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Natural Resources Committee  
December 11, 2013

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[LR205]

The Committee on Natural Resources met at 1:00 p.m. on Wednesday, December 11, 2013, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR205. Senators present: Lydia Brasch, Vice Chairperson; Annette Dubas; Ken Haar; Jerry Johnson; Rick Kolowski; Ken Schilz; and Jim Smith. Senators absent: Tom Carlson, Chairperson.

SENATOR BRASCH: Good afternoon, everyone. And I want to welcome you to the Natural Resources Committee hearing today. I am Senator Lydia Brasch, I am the Vice Chair of this committee. Senator Carlson had another commitment and asked that I chair today. For the committee, to my far left is Senator Rick Kolowski from...(fire alarm sounding)...him is Senator Ken Haar, District 21, Malcolm. Next to him is Senator Jim Smith, District 14, Papillion. And next to Senator Smith is Senator Ken Schilz, District 47, Ogallala. Next to me is Laurie Lage who is the legal counsel. And to the far right is the committee clerk, Barb Koehlmoos. Next to...the next seat here is Senator Jerry Johnson from Wahoo, and then...that's District 23. And Senator Annette Dubas, District 34, from Fullerton. And we have a page with us today and her name is Audie Aguilar and she is from Grand Island, attending UNL. Thank you. Today, if you are planning on testifying on LR205, I would like to ask that you please pick up a green sheet that is on the testifiers' table. If you do not wish to testify but would like your name entered into the official record as being present at the hearing, there is a form being circulated that you can sign. This will be a part of the official hearing. We ask that you, please, fill out the sign-in sheet before you testify. Please print and it is important that you completely fill out this form. When it is, then you will turn it in. Give it to the...the sign-in sheet to our committee clerk. This will help us make a more accurate public record. And if you do not choose to testify, you may submit your comments in writing and have them read into the official record. If you have handouts, please make sure you have 12 copies for the clerk to hand out to the committee. If you do not have the 12 copies, please ask our page to make copies available before you testify. And when you do come up to testify, please

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Speak clearly into the microphone. Tell us your first and your last name and, please, spell them. These microphones are designed for transcript purposes. They do not amplify. Please turn off your cell phones or any pagers or anything that makes noise or beeps. And please keep your conversations to a minimum or take them out into the hallway. We also ask that there are no displays of support or opposition to a legislative resolution that is vocal or otherwise. We do not allow that at public hearing. Today we are going to use a light system. You'll be given a total of five minutes to make your point to the committee. The light will start out green and when you have spoken for four minutes, it changes to orange. At that point, please conclude your remarks. And when five minutes are up, we ask that you stop. Today, Senator Avery will open on LR205. And then we will hear from five individuals who have been invited to provide testimony with specific information to the committee. These five individuals will be: Game and Parks Commissioner Mick Jensen; Game and Parks Administrator Roger Kuhn; Game and Parks Deputy Director Tim McCoy; Game and Parks Director Jim Douglas; Game and Parks Commissioner Rex Fisher. Following that, we'll open for public testimony. I think we're ready to start. And welcome, Senator Avery. [LR205]

SENATOR AVERY: Thank you, Senator Brasch. And I'm going to call you Madam Chair, if that's okay. [LR205]

SENATOR BRASCH: Thank you. [LR205]

SENATOR AVERY: This resolution, LR205, deals with the Game and Parks Commission and the current state of our state park system. You're probably familiar with this; I would suspect that you are. We are facing a \$43 million shortfall in deferred maintenance projects in our state parks and recreation areas. Included in that, I think, is about \$13 million in Americans with Disabilities compliance shortfalls. So this is an issue that's been festering for a long time and it's something that we tried to address last year with LB362. You recall that what we were proposing in that bill was to replace the existing \$25 Game and Parks annual park permit fee with a \$7 across-the-board fee at

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the Department of Motor Vehicles on vehicles registered in the state of Nebraska. It would not have changed the current permit system for out-of-state users of our parks. But people who have their vehicles registered in the state of Nebraska can just drive in without worrying about a fee or a permit. This would have generated about \$11.9 million, about \$6.5 of that over the current revenue generated by the permit system. I am grateful to this committee for advancing that bill to General File. It was almost unanimous, Senator. But we understand. The...we devoted about two hours or more of debate to LB362 and there was some significant opposition. And, of course, there was a lot of heartburn over the assessment of a new fee. I did take heart, though, in that there was significant support in the body to do something. Maybe not what we were proposing but there was support to do something. The Transportation Committee was not happy about assessing vehicle fees that were not earmarked for roads projects. I understand that. Senator Dubas opposed it in committee and opposed it on the floor and was willing to go to the mat, I believe, to prevent that bill from passing. Senator Chambers also was not happy. He has long opposed various projects with the Game and Parks Commission. Most recently, he has decided that the decision to have an open hunting season on mountain lions is totally unacceptable. And so we're going to have to deal with that next session if we get another bill out. We heard from several members who spoke in favor of our park system, noting, though, that the new fee assessment just made them uneasy or...and, in fact, I admitted in my opening comments on the bill that I didn't feel comfortable with that alternative. But I was looking for ideas and we are still looking for good ideas. We are planning to come in with a new bill next year. The bill, essentially, was abandoned on General File because it was tying up the body and it was likely to tie us up for a great deal more time. So the Speaker had no interest in continuing that discussion and I agreed with it. So before you is LR205, a continuation of that debate. I'm seeking, still, new ideas and other options. Shortly following the session, the Game and Parks Commission announced that they were taking emergency measures by closing about 30 state parks and historic areas from September of last year or this year to May of next year so that Game and Parks could reallocate their employee time and members to critical maintenance issues in places where toilets need

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to be put in, you know, and all kinds of repairs need to be made to buildings and to decks and steps and things of that sort that really did expose us, I think, