: And then it says, that once that's done, then everybody's name goes into a hat and you pick it out just like a random drawing. Because...so you won't get, necessarily, 15 percent of nonresident folks getting the permits because the resident applicants that are qualified go in that same random drawing as well. Is that correct? That's the way it looks to me. [LB94]

GLORIA ERICKSON: Is that...I didn't see that. [LB94]

SENATOR SCHILZ: Okay, well, let me... [LB94]

GLORIA ERICKSON: So it all goes into...so they won't be set aside. [LB94]

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

Natural Resources Committee
February 07, 2013

SENATOR SCHILZ: Yeah, and what I say here... [LB94]

GLORIA ERICKSON: Actually, actually, what I really...maybe that outfitter wouldn't appreciate this, but I wish that they would, actually, set some aside. [LB94]

SENATOR SCHILZ: Well, I could see how you can...and that's my next question for you. I could see how you could run into problems if you never...I mean, if...if you've got the permits...or the available permits out there and it doesn't get to 85 percent of residents that get the permits, then would any permits be available for nonresidents in that case? [LB94]

GLORIA ERICKSON: Sometimes it isn't. [LB94]

SENATOR SCHILZ: Right. And so then you would run into the problem of nonresidents not having an opportunity to get any... [LB94]

GLORIA ERICKSON: Well, that's true, that's true. And actually...and actually years ago there would be...I mean we...lots of years you filled up all of the areas with residents. [LB94]

SENATOR SCHILZ: Right. [LB94]

GLORIA ERICKSON: So there wasn't much. And so that's why that this issue came up and I always...I mean, I actually was supportive of setting aside an outfitter pool. [LB94]

SENATOR SCHILZ: Um-hum. [LB94]

GLORIA ERICKSON: So, but I think, you know... [LB94]

SENATOR SCHILZ: Sure. [LB94]

GLORIA ERICKSON: Fifteen percent might be high. [LB94]

SENATOR SCHILZ: Thank you very much. [LB94]

SENATOR CARLSON: Okay. All right. Any other questions? Now don't get in a hurry. I'm just going to say this about Mrs. Erickson before she leaves. You know, she looks like she might have trouble with some big game or something. She's not...she is not tall in stature, but not too many years ago she won a lottery or a drawing to go and get a polar bear on the North Pole. And she took the trip and went out for five days, seven days on snow mobile and the village... [LB94]

GLORIA ERICKSON: Dog sled. [LB94]

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

Natural Resources Committee
February 07, 2013

SENATOR CARLSON: Bobsled... [LB94]

GLORIA ERICKSON: Dog sled. [LB94]

SENATOR CARLSON: Dog sled, oh, and the village from which they left there was a lot of talk about she isn't going to be able to do it. She did it, got her first shot, and on the way back, when they got back to the village there was a big celebration and because she got the job done. And then a few years later I think she went down and went alligator hunting. So she's up to a lot of things and I've appreciated knowing. Thanks for coming, Gloria. [LB94]

GLORIA ERICKSON: Well, yeah, and so I must say that I am very appreciative of states that do provide for nonresidents to hunt there. But as I say, Nebraska being...I mean we are so short of areas for people to hunt. It just...it kind of breaks my heart sometimes. [LB94]

SENATOR CARLSON: Okay. [LB94]

GLORIA ERICKSON: And so, you know, we just have to have better relationship, I guess, with some of these landowners. [LB94]

SENATOR CARLSON: Okay. Thank you. Thank you for coming. [LB94]

GLORIA ERICKSON: You bet. [LB94]

SENATOR CARLSON: Any further testifiers? Welcome, and I assume you're...you're testifying in a neutral position. Okay, welcome. [LB94]

DUANE HOVORKA: Neutral, yes. Good afternoon, Mr. Chairman and members of the Natural Resources Committee. My name is Duane, D-u-a-n-e, Hovorka, H-o-v-o-r-k-a and I'm here on behalf of the Nebraska Wildlife Federation. We're testifying neutral on LB94, and let me explain why. Section 2, I might have to get my glasses out, Section 2 which deals with the elk permits, seems to be a pretty commonsense kind of thing to do, that we're still limiting people to one lifetime harvest of an elk, but if you got your permit and for whatever reason didn't get an elk, you'd have another chance at some point. So, you know, we support Section 2. Section 3 looks like a pretty well-written, tightly-crafted section that would allow for landowners, you've heard the explanation, allow for landowners to designate somebody. We recognize land ownership patterns are changing and so we don't have any problem with that provision. Section 1 is the one that would allow Game and Parks to allocate a portion of the deer permits in the draw units for nonresident hunters. And it is an important issue. It's one that in other states has been hotly debated in terms of whether that should happen and what the right mix

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

Natural Resources Committee
February 07, 2013

is between resident and nonresident. When I sent this out to my board of directors, they said, you know, this is a new issue for us that we really haven't debated in Nebraska and we, my board, wanted to have that opportunity to debate amongst themselves before they sent me here with a position. Because that has not occurred, we don't have a position on Section 1 either for or against it that I can report to you. At some point soon I hope to be able to do that. But because we saw that as the most significant piece of this legislation and, certainly, an important precedent that deserves careful debate, we wanted to testify neutral on the bill as a whole. And we'd be glad to be part of those discussions in the future. [LB94]

SENATOR CARLSON: Okay, thank you, Mr. Hovorka. [LB94]

DUANE HOVORKA: Thank you. [LB94]

SENATOR CARLSON: Any questions of the committee? Seeing none, thank you. Are there any further testifiers in the neutral position? Senator Dubas, would you like to close? [LB94]

SENATOR DUBAS: Just quickly in regards to the last comments that were made. It is a new issue and I know Game and Parks is trying to be very sensitive to that balance between our resident and our nonresident. I know they recognize and appreciate our nonresident hunters as well. I think the language that says "it's in management units" so it's not...they're not looking statewide at doing this. They're looking at areas that they have controls in. So, you know, I'll have continued conversations with Game and Parks. If you have any other questions, please let me know and we'll do our best to get them answered. But appreciate your support for the bill. [LB94]

SENATOR CARLSON: Okay. Any questions of Senator Dubas? Well, you heard some of the opposition here, or concerns, and so if you would kind of talk that out with Game and Parks, that would be good. [LB94]

SENATOR DUBAS: Yes, I'll visit with Game and Parks and see if they have some further explanation. I think...they're just, again, trying to recognize the changes that are going on and trying to navigate the best way that they can to find workable solutions. [LB94]

SENATOR CARLSON: Good. Okay, all right, thank you, And with that, we close the hearing on LB94. And we need to have Senator Avery here and he's not, so while we are waiting for him we'll just stand at ease for a few minutes. [LB94]

BREAK

SENATOR CARLSON: Okay. All right, we will open the hearing on LB362 and, Senator

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

Natural Resources Committee
February 07, 2013

Avery, you are recognized. [LB362]

SENATOR AVERY: (Exhibits 3 and 4) Thank you, Mr. Chair. My name is Bill Avery, B-i-l-l A-v-e-r-y. I represent District 28 here in Lincoln. I am bringing to you LB362 that will replace the \$25 annual park permit fee for the Nebraska Game and Parks with a \$7 fee that would be assessed to most passenger cars at the time of vehicle registration with the Department of Motor Vehicles. This bill does not eliminate existing language on \$25 annual permits for nonresidents or temporary permits for nonresidents, which I think is \$6. So we're suggesting here in this bill that we replace the \$25 fee, annual park permit fee for Nebraska residents, with a \$7 fee that's assessed in vehicle registration by the DMV. We are not changing the \$25 annual permit for nonresidents nor the temporary permits for nonresidents. The bill excludes a number of vehicles from the registration fee, including buses, trucks, trailers, taxicabs, government vehicles, emergency and maintenance vehicles, members of the Armed Services acting in an official capacity, a number of other kinds of and classes of vehicles, like well-drilling rigs, government vehicles. And there are a number of them, and I won't bother to go into them all. I have a proposed amendment that, if the page would come and distribute, I would appreciate it. This amendment streamlines trailer exemptions. It just makes it clearer, and I think that what we would want to do is exempt trailers from permit fees. All funds collected by the Department of Motor Vehicles under this act will be credited to the State Park Cash Revolving Fund. In addition, 2 percent of the total funds collected in the first year would be earmarked for the Department of Motor Vehicles to use for implementation of the act. I believe if you look at the fiscal note, you'll see that they don't need quite that much. If you decide to advance this bill, you might want to adjust that 2 percent. I believe the DMV is estimating that it would be considerably less costly than what we anticipated in this bill. Yes, they anticipate about \$40,625, and we are...I think the 2 percent would generate about...almost \$128,000, so that will have to be adjusted. For the past 35 years citizens have expressed an interest in eliminating the mandatory park fee and finding some alternative, sustainable funding for the state parks. I know the Game and Parks Commission has been grappling with this for a long time. You may remember that in 2011 our colleague, Dave Pankonin from Louisville, actually succeeded in getting an increase of \$5 for park permits that we had to override the Governor's veto to get that passed. The...this is a new funding mechanism for the Game and Parks Commission. It meets their ongoing maintenance needs and operational needs. The green copy of the bill proposes a fee of \$7. This is a starting point. As I understand it, the department probably needs at least \$5 to bring in the same amount of revenue that they now receive with the \$25 permit fee. This new mechanism, however, will provide a sustainable funding stream for Game and Parks to perform the duties that we have statutorily assigned to them under Chapter 37 of our laws. Senator Brasch has indicated that she could live with a \$5 fee, but not a \$7. [LB362]

SENATOR BRASCH: Not \$7. [LB362]

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

Natural Resources Committee
February 07, 2013

SENATOR AVERY: So I mention this for you. [LB362]

SENATOR BRASCH: Okay. [LB362]

SENATOR AVERY: The Game and Parks Commission estimates that about 1.6 million vehicles are eligible for this registration proposal and at \$5 per vehicle it would generate approximately \$8 million a year. You can get more accurate numbers on the fiscal note, and I'll have something to say about that in a few minutes. These funds would go toward day-to-day operations, ongoing needs, maintenance. Approximately 70 percent of the operating and maintenance budget comes from park use fees today. Only about 30 percent comes from the General Fund, so it is largely funded by use fees. And the problem is that General Fund contribution to Game and Parks over time has been declining for a number of years. They do need a reliable, sustainable source of funding. The parks system in Nebraska is very good. We have about 80 state park facilities. The entire system consists of 8 parks, 11 historical parks, 64 recreation areas, and 2 state recreational trails. That's about 140 acres of land and water available for public recreation. It's a large operation. It's complex and it's diverse, and it's buildings, campsites, roads, fences, water systems, electrical and septic systems, boat ramps, and docks. The list goes on. So this should give you an idea of the scope and scale of Game and Parks' responsibility to our visitors and guests. I am suggesting that this is a way that we can spread the investment of all Nebraskans, or most Nebraskans, in our parks system, make it more accessible to the users. If you're a parent with three or four kids and they like to go camping and you have a \$5 or \$6 or \$7 fee when you register your vehicle and that's it for the year, you can get a lot of use out of that. And you can take them fishing; you can take them boating; you can do all kinds of camping and things of that sort without having to come up with a \$25 permit or, if you don't have that permit, coming up with a daily permit fee. So I think that this is a reasonable proposal. It would certainly make an important contribution to the department. Senator Schilz, I note that two years ago, during the override debate on Senator Pankonin's bill, you mentioned that, if we're going to have state parks, we have to make a commitment to pay for them. I'm holding you to that. (Laughter) I absolutely agree, and that is why I bring this bill. The idea of adding a Game and Parks charge during the registration is not unique. Michigan does it; Idaho does it; a number of other states do it. There are many creative ways to fund this essential service to the state and this, I believe, is one of them. And I would hope that you would agree with me and advance this to General File. Thank you. [LB362]

SENATOR CARLSON: All right, thank you, Senator Avery. Any questions? Senator Johnson. [LB362]

SENATOR JOHNSON: Thank you, Senator Carlson. Thank you, Senator Avery. I have a situation that I'll describe to you, and maybe you've got the right solution for it. I didn't hear it in the exemptions. And now that I'm living within a half a mile of one of the new

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

Natural Resources Committee
February 07, 2013

lakes, Lake Wanahoo, I'll probably have more opportunity to go to the lake. But I have had as high as 11 vehicles, which probably only two of them will ever get close to the lake because they're older vehicles that I restore, sell them, whatever. And some of them have personalized plates. [LB362]

SENATOR AVERY: Um-hum. [LB362]

SENATOR JOHNSON: Some of them are regular, standard plates because they are not out on the road that much, but I need to drive them around the block. Will I be paying a fee on all 11 of those? [LB362]

SENATOR AVERY: No, you would not. In fact, I have, or did have, a list of all the exempted vehicles. It's not in the file here now, but the list is very extensive. And farm vehicles, for example, are exempted. [LB362]

SENATOR JOHNSON: Well, these are not farm vehicles. [LB362]

SENATOR AVERY: Yeah. [LB362]

SENATOR JOHNSON: These are older cars. So is there a way to... [LB362]

SENATOR AVERY: I don't remember if that...if older cars or antique... [LB362]

SENATOR JOHNSON: Yeah. [LB362]

SENATOR AVERY: ...specialty cars like that are specifically exempted or not. [LB362]

SENATOR JOHNSON: But I don't have antique plates on these. [LB362]

SENATOR AVERY: Um-hum. [LB362]

SENATOR JOHNSON: I buy a regular six-dash plate. [LB362]

SENATOR AVERY: Um-hum. [LB362]

SENATOR JOHNSON: Now when I buy a personalized plate, I pay a premium for that. So I would think it would be easy to exempt maybe a personalized plate, but then you couldn't go on in the park with that. But I do have a concern, and maybe I'm unique in that. Right now, my inventory is down. I've only got five. (Laughter) But my wife talked me into an inventory reduction sale. (Laughter) [LB362]

SENATOR AVERY: Well, you might want to designate one for park use. (Laughter) You might want to designate one for park use. [LB362]

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

Natural Resources Committee
February 07, 2013

SENATOR BRASCH: And at \$5 each there. [LB362]

SENATOR JOHNSON: Yeah, at \$5, easy, it's a wash of where I'm at, yeah. So no, I just bring it up because there might be others that have situation like I do. [LB362]

SENATOR AVERY: Yeah. I do have here, if you're interested, if the page would please distribute, a list of what other states do and how they fund their state parks. And we are among the lowest in the country in terms of what we charge to use our facilities. But I do know that there is a long list of exemptions, and I just can't...and to... [LB362]

SENATOR JOHNSON: If you can give me that expanded list, that will help me. [LB362]

SENATOR AVERY: Okay. [LB362]

SENATOR JOHNSON: Thank you. [LB362]

SENATOR CARLSON: Okay, any other questions? Senator Dubas, and then Senator Kolowski. [LB362]

SENATOR DUBAS: Thank you very much, Senator Avery. As the Chair of the Transportation Committee, I would be very remiss in my duties if I did not raise some serious concerns about what we're talking about today. I totally agree with you and with the statement that Senator Schilz made in a previous debate, that if we're going to have our parks we should take care of them. And we do have a great parks system. And what you have just passed out to us shows that we are still amongst the lowest in the nation with our park permit fees. And when we raised it that \$5, to my knowledge, there has not been a lot of pushback with that increase in fees. Why not just bump our fees up some more and continue to have user fees support the parks system? [LB362]

SENATOR AVERY: I think the parks system is a state treasure that all of us have some responsibility to maintain, not just users, and I see two things coming out of this legislation. One is that we share the responsibility to maintain this treasure; and secondly, it makes it far more accessible to our citizens. If you're only paying a \$5 fee on your registration when you register your car, that makes it a lot easier to just, you know, drive into a park and spend the afternoon without having to worry about whether you have a \$25 permit and, if you don't, going and buying a day pass. Plus, the parks system will be able to better maintain their facilities, and you won't have to pay to have somebody stand in those or sit in those toll booths to monitor this. So there's a savings there to Game and Parks. [LB362]

SENATOR DUBAS: And I'm still agreeing with you in principle, as our need to support our parks as a state. [LB362]

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

Natural Resources Committee
February 07, 2013

SENATOR AVERY: Yeah. [LB362]

SENATOR DUBAS: You know, I would see more...why don't we just go to a General Fund appropriation, you know, bump up that certain part of the Game and Parks budget to help them do this? We already...we may have the lowest park permit fees across the country, but we have some of the highest motor vehicle licensing and registration fees around. And we hear from a lot of constituents who are not happy with what it costs them as they license their vehicles, and so adding an additional fee onto their vehicle that isn't necessarily directly related to their driving of that vehicle, I just have some issues with. [LB362]

SENATOR AVERY: Well, there is already a fee on your driver's license that, I believe, the Department of Roads levies this, to maintain some of the roads in the parks system. It's about \$1 or \$1.50, something like that. But I just believe that you would see a great deal more use of the parks if you have this system. I think people would feel more ownership because they're helping pay for it. And all of that, I think, would be preferable to what we have today because it is extremely hard to get an increase in General Fund appropriation to parks. And this would be a sustainable and largely predictable source of income because people are going to continue to drive cars and they're going to continue to license those cars, and that would be a whole lot more predictable than you relying on the General Fund. [LB362]

SENATOR DUBAS: And kind of picking up where Senator Johnson left off, for families, you know, like when I had all of my children at home, they all had a vehicle, I've got a vehicle. You know, they aren't farm vehicles. They're all, you know, just regular vehicles. [LB362]

SENATOR AVERY: Um-hum. [LB362]

SENATOR DUBAS: So if you're looking at families that have two, three, four, five vehicles, if there's a \$7 fee on all five of those vehicles,... [LB362]

SENATOR AVERY: That's still less than one permit. (Laugh) [LB362]

SENATOR DUBAS: But if I'm going to use the park, I'm more willing to pay more for my park permit than I am to pay for that on my motor vehicle licensing. So I certainly appreciate and understand where you're coming from. And again, I agree with you that we need to be supporting our parks system. It is a huge contributor to our economy and tourism and what have you, but I do have some serious reservations about using this source as a source of income. [LB362]

SENATOR AVERY: I did mention that I was going to refer to the fiscal note. If you have

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

Natural Resources Committee
February 07, 2013

the fiscal note in front of you, you might want to go to the second page, where the Department of Administrative Services specifically disputes the estimate from the Lancaster County Treasurer about the fiscal impact on the county. And they looked at Lancaster County as a sample of the impact on counties. And I don't know if Lancaster is typical or not, but the estimate here, according to the Department of Administrative Vehicles (sic), is not believable. In fact, they say that the activity required by this legislation is the same as current activity performed by the county treasurer's office. It is expected that the fiscal impact is minimal, and the task of remitting this fee to the state can be accomplished by existing staff. Just wanted to point that out. [LB362]

SENATOR CARLSON: Okay, thank you, Senator Dubas. Senator Kolowski. [LB362]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Senator Avery, you mentioned the 1.6 million cars at an \$8 million total. Was that based on the \$5? [LB362]

SENATOR AVERY: That was based upon the \$7. [LB362]

SENATOR KOLOWSKI: On the \$7. [LB362]

SENATOR AVERY: Yeah. [LB362]

SENATOR KOLOWSKI: And the \$8 million, what is the operating budget of the Game and Parks at the current time, on a yearly basis? [LB362]

SENATOR AVERY: I didn't expect to get that question, Senator Kolowski. [LB362]

SENATOR KOLOWSKI: Okay, no problem. [LB362]

SENATOR AVERY: So I don't know. [LB362]

SENATOR KOLOWSKI: Or on the basis of need of repairs and all the rest that you were talking about as well. [LB362]

SENATOR AVERY: Well, and it...I know that 30 percent of the budget comes from General Fund and 70 percent from use fees, so I might actually have that here. I believe that the \$8 million they estimate would be the 70 percent, so. [LB362]

SENATOR KOLOWSKI: Okay. [LB362]

SENATOR AVERY: One hundred and sixty, I believe. [LB362]

SENATOR KOLOWSKI: Okay, so...well, I'm in agreement with your philosophy as far as the maintenance of a state treasure. It's extremely important for us. I would look at it

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

Natural Resources Committee
February 07, 2013

analogous to the state college or university system. I may not send my child there. I may not utilize the services of the state college or the university, may choose to send them elsewhere or seek education in a different mode. But it's still something I take great pride in, and I think it's important that, if we have a need, that we could certainly fill it in this particular way. The other picture I had in my mind from all the state parks I've been to, I don't see many people walking into them. So usually they're driving, and so the utilization of vehicles seems to tie right into this whole opportunity to go with a fee in this particular way. Now they'd still have to have someone at some location checking to see if it's a Nebraska plate or a non-Nebraska plate coming into the park, and I'm sure there's ways of handling that so, if a fee was charged, you wouldn't have to put anything on your window, no stickers, nothing like that,... [LB362]

SENATOR AVERY: Um-hum. [LB362]

SENATOR KOLOWSKI: ...and avoid those long lines, sometimes, if you're in a hurry to get into the park. So I really appreciate your concept. Thank you very much. [LB362]

SENATOR AVERY: My guess is that the way they would do that is in those vacation days, special days when you have high volume,... [LB362]

SENATOR KOLOWSKI: Yes. [LB362]

SENATOR AVERY: ...they'd probably put somebody in the booth to check for those nonresidents. [LB362]

SENATOR KOLOWSKI: Thank you. [LB362]

SENATOR CARLSON: Okay, any further questions? Senator Brasch. [LB362]

SENATOR BRASCH: Thank you, Chairman, and thank you, Senator Avery, for bringing this bill forward. And, yes, in conversations I've had in our district about the concept of a fee on a motor registration, many people did think that was a good thing to do. Some of them have also mentioned, some of the more older citizens that were hopeful that this would come forward because they did not want to have to drive to the store X, Y, or Z--no advertising here--to pick up a permit. And sometimes it's a nice day and they don't have a permit, and they would have gone to the park but hesitated on that. The reason I also did mention a \$5 fee is that, you know, for a family...and when they do have vehicles that they'd be...it was said they'd be happy to pay that fee on one, knowing that their teenager was going to the state park rather than to another facility of laser tag or something like that. [LB362]

SENATOR AVERY: Um-hum. [LB362]

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

Natural Resources Committee
February 07, 2013

SENATOR BRASCH: So it is one. I did have some e-mails also saying that it should be a user's fee. But seeing the, you know, what I guess is...can a person opt out of this? Is there any...? [LB362]

SENATOR AVERY: No, I...there is no provision for that. [LB362]

SENATOR BRASCH: There is no...okay. All right. [LB362]

SENATOR AVERY: And I've gotten similar mail as you have. [LB362]

SENATOR BRASCH: Okay. [LB362]

SENATOR AVERY: But the majority of my mail is that this is a good idea and people support it. But there are always some people that are going to grumble any time you're talking about money and fees. [LB362]

SENATOR BRASCH: And... [LB362]

SENATOR AVERY: But it's...the...my mail is far more positive than it is negative. But given the kind of bills I introduce, I'm used to negative mail. (Laughter) [LB362]

SENATOR CARLSON: Senator Kolowski. [LB362]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. I think another way of looking at this...and I have absolutely no problem with the \$5 or \$7 or even \$8. That's about two gallons of gas today. So when you put it in that context,... [LB362]

SENATOR AVERY: Hmm, yeah. [LB362]

SENATOR KOLOWSKI: ...remember, when it takes about \$60 or \$70 to fill your tank, where we are with things. Thanks you. [LB362]

SENATOR AVERY: Thank you for that point. [LB362]

SENATOR CARLSON: Okay, any further questions? All right, we've grilled you pretty good. Are you going to be here to close? [LB362]

SENATOR AVERY: Well, the way you treat me, I might just want to stay. (Laughter) [LB362]

SENATOR CARLSON: Okay. All right. Okay, thank you. [LB362]

SENATOR AVERY: Actually, I am going to stay for a little while. I have to go back to

Natural Resources Committee
February 07, 2013

Government so they don't wreck everything while I'm gone. (Laughter) [LB362]

SENATOR CARLSON: Okay. All right, we're ready for proponents. How many proponents are going to testify? Okay. So after Roger, let's put the lights on, Barb. And, Roger, you're okay, so welcome. [LB362]

ROGER KUHN: (Exhibit 5) That was very kind of you. (Laugh) Chairman, members of the committee, my name is Roger Kuhn. It's R-o-g-e-r K-u-h-n. I'm representing the Nebraska Game and Parks Commission today. I want to thank Senator Avery and Senator Harms for their foresight in introducing this bill. I appear today before you representing Game and Parks, I said, in support of LB362. Just a little background: Nebraska's parks system has existed for nearly a century. And over that time, of course, it's touched millions of people and is in need of a financial reform if it is to continue to serve Nebraskans at a level that we've experienced and deserve and expect. LB362 provides an opportunity to make a significant difference in Nebraska's future and quality of life for all Nebraskans. The access issue was brought up earlier. That's important to note. In 1978 the Legislature had the foresight and vision to create a new funding model for the operation of the state parks system and created the park entry permit. This model has served us well for 35 years, but the parks system and the needs today is nothing like it was 35 years ago. With an aging parks system and new expectations, standards, and mandates to be met, we face an array of new challenges. LB362 would provide a means of attacking these challenges we face into the future. There are many benefits that the bill provides, and I'm going to touch on a number of those. Convenient and ready access to our state parks for all Nebraskans: It removes the inconvenience and the hassle of having to acquire a park permit to enjoy our state parks. The park permit oftentimes serves as a deterrent for folks wanting to use the parks for reunions, receptions, birthday parties, meetings, picnics, fishing, and a lot of other outdoor activities. It creates what should be an enjoyable and quality experience into a stressful, and sometimes illegal, experience. LB362 would remove that. Efficiency is another benefit. The elimination of the park permit will allow more efficient use of our resources. Printing of permits, law enforcement, staffed gate houses, mailing, account and audit procedures all will be dramatically reduced if there is no park permit required for Nebraska vehicles, thus, allowing these resources to be used for other needed purposes in our parks system. Social benefits: less stress if no park permit is required. Parks promote a healthy lifestyle, both physically and mentally, provide quality outdoor opportunities to encourage families and kids to get outdoors, and an alternative to take a break from the computers, DS's, cell phones, etcetera, that society spends too much time on now. It will encourage community and state pride, will encourage more Nebraskans to enjoy the parks, knowing they are accessible without having to track down a park permit when they want to enjoy a day at the park. It will also ensure a quality state parks system. It makes our parks system sustainable, this bill would, into the future to continue to serve millions of more park visits in safe, clean, and a healthy setting. Financial benefit: Tourism is a major industry, in fact, tourism is the third largest

Natural Resources Committee
February 07, 2013

industry in the state of Nebraska. State parks make up over half of the top 20 tourist attractions in Nebraska. Therefore, Nebraska's state parks system is recognized as the major component when it comes to Nebraska's third largest industry. By us investing less than \$0.02 a day, which is what this bill does at \$7, will help sustain the tourism industry in our state and pay great dividends for Nebraska well into the future. This is simply a wise investment from an economic and financial point of view. According to a recent study, the economic impact for Nebraska from our state parks system--this was done by a private consulting firm--was calculated to be \$749,888,000, nearly \$750 million economic impact just from our state parks system. An injection of money, like LB362, what it offers will put people to work to tackle the deferred infrastructure and ADA projects that we face. Contractors and construction companies would be hired to do the work, thus, creating work and economic stimulus all across Nebraska. This bill is important. We hold the future of our state parks system in our hands with this bill. For \$7 a year, \$0.58 a month, less than \$0.02 a day, we can have a reliable funding source that will allow us to sustain a quality state parks system far into the future. Without financial reform, the future of our state parks system is not bright. In a survey of Nebraska registered voters conducted in the past two months, the question was asked: Would you favor or oppose a \$7 park entry fee on your vehicle registration? The majority of those surveyed were in favor of this. Game and Parks is charged with the responsibility of managing and maintaining a premier parks system. Senator Avery pointed out that's in statute. We're responsible for that. To meet this responsibility we must consider means and methods that allow us to carry out this responsibility successfully. LB362 provides a way to do that. To better understand the situation that we face, one needs to know the scope of the responsibility. The state parks system is a large system. It's comprised of 81 park areas that encompass nearly 140,000 acres and has over 1,600 buildings and over 800 miles of road system, over 11,000 camp sites, over 300 boat ramps and docks, 95 playgrounds, 500 septic systems, 200 wells, 280 bridges, 8 water towers, 6 swimming pools, and hundreds of miles of water, sewer, and electric lines that zigzag throughout the 81 park areas. These are just some of the infrastructure items that must be operated and maintained day after day, month after month, decade after decade. Our current model of how we fund our state parks system is not sustainable, given what we face. We are faced with an aging parks system that currently is estimated to have nearly \$30 million of deferred maintenance needs and face an approximately \$13 million of ADA mandates by the federal Justice Department. That, folks, adds up to \$43 million of needed support. This includes items such as electrical distribution systems, water systems, sanitation systems, roofs, windows, federal ADA requirements, erosion, bank stabilization, silt, boat ramps, swimming pools, also fire and flood restoration that we face, seems like, each and every year, to name a few. And if they're not FEMA eligible, we're stuck with that. The park permit was created to assist in the day-to-day, month-to-month operation of the parks system, such as garbage, fuel, utilities, chemicals, preventative maintenance, customer service, janitorial, grounds work, etcetera. It does not provide, nor was it designed to provide, enough funds to tackle major infrastructure replacements of an aging parks system and

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

Natural Resources Committee
February 07, 2013

current ADA standards that we face today. If LB362 is not passed, we will be faced with continued growth of our deferred maintenance needs; federal ADA mandates that we cannot meet, therefore, face possible lawsuits and fines; park areas with reduced services and opportunities for the people that we all serve. Historical parks especially are a unique challenge that cannot financially sustain themselves. You know, we have the major historic sites under our responsibility--Arbor Lodge, Buffalo Bill's Ranch, Fort Kearny, Fort Hartsuff, a lot of them. Without some additional financial support, these cultural and educational treasures will deteriorate and fall into disrepair that could threaten the integrity of important pieces of Nebraska's heritage and history. With that, I'd try to answer any questions, or I could try to answer some of the questions that were asked earlier, so. [LB362]

SENATOR CARLSON: All right, thank you, Roger, for your testimony, and the committee can ask questions. Senator Johnson. [LB362]

SENATOR JOHNSON: Thank you. Well, first of all, I'm very supportive of the parks. I have no question about that. I'm not questioning the fee, of whether it's \$20, \$25, or \$30, whatever. I guess I'm trying to figure out...and since I've thought of my question, there's probably some other places out there and until you show me the facts, I'm going to continue to assume that more of my vehicles would be taxed under this. And I don't know if there's a way to...I'll just use an example. I've got seven vehicles that would be subject to this. After I've licensed the first four, the rest of them, somehow, through the county would be able to figure out--or the state--I don't owe on any more. All of them could still go to the park, but you'd still, you know, have sufficient revenue. And I don't know how many people this would catch, you know, that fall in my situation. But there's businesses out there that have fleets of cars that, you know, for a business car or something like that, that's regularly licensed, they're not going to want to pay an extra \$7 because...and then everybody in their employ can go to the park. [LB362]

ROGER KUHN: Um-hum. [LB362]

SENATOR JOHNSON: So I'm just trying to figure out... [LB362]

ROGER KUHN: Sure, I understand. There are a number of exemptions. Antique and vintage vehicles are exempted under the current proposal, so they are exempted. And I don't know if your vehicles that you're describing meet that criteria of antique or vintage. But I would imagine that DMV would be able to talk better than I could on those specifics about categories that could be considered for exemption if there would need to be an amendment of that type. [LB362]

SENATOR JOHNSON: Um-hum. [LB362]

ROGER KUHN: But I know vintage and antique cars are already exempted, so. [LB362]

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

Natural Resources Committee
February 07, 2013

SENATOR JOHNSON: Yeah, and that would be an alternative that I or others could use. On some of those, I just... [LB362]

ROGER KUHN: Sure. [LB362]

SENATOR JOHNSON: ...did not do...I have not done that. [LB362]

ROGER KUHN: And I have five vehicles I own myself and I register. I understand what you're saying. But, you know, I buy park permits for three of them and that's, you know, \$60-some, versus the five of them would be \$35 under this bill. So it's still less money, even given that. And I've heard that question. I've heard that. [LB362]

SENATOR JOHNSON: Okay. [LB362]

ROGER KUHN: You know, I...some people say, well, you know, if you can afford five vehicles, you can probably afford the \$7 a year. You know, I get that answer back, too, so yeah. [LB362]

SENATOR JOHNSON: Yeah, I'm...thank you. [LB362]

SENATOR CARLSON: All right. Any other questions? Well, I've, you know, had a conversation prior to this session about the survey. Tell me again about the survey that was done. [LB362]

ROGER KUHN: We did a survey and, as I said in my testimony, one of the questions that was asked is: How do you feel about a \$7 park entry fee on the vehicle registration? And the response to that was either greatly favor, slightly favor--or strongly favor--strongly oppose, slightly oppose, or neither. And at \$7 it came out right at 50 percent were either strongly in favor or slightly in favor, 40 percent were strongly opposed or slightly opposed, and 10 percent were neither. So, the majority, it was favorable at \$7. [LB362]

SENATOR CARLSON: Okay. And on those kinds of surveys, I know they're not inexpensive and you have to determine how many people you're going to survey. And did you survey enough that you're confident in what these results are? [LB362]

ROGER KUHN: Yeah. It was a scientific survey done by a consulting firm. I can't tell you the exact number that were surveyed, but it was a legitimate survey of registered voters in the state of Nebraska is that's who they surveyed. [LB362]

SENATOR CARLSON: Okay, and I appreciate you actually giving us the results because, you know, I've been involved in one of those. And so if 50 percent approve it,

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

Natural Resources Committee
February 07, 2013

10 percent are undecided, that's a few people that can probably be won over, and then 40 percent against it, but... [LB362]

ROGER KUHN: And that was at \$7, yeah. [LB362]

SENATOR CARLSON: That was at \$7. [LB362]

ROGER KUHN: Um-hum. [LB362]

SENATOR CARLSON: Okay, all right. Senator Haar. Thank you. [LB362]

SENATOR HAAR: Well, Roger, I'm sort of proud of all those little stickers on my windshield. (Laughter) We could keep... [LB362]

ROGER KUHN: We have a collector in (laughter)... [LB362]

SENATOR HAAR: Hopefully, don't you feel that this would increase the use of the parks in Nebraska? [LB362]

ROGER KUHN: Yes, I do, and I'm sure it would. I think a lot of people, as I said in my testimony, the park permit serves as a deterrent to a lot of people. I've been in the park business 30 years, and I've dealt with a lot of different users and a lot of different folks that want to use the park. And when they have a wedding reception for their children and they're going to invite Uncle Joe and this and that, the park permit becomes a big item of discussion, whether it's reunions, graduations, birthday parties. That's why I say it would make the parks available for all Nebraskans for all kinds of uses. And I think it would greatly increase the use of our state parks, which I think is a positive thing, getting people outdoors. It removes a barrier that, as Senator Avery pointed out, we've heard about for 35 years. And past senators in this Legislature have come to me and said, Roger, is there any way we can get rid of this park permit? There's 35 states that require a park permit as a way to help fund their parks system. But there's 15 states that do not, and they have found other means. There's a lot of other...this is one proposal, one idea, but there's other ideas that other states have utilized. But I think this is a very good proposal. It ties to the vehicles as, Senator, you pointed out, and so it would definitely serve as more use. And, don't take it wrong, users would still be paying a large percentage of the park operation. The question was asked earlier: What is our park operating budget? Our park operating budget is \$22 million a year. It's 70 percent supported by user fees, including the park permit, and 30 percent supported by General Fund that's allocated by the Legislature and the Governor. Without the park permit, at \$22 million, it would still be 50 percent funded by user fees, and that's through lodging rentals, camping fees, and other activity fees that we charge for--horse riding or paddleboats or other type of activities. So the user would still be paying 50 percent of the operating budget. Now that doesn't include the major deferred things I've talked

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

Natural Resources Committee
February 07, 2013

about. That's just the annual operating budget, so. [LB362]

SENATOR HAAR: Um-hum. Well, I think the thing we face of trying to just go for higher park fees is that discourages people from coming. Wouldn't you agree? And then we also face the potential of vetoes and things like that. [LB362]

ROGER KUHN: Well, yes, and it's important to note that the vehicle registration generates additional revenue over what the park permit currently does. And that's...there's a reason for that is to attack these things I pointed out because if we don't give those things attention, it's not going away. And these are state facilities that are going to deteriorate, you know, quicker versus later if we don't start trying to attack those major needs that the park permit was never designed to deal with 35 years ago. [LB362]

SENATOR CARLSON: Okay, any other questions? Senator Brasch. [LB362]

SENATOR BRASCH: Thank you, Chairman, and thank you as well, Roger, for being here today. Did you also have a survey that had \$5 on that? [LB362]

ROGER KUHN: Yeah. The question was asked: How would you feel about \$5 park entry fee on a vehicle registration? The results of that question was 60 percent favored, 30 percent was on the opposition side, and 10 percent were still neutral. So between \$7 and down to \$5, the support grew because it's less. And so \$5, it was pointed out, does generate, I think, an estimated \$8 million; \$7 would generate a little over \$11 million; and...or \$6 is in between. I mean, that's another option, too, I guess. But whatever the amount is, the excess funds above and beyond the park permit is going to go toward the deferred maintenance demand and the ADA mandates we're facing from the federal Justice Department, and both of those are serious. So the more money we have to deal with those problems, the quicker we can; the less money, the slower it's going to take and progress will be slowed down. So that's just important to keep in mind, but that question was asked, yes. [LB362]

SENATOR BRASCH: Thank you. And the reason I had brought that up was because, during the debate on Senator Pankonin's bill, the \$5 figure was the statewide consensus of not so much damage on the pocketbook, on families' budgets. [LB362]

ROGER KUHN: Yeah. [LB362]

SENATOR BRASCH: And I am concerned about the average family and affordability. And absolutely, our state parks are one of the best places that people of all ages, you know, should and could enjoy. So at that \$5 mark, that's where, you know, I mentioned to Senator Avery that even the public generally looks for a \$5 sandwich for lunch, you know, that type...you know, seems to be... [LB362]

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

Natural Resources Committee
February 07, 2013

ROGER KUHN: Um-hum, yeah. [LB362]

SENATOR BRASCH: But...and so that would be helpful at \$5. [LB362]

ROGER KUHN: Um-hum, sure. [LB362]

SENATOR BRASCH: All right, thank you. [LB362]

ROGER KUHN: Yes, thanks. [LB362]

SENATOR CARLSON: All right, any further questions? Yes, Senator Kolowski. [LB362]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Roger, thank you again for your testimony. And I think it's really one of our challenges in our country right now is the maintenance of what we have. We know what's happening in the infrastructure around our whole country. The things that need repair, as far as bridges and roads and all the rest, are easily 10, 15, or more percent of your budget on a yearly basis, could easily go for the repairs and maintenance you're talking about, either from the mandates or other things you need to do to keep up with things. And I know, from a school perspective, it's we keep putting off and putting off, and then we go to the public with a monstrous bond issue because..\$80 million bond issue, and \$50 (million) of it is repairs because we delayed for five, six, seven years on things that need to be repaired in a large school district. [LB362]

ROGER KUHN: Um-hum. [LB362]

SENATOR KOLOWSKI: It's not the way to run a ship. It's absolutely horrific, and I see that in the city budget on parks in Omaha. I lived by Lake Zorinsky, and the repairs needed for the pathway...the signs are in terrible disrepair all over that lake, and they just don't have the money to repair things right now. And I would not want to see us get into that level of destruction. And it is destruction, when you look at it that way, in our state parks. I think one of the examples is right here, we're sitting in it, the repairs that were done to this building over the last decade. And everyone saw all the scaffolding and all the work that went on here for a very long time. That had to be done, and if we didn't, this treasure would have been in disrepair. And those who have been here a long time know there's still things that need to be done, but that's another issue for more money on another day. So I commend what you're trying to get done and, again, I...\$7, \$8 doesn't bother me at all from that perspective, and I think the vast majority of Nebraskans would feel the same. Thank you. [LB362]

ROGER KUHN: Thank you. [LB362]

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

Natural Resources Committee
February 07, 2013

SENATOR CARLSON: Okay. Senator Schilz. [LB362]

SENATOR SCHILZ: Thank you, Senator Carlson. Roger, good afternoon. Thanks for coming in. And I'd want to...and I don't know about the survey or anything. But as we talk about utilization of the parks and things like that, you didn't happen to ask a question as to whether or not any of those folks use the parks. That wasn't part of the survey? [LB362]

ROGER KUHN: No, this was to the registered voters of Nebraska. It wasn't selective as far as park user versus non-park users because this tax would be all the citizens of Nebraska. We did the entire population of, you know...we didn't get selective, so. [LB362]

SENATOR SCHILZ: Right. Well, and I was just wondering if you had a percentage of...you asked those folks if they had ever used a park before? [LB362]

ROGER KUHN: No, we did not. [LB362]

SENATOR SCHILZ: Okay, thank you. Appreciate it. [LB362]

ROGER KUHN: In that survey we didn't, right. [LB362]

SENATOR CARLSON: Okay. Senator Haar. [LB362]

SENATOR HAAR: Yeah, one final question. The whole thing of deferred maintenance is something I hadn't thought about before. And do you see any evidence in your profession of...if you have parks that are well maintained, that people will take better care of them when they use them? [LB362]

ROGER KUHN: Oh, yes. [LB362]

SENATOR HAAR: I mean, is there a correlation? [LB362]

ROGER KUHN: Oh, yes, definitely. You know, that's an important point you make. Yeah, if you keep a facility up, people tend to take care of it better. I know, when we've constructed over the years, you know, new cabins and they're new, oftentimes people leave there and I think they're better than when they left. Most people do. You get the independent cases once in a while that people are hard on things. But generally the people that visit the park are good people that have taken good care of the facility. It's just a thing of age, really, most of it,... [LB362]

SENATOR HAAR: Um-hum. [LB362]

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

Natural Resources Committee
February 07, 2013

ROGER KUHN: ...the deferred maintenance thing that we don't have a funding mechanism built in to tackle that kind of infrastructure. Swimming pools, you know, we've got a couple that are 60 years old. They're just wore out. We keep them going best we can, but at some point you've got to replace them or you shut them down. And, you know, those are \$3 (million) to \$4 million replacements alone, you know, that type of a thing. So oftentimes with new mandates, you know, if we go in and renovate a building today, there are sprinkler system requirements. That wasn't the case 35 years ago. With sprinkler systems you've got to have water volume and water pressure. Usually, that means a water tower. [LB362]

SENATOR HAAR: Um-hum. [LB362]

ROGER KUHN: A lot of our parks that are developed don't have that capability. We do tackle deferred maintenance. We don't ignore it. We do a lot of maintenance, and in our capital budget this year we've got money budgeted towards that goal but it's not enough. We work with the Task Force of Building Renewal also. But they're limited, and they have certain categories of criteria. There's a lot of things, like swimming pools, they will not support. Their priorities are fire, life safety, energy efficiency, and that kind of thing. So, though they help us and they work good with us, it doesn't take care of a lot of the problems, so. And too, Game and Parks, I believe, of all state agencies, has the second largest inventory of infrastructure behind the University of Nebraska system, so we... [LB362]

SENATOR HAAR: Really? Wow. [LB362]

ROGER KUHN: It's big. I don't want the...I guess I don't want the lights to go out on parks system like it did the Super Bowl Sunday, you know what I mean? (Laughter) They should have invested in their power grid system, I guess, so. (Laughter) [LB362]

SENATOR CARLSON: Okay. Senator Smith. [LB362]

SENATOR SMITH: Yeah, thank you, Mr. Chairman. Mr. Kuhn, thanks for being here and for testifying. And I'm not unsympathetic to the plight of the...our parks systems. We do want to, you know, protect those the best we can. But, of course, just like last night, tonight, across the hall there is a discussion going on about tax relief among our citizens. And I, you know, I hear what you said about the survey. And I think many citizens, when they think about our parks systems, they're very proud of those parks systems, and they're very emotional in wanting to protect them. But we're hearing this year, quite strongly, that our citizens are hurting and they're wanting some type of tax relief. And whether something actually goes through this year or not, you know, that's a discussion that's happening across the hallway. But, nonetheless, you know, our citizens are looking for some way to be able to keep more money in their pockets, and this is yet another tax on them. And I heard my colleagues talk about \$5, equal to a

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

Natural Resources Committee
February 07, 2013

sandwich. A tax is a tax, and it's an increase on taxes. I'm a big advocate for point-of-use tax, like a permit, where the ones that are using that facility are the ones that are paying for that facility. I have concerns here that there are probably a lot of commercial vehicles that are going to be caught up in this that may not be exempted. And they are not going to be utilizing those park services, yet those business owners are going to be paying those taxes. Citizens that are not using those services are going to be paying the taxes. So that's a comment and you're free to speak to that if you like, but I think that's the other side of this. We do cherish our parks systems, but we also have some concerns, I think, about the increase in taxes on our citizens. [LB362]

ROGER KUHN: I appreciate and respect your comment. I guess, you know, whether it's a park permit--and some senators have been down here and went through the battles of park permit increases--that's never a good time or a good idea. Whether it's any tax increase, it's never a good time. I mean, I've, you know, been coming down to the Legislature 30 years, and I...it's never a good time. And I suppose it's a decision of, you know, do you think, you know, as a body, or as representatives of the citizens of Nebraska, is the state parks system and what it all means to the economy and to the citizens of Nebraska...or healthy lifestyle, promoting outdoor use, etcetera, whether that's important enough to support or commit to on a reliable funding source that can take care of these needs or whether it's not. Other states that have continued the park permit process, they keep raising them, and they go at them pretty high. And there is a point where it becomes detrimental because it just shuts people out, and so...and less visitors, less revenue, and it just doesn't keep up. And the current model, you know, just doesn't. And so, whether it's this idea or another idea, it's something that's got to be, you know, dealt with, I think. [LB362]

SENATOR CARLSON: Okay, thank you. Any further questions? Seeing none, thank you for your testimony. [LB362]

ROGER KUHN: Thank you very much. [LB362]

SENATOR CARLSON: And now we're ready for additional proponents. And we are going to turn on the lights, so let me remind you again: The green light means that you've got four minutes, and the yellow light means you've got another minute. The red light means wrap it up, and of course the time limit doesn't go on as members of the committee may ask questions. So welcome, and go ahead and begin. [LB362]

ERWIN FRIESEN: Thank you, Senator Carlson and members of the committee. My name is Erwin Friesen, E-r-w-i-n F-r-i-e-s-e-n. I live in Nebraska City, about a block away from Arbor Lodge, and I'm here to just tell you what I've observed over the last few years as I...and I use the state parks quite a lot, especially in our corner of the state and especially Arbor Lodge, that I see signs that aren't replaced, damaged and not replaced, and staff that's been cut back. The number of days that they're open in a

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

Natural Resources Committee
February 07, 2013

year's time are less than what they used to be. And all..and, like it's been mentioned already, with our aging infrastructure, just like with your automobile or anything else, the older--or yourself--the older we get, the more of that maintenance is needed. And I'll chime in with what Senator Kolowski said a little bit ago. One of my first years as a school administrator in Nebraska City--in fact, it was my first year there--they passed...the citizens passed a 0 percent budget limitation on the district. And so there were a lot of things that were deferred, like textbooks and other things that were...and eventually they had to come...they had to pay for them. You know, eventually, you had to pay the piper. So we put it off for a few years, but that's not the good way to run a business. And so I just think that our state parks are, like we've mentioned already, are a treasure. And we want to keep them looking nice, and we want them in the condition where people are going to come. And they're owned by all of us and I, too, maybe have been a proponent of user fees in the past, but I think that, you know, the user fees aren't bringing in enough money and we're not able to keep up with expenses. And so I'm looking for an alternative, too, a better way to fund them. Thank you. [LB362]

SENATOR CARLSON: All right, thank you for your testimony. Any questions of Mr. Friesen? [LB362]

SENATOR HAAR: Yes. [LB362]

SENATOR CARLSON: Yes, Senator Haar. [LB362]

SENATOR HAAR: I was just wondering, do you have more than one car that's... [LB362]

ERWIN FRIESEN: I have two. Right now I've got a park permit on both of them. [LB362]

SENATOR HAAR: And what does that cost, do you remember, for two of them? [LB362]

ERWIN FRIESEN: It's \$25 for the first one, and I'm not sure what the second one is. [LB362]

SENATOR HAAR: Hmm, \$15 or so, yeah. [LB362]

ERWIN FRIESEN: Then I've got an antique, too, but of course that's not included. That doesn't...isn't part of the...so three, I guess. [LB362]

SENATOR HAAR: Yeah. Okay, thank you. [LB362]

ERWIN FRIESEN Um-hum. [LB362]

SENATOR CARLSON: All right, any other questions? Senator Schilz. [LB362]

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

Natural Resources Committee
February 07, 2013

SENATOR SCHILZ: So when you got your first one, were you able to keep track of the duplicate thing and actually get that? (Laughter) Or did you just say, the heck with it, I've got to go pay another \$25? Because that's what always happens to me. [LB362]

ERWIN FRIESEN: I think I paid them both at the same time, and I had...(Laughter) [LB362]

SENATOR SCHILZ: Oh, you smart guy, yeah. Thank you. [LB362]

ERWIN FRIESEN: I drive in there too often for...to take the chance of not having them on my automobile. [LB362]

SENATOR CARLSON: Any further questions? Okay, thank you for your testimony. [LB362]

ERWIN FRIESEN: Thank you for your time. [LB362]

SENATOR CARLSON: Next proponent. [LB362]

JOHN KINGSBURY: I appreciate that the green light is on. I like to speak so, lucky for you, I've prepared testimony that will keep me within my time limits, so. [LB362]

SENATOR CARLSON: All right, welcome. [LB362]

JOHN KINGSBURY: (Exhibit 6) Chairman Carlson and members of the committee, I appreciate the opportunity to speak in support of LB362, and at the same time I sincerely want to thank all of you for your service to Nebraska. My name is John Kingsbury, J-o-h-n K-i-n-g-s-b-u-r-y. I am the founder and the president of the charitable Better Ponca Foundation and also the president of the Bank of Dixon County in Ponca, Jackson, and Newcastle, Nebraska. For the past 15 years our local foundation has worked closely with the Nebraska Game and Parks Commission to accomplish roughly \$35 million worth of new development at Ponca State Park. Importantly, a majority of that money has come from private donors and charitable grants and not state funds. Today, as a result of many unique funding partnerships, Ponca State Park has grown to become Nebraska's number four tourist attraction, with more than 800,000 visitor uses each year. One major event, the Missouri River Outdoor Expo, each September involves more than 800 volunteers and has attracted more than 45,000 visitors in each of the last four years. Attendance in 2012 was over 50,000 people, with visitors coming from at least 16 different states. Each Friday before the Outdoor Expo weekend, the expo hosts area fifth graders. Last September, 892 fifth graders explored 47 different outdoor activities, and many of these kids demanded that their parents or grandparents come back over the weekend and bring them to the expo. Let me tell you about the

Natural Resources Committee
February 07, 2013

park's haunted hayrack rides. When the tickets go on sale, one month before Halloween, people from Omaha, Lincoln, and beyond sit outside the park's offices at 8:00 in the morning while six people wait to answer the telephones, and the 2,000 reserved-seat tickets for the haunted hayrack rides are sold out in one hour. So what is my point in talking about Ponca? I believe that our experience and the success at Ponca proves that thousands of people, kids, and young families want to get outdoors, and they will when good facilities and popular activities are provided. The investment and the resulting growth at Ponca State Park tells us that our concern about a video game generation or the lack of physical exercise or childhood obesity can be overcome if we provide and if we promote great outdoor activities. Today the Nebraska Game and Parks Commission is discovering exciting new ways to attract families--kids and grandparents and young people--to the outdoors. But the financial resources are not available to maintain, let alone improve, our state parks. What has been accomplished at Ponca State Park is impressive, but what could be accomplished is severely restricted by limited resources. I can best relate to you, perhaps, based on my 12 years on the Nebraska State Highway Commission, serving two terms as the chairman. As you all know, the Nebraska Department of Roads has faced similar financial circumstances--growing demands, a backlog of maintenance and capital needs and declining revenue. Without adequate funding, you simply can't keep up, let alone improve. When combined, our major state parks, spread all across Nebraska, are by far our state's number one tourism draw, and they are also our best opportunity to increase the economic benefits of tourism. I support LB365 (sic) because our entire state and thousands of businesses benefit from tourism. The current user-fee approach is outdated because our entire economy benefits from tourism. Our parks need a broad, more equitable revenue source that better reflects the statewide benefits of the tourism they produce and the revenue that comes from that. While we can eliminate the costly process of the entry fee system, we can, at the same time, significantly increase access to our outdoor resources. Some people say I don't...some people may not pay a lot of gas tax, but our entire state economy and every citizen could not get along without our highways. Perhaps you don't...we don't...you or I don't have a child in school, but everyone pays and everyone benefits from public education. Our parks and outdoor resources are no different. Tourism, led by our state parks, is Nebraska's number-three industry, and the economic benefits are spread throughout Nebraska. I believe that the broader financial support of Game and Parks, provided for by LB362, is not only merited but it's needed, and it will provide benefits throughout Nebraska's economy, both rural and urban. I urge your support because I believe Ponca State Park has proven that investment works and that thousands of people want to enjoy nature. They want to be outdoors, and I believe that the diversity of Nebraska's landscape will always be the most attractive aspect of Nebraska's good life. I appreciate the time to be with you, and I'll be happy to answer any questions. [LB362]

SENATOR CARLSON: Okay, thank you for your testimony. Senator Dubas. [LB362]

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

Natural Resources Committee
February 07, 2013

JOHN KINGSBURY: And the lights didn't come on, so that was... [LB362]

SENATOR CARLSON: Well, it did, but I knew you were... [LB362]

JOHN KINGSBURY: Oh, I missed it. (Laughter) [LB362]

SENATOR CARLSON: You were close to the end, so I wasn't going to stop you. [LB362]

JOHN KINGSBURY: Oh, I'm sorry. It didn't work, did it? I didn't... [LB362]

SENATOR DUBAS: Thank you, Mr. Kingsbury, for being here. And I'm interested, you say you...are you currently still on the Nebraska Highway Commission? [LB362]

JOHN KINGSBURY: No, I'm not. [LB362]

SENATOR DUBAS: You're not. So I'm interested, though, because you have that perspective as well as the parks perspective, and looking at...you know, we rely heavily on user fees to support our roads infrastructure. We passed LB84. It's certainly a help, but it's not...it certainly hasn't addressed every issue. Do you see LB362, if it's passed, now competing with roads? Because we typically use these user fees to help support our roads infrastructure, and now we're kind of stretching that use to cover other areas. [LB362]

JOHN KINGSBURY: Um-hum. You know, I guess, I mean, that could be a long answer. I'll try to keep it very short. You know, I guess my experience is I'm somewhat familiar with Game and Parks' budget and the size and scope of its budget. I'm more familiar with the Department of Roads, and that budget is huge. I mean, the...so I really think that there's two separate...the pie is so much bigger with the roads system. So I think that the real, long-term answers to the Department of Roads is going to be a much harder look at the big picture, I mean, because we're talking bridges that it...one bridge is millions of dollars to fix. So, you know, I think it's a broader scope to deal with roads. And I think that everyone needs to come forward and have a piece of the pie for Game and Parks, and it's a lot smaller piece. I mean, \$7 is less than the cost of a movie, and probably, at least in rural areas, the gas to get to the movie costs as much as a movie. So really, I see that as a relatively small part. You know, everybody picks at every pot of money there is, and then somebody says, well, that's my pot and don't get that pot so big and so forth. So I agree with that. But the most important thing for, I think, particularly, an agency the size of Game and Parks is that they have a stable revenue source. We're not talking about hundreds of millions of dollars needed over the next...like roads is big bucks. And any time you have the size of the Department of Roads and you have federal revenue all over the place that can't pass a transportation bill--you know, they're, what are they, two-and-a-half years late now--so you have just

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

Natural Resources Committee
February 07, 2013

all over funding problems there. The more Nebraska can be stable with roads, the better. But Game and Parks is a big outfit, but it's smaller in scope and size. So I just...I think that I don't see it as a huge... [LB362]

SENATOR DUBAS: Well, and again, I certainly understand that need to provide this resource for Game and Parks, but I am struggling with a resource that we have and continue to use to help support our roads now being stretched a little bit to go another direction. And we know that the fees that motor vehicles are paying, everybody that drives a car pays that fee and they use the roads. But not everybody that drives a car will use the parks system. We certainly hope that it would help increase people using it. [LB362]

JOHN KINGSBURY: No, I agree with that, but, excuse me, I agree with that. But I think one of the things we're missing a little bit in the earlier discussion is that the user fee assumes that the only person that benefits from tourism or our parks are those people that drive into them, and I don't agree with that. I mean, you could have a lot of businesses in Ponca or Siouxland area, up around there, that don't come use the park. But I can tell you a long list of businesses that benefit from it, and there's a lot of them. It's big bucks, and I think we...I think sometimes it's hard to equate the cost of things to the benefit of doing them. And I think that the growth of Ponca, because of investments and so forth, I believe proves...I mean, you've got to spend money to make money. And I understand your concerns about the fee. But, as Roger pointed out, \$750 million worth of economic development just from parks. And we just did a major study in Nebraska by an outfit from Oregon, you know, to study how to increase tourism in Nebraska. I mean, the answer is sitting right in the palm of our hands with...because the most interesting...we don't have Rocky Mountains, and we don't have beaches. But what do we have from east to west? We have the most unique, changing landscape of any state in the United States, from the river bluffs in the east to the Scotts Bluff Monument in Pine Ridge. I mean, in one week you can see a more diverse part of the United States than anyplace else in this country, and we're not tapping that resource. So I think every dollar we spend, if we spend it right, of course, every dollar we spend is going to make a huge return. I don't know how much return on investment you necessarily get on roads. We always have that argument. But see what happens if they deteriorate and look at, you know, lost economic benefit. With what I see with Game and Parks, particularly the major parks, is that they're a huge source of revenue to this state, and we're just touching the edge of what I think that could be. So if all we do is try to replace the permit fee, we've accomplished really nothing. And we need to try to grow that. Now...and I think we need to demand, then, good oversight of how is...particularly capital investment. How are we spending this? We need to spend our money...if we're going to get it, we need to spend it very wisely, and we need to make sure we have a plan as to how that's going to grow Nebraska, how that's going to benefit. And I can tell you, just in Ponca, we're, I hope, about to turn the corner, but what's happening up there is new businesses in town. I mean, we're seeing new shops and new businesses. We're seeing

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

Natural Resources Committee
February 07, 2013

people, a lot of business ideas. South Sioux City is the happiest with the growth of Ponca State Park because we don't have the restaurants and motels and everything that needs to go with it. So, you know, the Marina Inn and some of them are real pleased with the growth of Ponca State Park. But it is a big deal, and I think that it's...in your position, it's such a responsibility to look at every dollar. Where is it coming from? Who is going to pay it? You know, how are we going to spend it? And I understand that. I respect it totally. But we also have to look at what do we need to do to invest in a greater future, and \$7 is a small amount of money per car if it pays dividend returns for Nebraska. And in Ponca, one of the biggest complaints we have about the permit is because everybody has got...the kid has got a car, and there's two cars, and so you can't go to the park unless you know which car you're going to drive. And if you're going to go in any car, then you've got to have about four or five additional permits, and so this would be a very favorable thing to do for a lot of people. Excuse me for rambling. [LB362]

SENATOR CARLSON: Okay, thank you. Senator Schilz. [LB362]

SENATOR SCHILZ: Thank you, Senator Carlson. Mr. Kingsbury, thanks a lot for coming in. I can't disagree with you, everything that you said. There's only one little thing that I need to bring up, and that is that sometime, when you have a chance, I'd love to take you out to Ogallala and Lake McConaughy and show you some of the most beautiful beaches that you'll ever find anywhere in the world. (Laughter) [LB362]

JOHN KINGSBURY: That's true. [LB362]

SENATOR SCHILZ: So that's all I had, and thank you very much. [LB362]

JOHN KINGSBURY: Okay, you got me there. (Laugh) And Yankton, Lewis and Clark Lake, it's South Dakota's side, but they'd say the same thing, so. [LB362]

SENATOR CARLSON: All right, thank you. Any further questions? Senator Smith. [LB362]

SENATOR SMITH: Thank you, Mr. Chairman. Mr. Kingsbury, thank you for being here and for testifying today. And I'm going back to what Senator Dubas was saying. I think the point she's making is, pardon the pun, is this the right vehicle, though, for funding the state parks? And it is in direct competition with highway funding, and there's so many needs across Nebraska. I mean, we...you know, I know these senators that are around the table, they sit on other committees as well, and we're hearing countless numbers of needs in the state of Nebraska for funding. And our budget is stretched, and everyone's looking for a new funding mechanism. Now where is this going to stop and, you know, I mean, I think it's a bit of a stretch for me to say this is the right funding mechanism for our state park needs. I've got a question for you, though. Ponca is a

Natural Resources Committee
February 07, 2013

beautiful park, 800,000 visitors each year. What's...give me an idea about what the operating budget for Ponca is annually. [LB362]

JOHN KINGSBURY: Oh, boy. I'd...that would...you'll have to ask the guys behind me because I'm the layman's side. The one thing I want to point out about uses is, as I understand the counts, if you think...the number one attraction per day use is the Henry Doorly Zoo in Omaha, about 1.6 or 1.7 million visitors a year, I believe. And if you look at how those people are counted, if I go to the zoo and I've got my membership pass or whatever, if I go Saturday and Sunday, that's two visits. So most of these, if you go to a museum and go multiple times, you're going to be counted each time you go in. As the best Game and Parks can do, the counting, they count day uses. So if a family of four is there for 3 days, that's 12 day uses, so that's how it's done. The budget with Ponca State Park, the park's budget, of course, is split a lot of ways. You've got Roger and Jim Swenson, who is eastern manager, back here behind me. A lot of the costs aren't all associated with one park. The other thing is all the revenue from a park goes to Lincoln and is redistributed because the budgets have to be approved. So it's not easy to have a one-to-one, straight up...I think the Game and Parks hopes, and it's my interest, to make sure that Ponca State Park is, if not this year, next year, Nebraska's second cash cow. We're actually making more money than is expended, and so that's our goal. I'm not sure if Mr. Douglas and Roger will ever tell us the facts, and I'm not sure you can get to them. But what I honestly believe...and I've watched Mahoney State Park from the very beginning. And at first, you know, we were very jealous, you know, this money is going on the interstate and everything, see. And over the period of time, speaking of responsibilities and budgets and so forth, what I think happened, what...to the benefit of all Nebraska, what Game and Parks learned with Mahoney State Park is they learned how to slowly create the type of attraction that people want nowadays. You know, they don't want to just hike in the woods. They want to go to the water park and slide the slide. They want to come to Ponca State Park, but they'll come by thousands if you give them the Outdoor Expo. People need to be kind of shown how to do it nowadays; they need to be helped along. They aren't old Eagle Scouts that just figured it out on their own. So I think that's what we've learned. And Mahoney State Park, because of its size, so much of it paid for by charitable money, it's a profitable state park. And Ponca, the goal has been to figure out, because Ponca State Park is around a substantial population, too, when you consider we're less than two hours to Omaha, so the majority of our people at Ponca come from Omaha and Lincoln. So Sioux Falls is growing; Sioux City is big. But the goal has been to try to figure out how to kind of redesign Ponca State Park so that it, too, is a profitable venture. And I think that we're missing the fact on...we can't...you probably can't do that with Arbor Lodge; you can't do that with some of the places. But with our major state parks we have an opportunity to not look at the cost side, but to look at the revenue side, just like a business. A business has to look at what investment do I need to make and is it going to be profitable. And I think that, at least with Mahoney State Park and what we've learned from Mahoney, I believe great lessons have been learned at Ponca. You know, Ponca State Park was the first park in

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

Natural Resources Committee
February 07, 2013

Nebraska to have outdoor naturalists, and we have two outdoor naturalists do programs all summer long. They're the most popular thing in the park, and they go on all seven days a week. And so we're finding that if you do things right and grow into it, these are not lost investments. They're revenue streams. And I don't know if I answered the question, but Ponca will end up being a profitable state park. [LB362]

SENATOR CARLSON: Okay, thank you. Any further questions? Senator Brasch. [LB362]

SENATOR BRASCH: Thank you, Chairman, and thank you, Mr....Kingsbury? [LB362]

JOHN KINGSBURY: Um-hum. [LB362]

SENATOR BRASCH: And you have wonderful points made on economic development. And when Senator Smith mentioned the people that are coming across the hall, that's basically why I'm pretty firm. I'm even stretching myself to go to the \$5 mark. I'll tell you, as I walk through neighborhoods, I see families. You mentioned theatres. They don't go to the theatre unless it's the second row, the \$2...you know, they rent movies; they do everything they can. And if they're lucky enough to go to the theatre as a treat, they don't eat popcorn or drink the pop there for sure. The kids have to...and we have a growing community of people who struggle with... [LB362]

JOHN KINGSBURY: Yeah, I know. [LB362]

SENATOR BRASCH: ...affording one car, let alone, you know, a fleet of vehicles or two or more. And so this is where the \$5, you know, I took it to heart, took it to many meetings. That was something that, you know, I'm willing to...I think that these people are willing to make that sacrifice so they could take their kids to the state park. Right now they go to the city parks for free, but I'd love to see this community be able to stretch that budget and enter our park. [LB362]

JOHN KINGSBURY: Yeah. [LB362]

SENATOR BRASCH: But if...and what you're saying is a lot of philanthropic dollars have come into Ponca, correct? [LB362]

JOHN KINGSBURY: Yes. [LB362]

SENATOR BRASCH: Is there, you think, a way we can better have that with our state parks as well, I mean, to help turn that \$5 into maybe \$4? [LB362]

JOHN KINGSBURY: Well, I think, you know, as far as charitable fundraising goes, you know, there's the Nebraska Game and Parks Foundation, and many of those people

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

Natural Resources Committee
February 07, 2013

that work with that foundation work with the Better Ponca Foundation. I know a lot of them--the Kiewit Foundation, others--you know, a lot of the money has bought...gone into buying new land on the river bottoms at Ponca. You know, it's the Missouri National Recreational River. So if a piece of land comes up for sale, adjacent, that will fit with the park and adjacent, we can find the money in two days because there's enough organizations out there that want to put money into land, you know, public lands and so forth. And then...and so, you know, the new cabins at Ponca State Park are spectacular, state of the art. You have people that are interested in that. You know, almost all of the money, except for some of the infrastructure for the new center at Ponca State Park that was built about nine years ago--17,000 square feet, \$9 million--and virtually none of it is state funds. So you can attract people to certain things you want to accomplish based on their interests. Fortunately, some federal money is involved in the center because of the national river. But when you get to infrastructure, you get the...you know, sewers and waters. We have a new water system at the Ponca State Park. We have connected with the city of Ponca rural water system. They're really good partnerships there, but it's almost impossible to find charitable money and grants that...to kind of do the dirty stuff. [LB362]

SENATOR BRASCH: Okay. [LB362]

JOHN KINGSBURY: And so I see that as a problem. I think that the core maintenance is probably...always has to be a state responsibility, let's say. We can't underestimate that...I just think the biggest thing I would like to say, not so much out of pie in the sky but because I think Ponca proves it, and that is that if you help find the charitable people and the volunteers and everything to do a lot of the big items, the pretty stuff, and you get the volunteers to help, you can turn these parks into moneymakers. So that's how you're going to get from \$5 to \$4, because everything else, as we all know, inflation is inflation, everything else is going the other way, and we're never going to change that. So, you know, the best answer...and I'm lecturing, and you guys don't need that. But the best answer to people that can't afford the \$5 or \$6 is to grow the economy and find better jobs and have good education. And so I think we face a lot of financial issues and we always will. That's never going to go away. The answer to all of that is to grow this state's economy. That's the answer. Spend wisely, grow the economy, find better jobs, create new tourism, and you can sustain yourself. If you're not doing that, you're going in the wrong direction. [LB362]

SENATOR BRASCH: Wonderful. Thank you. [LB362]

SENATOR CARLSON: Senator Haar. [LB362]

SENATOR HAAR: Well, I buy into the idea that we have to take care of the deferred maintenance. Wouldn't you agree that, when you talk about drawing money from organizations and people, you have to have a good facility to begin with? I mean, you

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

Natural Resources Committee
February 07, 2013

can't get people to invest more in junk. So if you have something really nice that they're...you're going to be more likely to get the kind of donations for those big things. [LB362]

JOHN KINGSBURY: You know, time will tell. I think things change, of course. But I think, you know, there's a lot of society concerned right now about the young kids and the video games and, you know, the blurry eyes and everything and obesity and how do we get kids outside, the young family. And you go, oh, well, they don't want to do that anymore. Yes, they do. Ponca proves it: 52,000 people at a two-day expo from 16 different states. And that's a big deal, folks. And people want to do this sort of stuff, so...but when we started to develop Ponca State Park, it was the same sleepy park that Governor Kerrey told me was Nebraska's best-kept secret. And that was a long time ago, when Bob was Governor, but...and so this beautiful infrastructure and everything wasn't there when we started. Today there's a golf course in the center and all sorts of things. If you give people a vision of where you want to take it, I think there's more support out there than we think because people care about this stuff. They care about how we're going to save the outdoors, save resources, how we're going to get kids back outdoors, hunting, and things like that. The shooting ranges, quick example, because of the lady testifying on the other bill, and she was talking about young hunters and how to get young people out there to shoot deer and so forth. I'll just give you a quick example. We built the most recent...well, there's a lot of projects at Ponca. But Ponca now has what is almost considered, I suppose, a world-class shooters village. It's everything from black powder to shot to BB guns to slingshots to high-powered rifles, and it's very craftily designed and created. You can probably have 10,000 people up in that village during the expo. And much of that money is from private sources because people want to get kids outside doing things again. Scheels Sporting Goods, you're all familiar with that. You know, they gave us \$35,000. So they, Scheels, has an interest in getting kids outdoors and people doing things. So I think, you know, I think you just have to present the visions and tell people what you want to do, and the money is there to help with some of these things. But it's more of the capital, newbie stuff, and you've got, you know, you've got to have proof in what you're doing. You can't build it and hope they come. You've got to have a plan behind it. But the thing that excites me is that I think we have really good people in Game and Parks. They get it, and they're watching all these things happen, what's working, what's working at Ponca, and so forth. And so then they want to put a little more money into that. We could use more people at Ponca, professional staff at Ponca State Park. We could do a lot more if we had that. Are they still here? Did they hear me? (Laughter) [LB362]

SENATOR HAAR: Well,... [LB362]

JOHN KINGSBURY: I think we're just on the edge of what could be done, and I'd hate to see us sell it short. I think there's so much to society about just...I mean, forget the fact that we just want to keep infrastructure and keep our precious parks alive. There's

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

Natural Resources Committee
February 07, 2013

so much more we can do with this, with young families and young people and the best virtue of Nebraska. Try to sell it any way you want to, economic development and the Chamber of Commerce pounding doors. But the best thing you're going to sell about Nebraska is the diversity and beauty of the outdoors. [LB362]

SENATOR CARLSON: Okay, any further questions? Okay, thank you for coming today. [LB362]

JOHN KINGSBURY: Thank you. [LB362]

SENATOR HAAR: He ought to run for public office. [LB362]

MARJORIE KENNEDY: (Exhibit 7) My name is Marjorie Kennedy, M-a-r-j-o-r-i-e K-e-n-n-e-d-y. I am testifying on my own behalf and about my own experiences today. However, I also have received a letter from Wachiska Audubon Society that I would like to have distributed. I only have one copy, so I need the 12 made. Wachiska, we discussed this at our board meeting on Tuesday night, and they were very much in favor of LB362 and so am I. I wanted to talk specifically about Mahoney State Park because I get a \$25 permit every year, and mostly that's because I go to Mahoney. I go to Mahoney for lunch or for dinner. I'll meet my daughter, who did live in Ashland and now lives in Omaha. It's a perfect place. It's right in between the two towns. I go to a lot of events there, receptions, benefits. In fact, the first time I ever went there I think it was \$2.00 to get in, and I did note that there was a list at the guard station there, where he would note that you were with, say, the insurance institute or whatever I was there for. And I thought, this is a great place, it really is. It's a great place. I think it makes more money and has more people coming in than any other place. I've also noted that a lot of people go there just for lunch. And they'll say, \$5--or maybe it's even more now--to get in? And that's on top of having lunch, and they didn't know that was going to happen. All they wanted to do was go have lunch. And I think this would take care of that very nicely, and I think you would get a lot more people really happy to come in. Mahoney is just a wonderful, wonderful facility, and I think this would do as much for Mahoney, as far as its usage and as far as just happy campers, as anything. There was one other thing I wanted to talk about Mahoney. We, or, rather, Nebraska Wildlife Federation--I'm on the board of that group as well, and we have a fund-raiser every year at Mahoney in the Peter Kiewit Lodge--I guess, assumed that most of the people that would come there--they're wildlife people and so on, and they're going to spend their money on our auction--they would have a park permit. We were wrong. A whole lot of them didn't, and they'd show up and they'd have to pay the \$5 or whatever. Last year one of our board members volunteered to pay whatever it cost for that, and I think it came to \$200 for the people that did not have park permits. So that's about all I had to say. I think it's a great idea, wonderful all the way around. [LB362]

SENATOR CARLSON: All right, all right, thank you for your testimony. Any questions?

Natural Resources Committee
February 07, 2013

Seeing none, thank you. Welcome. [LB362]

JIM CRAIG: Good afternoon, Senator Carlson and the rest of the committee. My name is Jim Craig, J-i-m C-r-a-i-g, and I come at this from a couple of different angles. First of all, I'd like to say I'm in favor of LB362. Senator Avery is not here. I'd like him to hear this. This is probably the first time I've ever agreed with anything that he's brought, (laughter) just for the fact that I've served and still am on the Norris School Board for the last 24 years. And so we've had our few battles, but I do appreciate this. And I kind of see this from different angles. First of all, I do a number of things in the state parks across the state. I've been in business for myself now for a good number of years. I do event management. I put on outdoor events--which to some people are strange--from adventure racing to mountain bike racing, trail runs, anything to do with the outdoors like that. And I get a lot of families, kids, older people that enjoy this thing. So I do a lot of private land across the state. I've built a good rapport with a lot of the folks. I do a lot of private property. I do city parks, a lot of the cities across the state. And I do a good number of the...of my events in the state parks, and my business has done well the last few years. Now I'm in a five-state area, and so we go from Colorado Springs to one end to Des Moines, Iowa, on the other end and down into Lake of the Ozarks, Manhattan, Kansas, and that area. I'm not very well received in Manhattan when we were still in the Big 12, but we've got over that now. But I do, and I have to say, not just because Roger and Jim are sitting in here, but I have to say our parks are some of the best parks that I set foot in across the Midwest. And I would really hate to see, you know, us decline any more than we have in the last few years. And I realize budget, being on the Norris School Board and on the...village chairman in Panama, I need one more thing to get on. But we've been dealt, you know, the last few years with state aid issues and things like that. So I know what it is to deal with it. We're in kind of a similar situation, you know. I...Mr. Kingsbury was talking about right now, you know, we're just finishing up a (grades) 3-4-5 building that we passed a very successful bond on. And we're also looking at doing a fundraising campaign right now to do a new baseball field, fitness center, tennis courts, and turf the football field, overwhelmingly supported. And I feel--I always have and I really, strongly feel this--we passed our bond issue with 63 percent. That's the best we've ever had. We've got a great support down there. And if you have good facilities and things like that and you keep upgrading your facilities and improving things, people will vote for it, people will come to it, and they'll always be in favor of it. And I think that Game and Parks is the same thing. I think that \$7 is a great idea of doing this, implementing this, and I agree with some of your concerns. Yes, there are some people that can't do it. In my business of doing stuff, I always dealt with the issue of having somebody that, you know, couldn't come to an event because they didn't like the \$25, you know, or they didn't want to pay that \$25. And I think this now is going to alleviate the problem. I had to police that sometimes. Sometimes I would get a park book from that local superintendent and, actually, I was part of the check-in process. You know, if they didn't have one, I sold them a day permit. And I wish I could have kept that money, but I couldn't. I had to turn it in. But I think this will alleviate a lot of issues

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

Natural Resources Committee
February 07, 2013

for the Game and Parks, and I think it will help them in the long run. So thank you and, you know, I'm surprised it hit that button. Having a houseful of girls and a granddaughter now, I never got to speak for more than two minutes, so. (Laughter) [LB362]

SENATOR CARLSON: All right now, this...thank you for your testimony, Jim. Any questions of Jim? All right, thank you for being here. [LB362]

JIM CRAIG: Thank you very much. [LB362]

SENATOR CARLSON: Welcome. [LB362]

JOANIE STONE: Welcome. Thank you, Senator Carlson and committee members, for allowing me a chance to speak in support of LB362. My name is Joanie Stone, J-o-a-n-i-e S-t-o-n-e. I'm here to testify in support of LB362. My husband and I are national and state officers for a large camping organization, Family Campers and RVers. It is a nonprofit camping organization across the U.S. and Canada. So we have visited many state parks throughout the United States and provincial parks in Canada. Because of volunteering and writing grants for many of the Nebraska parks, we are aware of the need of more funding for these parks. We have many beautiful parks in the state of Nebraska, and it's extremely important that we maintain these parks for future generations to enjoy. By eliminating the park permit and charging a fee of \$7 to residents of Nebraska as part of their vehicle registration, we'll give the parks additional funding to help with the dollars needed to maintain the parks in good condition, as well as making necessary changes to meet various government regulations concerning ADA. If the bill does not pass, it can cause the parks to have to up the price of the current park permit as well as making further cuts, as you all well know we have done in the past few years, on activities offered now by our parks, as well as laying off necessary personnel for running our parks. We need to remember that our parks are here to benefit families, to enjoy the out of doors, and many of our parks offer year-round services for families young and old. I think younger families will use the park more often without having to purchase a permit, as well as our senior citizens. Many individuals use the various parks for family reunions, weddings, etcetera. This means that anyone attending that specific function has to pay a day fee in order to enter the park if they do not have a permit. Our Nebraska residents would not have to do this with a \$7 fee. We volunteer at Nebraska parks and we visit with many of the visitors that come into these parks, and they remark what beautiful parks we actually have in Nebraska. The two parks...pardon me. The parks are an additional attraction in Nebraska for our residents, as well as visitors to our area. It's my firm belief, as Nebraska residents, it is all of our responsibility to ensure the park remains solvent and are among the top tourist attractions for our own citizens as well as visitors coming into Nebraska. This helps with the economy of surrounding towns near our parks and, for that matter, the general economy of our state. I thank you for giving me this opportunity. [LB362]

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

Natural Resources Committee
February 07, 2013

SENATOR CARLSON: All right, thank you for your testimony. Any questions of Ms. Stone? Okay, thank you for coming. [LB362]

JOANIE STONE: Thank you. [LB362]

SENATOR CARLSON: Welcome. [LB362]

JEFF PARKER: Thank you. My name is Jeff Parker, J-e-f-f P-a-r-k-e-r. I own Parker's Smokehouse, and I also own Mahoney Grille, which is the restaurant in Mahoney State Park. Some people have taken my material back there about the price of coming in for lunch and having to pay for that, and I do hear that a lot. But, you know, to start with I'd like to say I'm from Nebraska and I'm from Lincoln, and I grew up here and I'm a park guy, you know. I'm a state park guy. I grew up hunting and fishing and swimming and boating and camping and Wagon Train and Stagecoach and Pawnee and Branched Oak, and I've always considered myself to be a park guy. And, like Senator Smith had said earlier, or maybe it was Haar, the...he liked having the stickers up the front of his windshield, and I did too. You know, I mean, that was like a badge of honor. I was an outdoorsman. I was from Nebraska. And I remember when I sold my old truck and I got a new truck, I went and I took a razor blade and I peeled them all off and I put them on my new one, so I would show up, you know, that that's who I was, because that's who I was, you know. And it was really...it was like I was in an exclusive club. And that, I think, is the problem right now, is that's what it is, is an exclusive club, and it really shouldn't be. When you use the state parks, you don't really have a problem with the \$25, the \$30. If you have a slip out at Branched Oak Lake, you're out there all the time. If you're a hunter, you know, come January, you're going to go hunting that weekend, so you need to get your permit. If you're going to go ice fishing, if you go fishing, you know, you're going to get that permit because you're out there all the time. But what I think this bill will allow for is people that don't do that, the spontaneous user, the recreational user that likes to come out to the park for, you know, an afternoon to go out and have lunch, take their kids out and fly a kite, go fishing spontaneously. And when you get older...you know, that used to be me. And then, as I got older and got married and had a career and kids and stuff, it really did become more spontaneous, like, hey, let's go to the park. And then it was, do I need a permit for that, do I get a day permit. Well, I'm an annual guy, so maybe I should just get the annual. But it's, you know, it's July. So am I going to go out five more times? And where do I get one? You know, I know at Mahoney they'll get you when you come in. At Pawnee and Branched Oak, they get you when you come in. But, you know, at Bluestem, Wagon Train, and Stagecoach, they're not going to. And what if it's the wrong time of year and there's not somebody there? So where do I get one now, you know? And then it becomes...the answer is: Should we do something else? Should we go out to Pioneers Park? Should we go out to Holmes Lake and have a pizza or something, go out to Pioneers Park and get some Lee's Chicken and go out there and take the kids out there and the families? Or do you take a chance? You know,

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

Natural Resources Committee
February 07, 2013

and that's always scary. I'm going to go out there and, like somebody had mentioned earlier, you're nervous. Is there a green truck, you know, driving around? There's no place to buy a permit here; but you know there's going to be somebody policing the place to get you, and so that detracts from it. And then I think you really do just say, you know what, we're not going to go. So historically, you know, I've been a state park permit guy; I've been a park guy. And then last year, almost to the day, we opened up a restaurant in Mahoney State Park, and I am blown away by the number of people that do not have park permits. I mean, I thought that's just something that everybody had. Everybody had a park permit. And if you didn't have one, then you were going to get one when you came out, and then you would use one. But that is not the case. Most people just don't have them. And then I really, you know, I talk to hundreds of people a week, you know. I'm in my restaurants. I'm talking table to table, and for the last year it's, hey, Jeff, how that's new place going, or, you just opened a place out at Mahoney. And that conversation happens all the time, and it almost inevitably always ends with: Do I need a park permit to go out there? And I say, yes, and it's almost always, bummer. You know, it's negative, you know, like, oh, that's too bad, and that is too bad. And, really, the feedback that I get from people in the field, just talking out there, is if you're going to a place like Mahoney, where they...where you're going to spend your money--you've got a pool out there, a theatre out there, you know, you're out there with a convention with people, you're eating in the restaurant, you're staying in the lodge--the entry fee to get in is an unappreciated cover charge. I mean, you think back historically, you go to the bars or something. And when there's a cover charge, you'd walk in, you're always like, oh, come on, you know, I'm here to spend my money, and you're taking money to come in here, you should just be happy I'm here. So those are the people that are spending money. For the people that are just infrequent and spontaneous users--that, like, hey, let's take a drive through Mahoney State Park or let's drive out to Branched Oak today, it's a beautiful spring day, or let's go for a walk--they don't want to pay that fee, and it's an obstacle on going out there where they may not. I mean, I was meeting a guy for lunch, a friend of mine I grew up with, and we were going to meet up at Parker's Smokehouse. And I was up at Mahoney and I said, hey, you know, do you want to...I'm up here right now. He called me and said, I'm almost there, and I said, well, hey, just meet me up at Mahoney; we'll have lunch up here. And he goes, do I need a park permit to get in there? And I said, yeah, you do. And he goes, ah, I don't have one, let's just meet up at Parker's. And I said, all right, you know, it's cool, we'll go either place, so... [LB362]

SENATOR CARLSON: Jeff, we've got red here. [LB362]

JEFF PARKER: We've got...oh, is that what that's for? I couldn't see. [LB362]

SENATOR CARLSON: That's what that's for. [LB362]

JEFF PARKER: I was sitting in the back, so I didn't notice. But I've got one final quote

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

Natural Resources Committee
February 07, 2013

here, and I'll read it. And I always say we always talk about Nebraska values and how we do things differently here in this state, and I do truly believe that. And I think that making our state parks more accessible for folks to spend some time out in the country, enjoying nature, eating some great barbecue from Parker's Smokehouse with their family and friends, you know, it feels like the right thing to do, and I don't think they should have to pay extra for that, so. [LB362]

SENATOR CARLSON: Okay, thank you for your enthusiastic testimony. Any questions? You've been out there now for a year? [LB362]

JEFF PARKER: Yes, sir. [LB362]

SENATOR CARLSON: How is it going? [LB362]

JEFF PARKER: It's great. I mean,... [LB362]

SENATOR CARLSON: So... [LB362]

JEFF PARKER: ...a little rough in the wintertime. And, you know, that's one thing that we had talked about is, you know, in the wintertime, the only thing really to...well, not the only thing. I mean, you go out and sled and stuff. But I think, you know...and I don't want to sound self-serving, but it's tough when people don't have other things to do out there. They want to go out and spend money for lunch. But the reputation is good so far, and we've really taken care of people and had a lot of great feedback and very little negative feedback, and so I think people are enjoying having us out there. [LB362]

SENATOR CARLSON: So you really think that, if they didn't have to worry about paying a cover charge to come in, that you'd have more business? [LB362]

JEFF PARKER: I do. [LB362]

SENATOR CARLSON: Okay. [LB362]

JEFF PARKER: I do. I mean, in fact, I even tried...I've got interstate signs that I just bought from the roads. It's \$1,000 for two signs, and then it's \$1,000 a year to put them up each direction on exit 420 for our barbecue place. And on exit 426 I tried to get it for Mahoney Grille, and they said, we can't do that because you have to pay to get in there. So we can't entice travelers to come in off the interstate when they have to pay a fee to get in, so. [LB362]

SENATOR CARLSON: Okay, all right. Okay, any further questions? All right, thank you for your testimony. [LB362]

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

Natural Resources Committee
February 07, 2013

JEFF PARKER: All right, thank you. [LB362]

SENATOR CARLSON: Welcome. [LB362]

JAREL VINDUSKA: Thank you. Senators, my name is Jarel Vinduska, J-a-r-e-l; Vinduska is spelled V-i-n-d-u-s-k-a. I'm here in support of this bill. And, to start out with, I could say that I kind of appreciate Senator Dubas and Senator Smith, both of your concerns about the desire to have user pay because I'm very convinced, and I think probably most of us are, that... [LB362]

SENATOR CARLSON: You don't need to touch the microphone. [LB362]

JAREL VINDUSKA: Oh, sorry. [LB362]

SENATOR CARLSON: That's okay. It's sensitive. [LB362]

JAREL VINDUSKA: Oh, I thought I had to put it closer. But I think most of us are aware now that the financial fix our country is in federally, and at most local levels and cities, is when we went down this road of always trying to figure out...as long as somebody else is paying for it somewhere else, we're willing to spend. But I would...and so I was kind of conflicted to come here in support of this. But then, in further thought, I got to thinking, you know, 98, 99--I forgot what the figure is--probably 98, 99 percent of Nebraska is privately owned; very small percent of it is public property. And so, in essence, our public property, it's owned by all of us, and so that's our little piece of socialism here in Nebraska. I mean, like I say, I'm pretty conservative, like I'm sure...like I say, you guys, some of you voiced your concerns, but conservative in the true sense, I think, not fake conservative where their base word is "conserve." And, you know, in our rural area, like I say, we've got a lot of travelers through our state on I-80 and other highways, and our parks are basically the face of Nebraska and how it's our representation of how we appreciate the land and how we take care of things. And so in that regard that's how...that's our representation to the rest of the country. And it's also, from an economic standpoint, it's our pipeline for outside dollars. You know, when people leave the interstate, where are they going to go? It's mostly private property. Sure, they might drive the highways and see our rural landscape, which is beautiful in its own right. But if they're seeing a destination, they're looking for the public property generally, and so that's what they use. And I would suggest that, you know, most people in our state that drive, they get some benefit from these parks sometimes that isn't even noticeable to your average person. For instance, my family has 320 acres that adjoin Schramm State Park there south of Gretna on Highway 31. And lots of times over the years...we've been there about 26 years, and I've had a chance to talk to the park personnel on many occasions and Tony Korth down there and the other people that help maintain the place. And I see lots of things that I, myself, as a land manager would like to do, and I've suggested different things to the personnel. But it's always the same thing: We don't

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

Natural Resources Committee
February 07, 2013

have enough people hired; we don't have enough money to take care of these things. And it's a shame because, you know, like other previous testifiers have said, you know, the longer you wait, the more expensive it gets. You see lots of things, like, for instance, the parks getting overgrown with cedars and that some of the trails are starting to get eroded. Well, it would be so nice if the park personnel had a chipper where they could just run down the trails, cut these cedars, blow the chips right on the trails, you know, kill two birds with one stone. And, like, in these drought years we've been...with having these cedars that are sucking the moisture from these oaks. So what's the value of a 150-, 175-year-old oak once you lose it? And, like I say, other people that don't even use the park get benefit from these things, whether it be hunters that that's a reservoir for game turkeys and deer and bird watchers, migrating birds. That's a...super bird areas. They don't...birds don't find shelter in a soybean or corn field that's had Roundup sprayed on it every year. That's a desert to them. These little oases are places. And then those birds that survive, they go to town, go to somebody's bird feeder. Just yesterday there was people driving down the highway watching the eagles. They've got an eagle nest there, you know. Those people aren't necessarily having to have a park permit, but they're observing eagles. And in the summer, hundreds of bikers go down the highway. Well, they...motorcycle and pedal bikes, and they're not there because it's an ugly highway. It's that beautiful hillside with the hardwoods on it. That's the park. That's the reason they're there but, yet, they didn't have to pay a park permit. They're there enjoying it. It just...I could go on and on. It's a reservoir for pollinators. And, like Senator Smith, if I recall correctly, he's a Sarpy kind of guy. You look at the Sarpy County Economic Development Corporation's brochures. They don't show a subdivision and rows of houses that was in a former corn or soybean field. They show that hillside of the Platte and the park. That's what draws people. And so, in essence, like I say, in this case, people that don't drive, they probably don't use the park, if they're that poor that they don't have a car or they don't drive, so they don't have to pay this fee. But everybody else in this state, like I say, that's their little piece of socialism if they'll have to pay their...I mean, not have to. But I think it would be justifiable to have them pay \$5, \$7, \$8 to make it be worth it. [LB362]

SENATOR CARLSON: Okay, Jarel, thank you. Jarel, wait a minute. We've got to see if we may have a question or so. [LB362]

JAREL VINDUSKA: Oh. [LB362]

SENATOR CARLSON: Any questions of Jarel? Seeing none, thank you for coming. Next testifier. How many more do we have that are proponents? Okay. Welcome. [LB362]

KEVIN MARKT: Well, thank you very much, Senator Carlson and the committee. My name is Kevin Markt, K-e-v-i-n M-a-r-k-t. I volunteer my time with the Nebraska Game and Parks as a master bowhunter ed instructor, and one of my duties of that is to

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

Natural Resources Committee
February 07, 2013

assemble teams in the Omaha area to teach bowhunter ed to the kids. And there's only two areas in the whole...that part of the state where we can take them outside to do the field portion of what we teach every time. And one of them is a public area that the Golden Arrow Archery Club takes care of in north Omaha, and the other one is at Schramm Park. So every time that we offer these classes, they are offered as free. We're not allowed to charge for them. But then, when we take them down there, either three times, two times, one time, whatever we need to, they need to have that park sticker to come in there and utilize that. They are required to attend all ten hours, and part of that is the four or five hours that we have them outside to enjoy the outdoor portion of that class. This also involves...my team of instructors have to buy that permit also. And if we can talk them into teaching three or four classes every year, then there's that debate of whether I buy the day or buy the yearly pass. Several of our instructors are not park people. They're dedicated, diehard bowhunters who...that's their donation to time for the state, and then they don't utilize the parks. The other thing is, when we try to take kids out to shoot at the park, everybody has to buy that tag, that permit to get in. And a lot of times the parents are bringing them out there, there again, the \$5 or the \$25 permit to get in there for the day. They brought up in the past--I think this is a very viable thing here--they're hard to purchase at a lot of these places. When we show up to teach our bowhunter ed classes, we're there at Sunday morning, right at daylight to get in, and the park isn't open yet for people to purchase those. I also volunteer my time in the Mentored Youth Archery Program for the state where we take kids bowhunting. We have a banquet and a wild game feed for them every year at the end of the season, in February. We usually end up down at Platte River State Park. We end up there in the middle of the week, 6:00 at night, in February, and we have about 150 to 160 people show up. Like they've mentioned, there's a lot of people that don't have a park sticker, and it's very inconvenient to purchase one at that time of the year down there. And a lot of it is because of the cuts, you know, that there's not enough staff and personnel to sell them, to monitor people coming in. We have all those parents that aren't typically hunters, and that's who we're after. They show up and we kind of question why they have to come there and buy that ticket--or the tag. Or they're inside eating dinner, worrying about if somebody's going to give them a ticket while they're in there. And so I think this would eliminate a lot of that. On a personal note, I've used parks clear across this state for all of my life. I have seen every way that people have tried to sneak in and not pay that permit fee. I've seen them in the Omaha area and Lincoln area where they'll do whatever it takes to sneak in and their, you know, ignorance of the law. And you get to the more remote areas, where you pull into just a dirt parking lot at the end of the road. You need a park sticker, but there's not going to be anybody there to monitor that. So I think there's a lot of lost revenue from that type of activity where people just don't pay to go use our parks. And me, as someone that buys your park sticker every year, and you're out at Two Rivers fishing, and you see 30 cars there and there's no park stickers on them because they snuck in, that kind of hits you for the ones that paid to play. And I think we've kind of mentioned that that's kind of the thing you have to do if you want to be able to participate in some of these activities. [LB362]

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

Natural Resources Committee
February 07, 2013

SENATOR CARLSON: Okay, thank you for your testimony. Any questions of Kevin? Seeing none, thank you. [LB362]

KEVIN MARKT: Thank you. [LB362]

SENATOR CARLSON: Welcome. [LB362]

JOHN MUELLER: Good afternoon. My name is John Mueller, M-u-e-l-l-e-r, J-o-h-n. I am from Louisville, Nebraska, and I have a little disclaimer that I work for former-Senator Pankonin at the Home State Bank. And as I shared with him what I was going to do today--come down and speak in favor of LB362--he asked to read it, and his comments were, that's a great bill. But I'm here to say I'm also the mayor of Louisville, and the economic impact, the...we have four parks within a 15-minute drive of Louisville. We have Louisville State Recreation Area; we have Schramm Park; Mahoney Park; and then Platte Rive State Park. I was able to work at Platte River State Park growing up. These things are a great economic boost for our area for employment and also just a lifestyle. We have people who come from Omaha, Lincoln, surrounding areas, spend weekends at Louisville State Recreation Area because it's close, it's cheap, the amenities are getting better. But we've made an investment in this parks system through private and individual monies--or state monies--that we've let...just, you know, as Roger Kuhn said earlier, we've got 60-year-old swimming pools. We're not fortunate enough in Louisville to have a swimming pool, so this is...our municipal swimming pool is at Platte River State Park. I mean, a lot of people go there. It grows for itself. The \$7 I know has been a concern and how it affects families, and I'm a banker so I know how those things are affecting families in tough times. But it also promotes economic growth in the area that is immeasurable by having these parks, and the people that come...the free amnesty day when they have free fishing, our parks are filled. You can't get a parking spot. And, like the other gentleman just said, you'll always find somebody that's going to try and cut the system. One park permit, five families come down, they all drive down, they park on Main Street of Louisville, they drive down, they drop a carload off, they come back, and they get another carload. There's always a way around. I mean, there's never going to be a perfect world. If there is, I want to go there. But there's not, so I think it's very important that we look at what we have. We have millions of dollars invested and as stewards of the state, it's your decisions on how we take care of those things. But this is very important that we form a mechanism that's renewable, and I think this promotes the growth of this in an economic and a user base. When it's the \$7, \$6, \$5, whatever dollars, we have to provide for some type of income stream to take care of these things. We're partners. As I said, I'm mayor of Louisville. Our water system is based on park ground. We lease that from them. We provide water for the Louisville State Recreation Area, no cost. I know there has been a need to expand or talk about expanding the Platte River State Park. There is infrastructure problems with water supplies and different things that we need to address that there would be many more

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

Natural Resources Committee
February 07, 2013

users if we had a sustainable income stream to promote those parks. And I think once you've started promoting them, everybody will come, everybody will enjoy them, and then you'll see an income stream develop from the users that maybe that fee can be cut back on the tax side of the car base. But I'm here to support that. I echo everybody else's comments, and I don't want to bore you with it over and over again. So I thank you for your time. [LB362]

SENATOR CARLSON: All right, thank you for your testimony. Any questions of John? Well, you go back and tell Dave Pankonin that we miss him, and he ought to come down and testify once in a while. [LB362]

JOHN MUELLER: I think he was down here the other day. [LB362]

SENATOR CARLSON: Okay. [LB362]

JOHN MUELLER: Thank you. [LB362]

ROBERT FRICKE: Chairman Carlson and members of the committee, my name is Bob Fricke, Robert Fricke, from Ashland, Nebraska, R-o-b-e-r-t F-r-i-c-k-e. And I am the president of the Farmers and Merchants Bank in Ashland and serve on a number of the community economic and community development boards in town. Everyone has said pretty much what I was going to say here. But I do want to point out just a couple things, particularly, what the economic impact of Mahoney Park and that whole interchange has been, and it has been fairly dramatic. When the park opened in 1991, I believe it was, we had just passed, in the city of Ashland, a city sales tax to fund the downtown improvement, had a very nice trend from the early '80s seeing exactly what was going on with slow retail growth. When Mahoney Park opened up, this was before the SAC Museum, before the rest of it, we saw a tremendous jump, just...for the city of Ashland it was \$300,000, a tremendous retail sales jump much above what was forecast that would have brought in, what, at 5.5 percent, \$15,000 in sales tax to the state of Nebraska. It's made a dramatic impact. In the next ten years, the retail sales of Ashland grew 174 percent, and we didn't have any new businesses downtown. So it's park related, doing better business with what we've got. I believe, clearly, it's in the best interest of our community to further encourage park attendance and attendance to that whole area. How specifically will it benefit--the passage of LB362--benefit park attendance? Again, it's the incidental and the spur-of-the-moment-type of attendance. That needs to be encouraged as best we possibly can. People just want to pop in, see the park, they'll stay, they'll spend money, and it'll happen. There's no guarantee. By not needing to purchase park permits, there would be greater consideration of hosting meetings, outings, conferences, Ducks Unlimited dinners, and things like that. I have four drivers in my household. I have six cars, so the question then remains. What I typically do is buy three permits and two duplicates. Now I don't know if the duplicate is supposed to be for a lost permit, but I'd use it as a primary permit on some of my cars. I

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

Natural Resources Committee
February 07, 2013

never know who is going to go out to which park, when, where, why, how--quite frustrating, and I would like to just take care of it all with one pass. I can afford to do it any way you want to do it, but still I think, in my situation and in the situation of many people in Ashland and the surrounding areas, the state of Nebraska, it would be helpful. The parks today are much different than they were 20 years ago. Now it extends far beyond just camping and hiking and picnics and enjoying nature. Now we've got the waterparks, ice skating, driving ranges, target ranges, shooting ranges, theater productions, and all this. And participation in these enhanced activities requires paying an additional fee. So a visitor must pay a fee to come in, yet they also have to pay a fee to enjoy the highlights of the park. Walt Disney figured out that didn't work decades ago, and I think, you know, we need to let people come in and let them spend their money on the various activities they would like to do. I was very active in my son's Boy Scout troop over the years, and we had the pleasure of working in a number of parks when we would go camping. We'd go to Twin Rivers, Ponca, Platte River, Mahoney, Indian Cave, Schramm, Memphis Park, and on each one of these situations the troop did a service project as directed by the park director. Well, what would you like us to do? Common, we cut brush. We improve trails, remove fencing, litter pickup, just to name a few. Unfortunately, there are not enough scout troops to take care of some of this deferred maintenance. And, quite frankly, it's very noticeable at Mahoney that things are tired. And there needs to be paint, there needs to be improvements, and there needs to be some things to catch up. And I have not seen many other opportunities or things offered to get that taken care of. Financial barrier of park entrance permits will be gone, as well as the physical barrier of the gate attendant, for the vast majority of park attendees. "Show us your permit" will be replaced with an open welcome, and wear and tear will be replaced with a new pride in fresh paint. I ask the committee's support for this. I ask the rest of the Legislature and the Governor to support this. I think it's a tremendous opportunity at a good price for the citizens of Nebraska. [LB362]

SENATOR CARLSON: Okay. Thank you for your testimony. Any questions of Mr. Fricke? Seeing none, thank you for coming. [LB362]

ROBERT FRICKE: Thank you. [LB362]

DUANE HOVORKA: (Exhibit 8) Good afternoon, Mr. Chairman and members of the committee. My name is Duane, D-u-a-n-e, Hovorka, H-o-v-o-r-k-a. I'm executive director of the Nebraska Wildlife Federation. We're glad to be here today because Nebraska's state parks system is really one of the crown jewels of Nebraska. They don't just provide recreational benefits. They provide...they protect and manage and restore native prairies and forests; they provide access points for recreation on the reservoirs and many of Nebraska's rivers; they give us all a place to get back to nature, but they preserve and protect our state's history at places like Fort Kearny, Fort Atkinson, and Fort Robinson. So they don't just benefit the people who show up to camp. They benefit all Nebraskans. You've heard about some of the communities that benefit across the

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

Natural Resources Committee
February 07, 2013

state, but really there are dozens and dozens more. So you look at, you know, Brownville to Chadron, Ponca to McCook, Mormon Island to Smith Falls. Many of these communities are small, rural communities, places like Elm Creek and Tekamah, Memphis, Swedeburg, Raymond, Emerald, Bridgeport, Kimball, Ogallala. Our state parks system is providing jobs. It's attracting tourists. It's bringing a flush of dollars into those rural communities. Unfortunately, despite all the benefits that are provided by our state parks system, the state funding for our parks system has not kept pace with inflation. If you look, since fiscal year 2000, the General Fund support for Game and Parks overall, adjusted for inflation, has dropped by about 17 percent. And if you look at the pieces of the park budget that go to the state park operations and for the funding for the recreation areas and maintenance and the other pieces that support those other parts of the parks system, again, the funding, since the fiscal year 2000, has adjusted for inflation, has dropped by about 15 percent, and that's created a shortfall this year of about \$1.5 million less that we're spending on the parks this year than we spent in 2000. So we're going the wrong direction. That underfunding has created, in part, that backlog of maintenance and upkeep needs that you heard about. The state park sticker system has served the state well in the past, but it also discourages Nebraskans from visiting their parks. It shuts out some low-income residents completely, and it also results in unneeded collection and enforcement fees that could be eliminated. Nebraska's parks system belongs to every Nebraskan, and we believe every Nebraskan should be able to visit and enjoy our parks, recreation areas, and historical parks, regardless of income. We think LB362 would provide a better means of helping fund our state parks system now and in the future. So thank you. [LB362]

SENATOR CARLSON: All right, thank you, Duane. Any questions of Mr. Hovorka? All right, thank you. Any further proponents. I know you...I...okay. Welcome. [LB362]

TRAVIS HAGGARD: (Exhibit 9) Thank you. Thank you, Chairman Carlson and members of the Natural Resources Committee. Appreciate the opportunity to be here today to testify in front of you in regards to LB362. My name is Travis Haggard, T-r-a-v-i-s H-a-g-g-a-r-d. I'm the economic development coordinator for the city of Ogallala. First of all, I'd like to thank you for the recent passage of the increase of fees associated with the park permit. I know that out in Ogallala and Lake McConaughy and Lake Ogallala area, we have benefitted from those as we have seen the Game and Parks invest in some additional infrastructure. And I do believe that results in more people coming to our parks system, using that, and finding great benefit from it. From an economic development standpoint, I have a lot of friends in the out-of-state regions, since we are so close to Wyoming and Colorado. They come out every year, they visit Lake McConaughy, and they always talk about what an economical, feasible vacation it is for them to come out. I don't recall anyone talking about the fee increase in a negative way. Matter of fact, I'm not even sure they realize it. I think, as part of doing business, they come out, they pay their fee, they attend their park, and enjoy their vacation. So from an economic standpoint, from increased fees, I don't see a downfall to that. In

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

Natural Resources Committee
February 07, 2013

2012--which I have a handout here I'll share with all of you--Lake McConaughy set a new visitor record: 1.15 million came to visit this year, compared to 2011, 880,487. The handout in front of you, excuse me, is from our local newspaper with the numbers. And you can see it dates all the way back to 1983, so it gives you a pretty good, broad scope of the visitors to Lake McConaughy and how important that is to our area. And in 2010, just for a three-year basis, we had 999,830 visitors, almost a million there. So as the deferred maintenance issue continues to go on and it continues to grow, the more the visitors, the more use it gets, and the more that maintenance will become an issue. As stated before with other people, when the parks are in good repair and it's attractive to come there, we will continue to attract more and more people. As we add amenities and grow the economic base for the area, more people will come to visit that, as you can see in those numbers. Now from a Nebraska resident standpoint, the park permit system, Nebraskans, you know, we're modest, hardworking, and humble people. We typically do not brag about the things that we have or the wonderful resources our state possess. But there are times it's necessary to promote the attractions and amenities of our great state. And I believe the more state residents we have out there visiting our parks, being able to get into those parks with a license plate as a park permit, if you will, will continue to be and grow our spokesperson-promoters out there. As they talk about the wonderful things and the hidden treasures that maybe they didn't know about, they can pass along that information to family, friends, and visitors alike. So I think that this could be a great benefit for people to get in the park. As they're out maybe driving around on a day or a weekend, they can have easy access to get into the state park. My wife's family is located in southeast Nebraska, so many times throughout the year we do travel across the state. And as scenic and as much fun as I-80 is to drive, we do like to get off every once in a while onto another highway and see a few different things. And as we typically go, as most people, I think, in Ogallala probably have a four-wheel drive vehicle that has the park sticker on it, we have a car that does not have the park sticker on it. And as we think about eating lunch at a state park instead of going through a drive-through, we think about it, we maybe pass one, and then, not having the state park permit on the vehicle, we decide not to stop because when you're in a foreign area, you're not sure who sells them or where to get one. So I do think it's an inconvenience to the travelers, and I do think that we could eliminate a lot of that by eliminating the park permit and going to the state license plate registration. I'm also...my wife and I are both avid motorcycle riders, and as we travel the highways, we don't travel I-80 much. But as we travel the highways, we also would like to stop at some state parks, get out, walk around, kick the boots off for a while, and relax. And I think that would be of benefit, to have the license plate on a motorcycle to be able to do that. In closing, I'd just like to thank you all for your time today and for your dedication and hard work for the state of Nebraska. You do a wonderful job, and I know a lot of times it's very thankless. But out at our end, we do appreciate it, and we appreciate the well-being and the protection we receive from you as state senators. I would ask that you pass LB362 or advise to pass it, as it will allow the Game and Parks the funding they need to continue their vision and growth, not only for parks like Lake McConaughy and Lake Ogallala, but

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

Natural Resources Committee
February 07, 2013

the entire parks and recreation system across the state of Nebraska. Thank you.
[LB362]

SENATOR CARLSON: Okay, Travis, thank you for your testimony. Thanks for coming a long distance. Questions of Travis? Do you...does it take you as...can you drive, from here, home in a shorter amount of time than Senator Schilz? [LB362]

TRAVIS HAGGARD: Yeah, I have no comment. (Laughter) [LB362]

SENATOR CARLSON: Okay. All right, thank you for your testimony. [LB362]

TRAVIS HAGGARD: You're welcome. Thank you. [LB362]

SENATOR CARLSON: (Exhibits 10-12) Any other proponents? We do have letters of support from H. H. Kosman of Platte Valley Companies, Wes Sheets of the Nebraska Division of the Izaak Walton League, Patty Plugge of the Burt County Economic Development Corporation. Now do we have...we're ready for opponents. All right. How many opponents do we have testifying today? [LB362]

SENATOR HAAR: One. [LB362]

SENATOR CARLSON: Okay. Welcome. [LB362]

CURTIS SMITH: Thank you. Thank you, Senator Carlson, members of the committee, appreciate the opportunity to be here this afternoon. My name is Curtis Smith, C-u-r-t-i-s S-m-i-t-h. I'm executive director of the Nebraska chapter of the Associated General Contractors of America. I'm here to speak in opposition of LB362. Our members believe that because all motor vehicles travel on the streets, roads, and highways of Nebraska, those fees from those vehicles should help pay for the maintenance and construction of those roads. Funds derived from fees of those vehicles should be dedicated to the Highway Trust Fund, not the state parks. That concludes my testimony. [LB362]

SENATOR CARLSON: That was short. Thank you. Thank you, Curtis. [LB362]

CURTIS SMITH: I hope you appreciate that. (Laughter) [LB362]

SENATOR CARLSON: Do we have any questions? Well, well stated. Thank you.
[LB362]

CURTIS SMITH: Okay. I'm done? [LB362]

SENATOR CARLSON: I didn't see any questions, so thank you. [LB362]

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

Natural Resources Committee
February 07, 2013

CURTIS SMITH: Okay, thank you. Thank you. [LB362]

SENATOR CARLSON: (Exhibits 13-16) Any other testifying in opposition? We do have two letters of opposition, one from Loy Todd of the Nebraska New Car and Truck Dealers Association and one personal from Steven A. Hicks. Do we have anybody testifying in a neutral position? Seeing none, but we do have two letters in a neutral position, from Rhonda Lahm...one letter, Rhonda Lahm, director of the Department of Motor Vehicles, in a neutral position. And thank you for coming this afternoon. With that, we close the hearing on LB362. Thank you and, committee, thank you. That's it. [LB362]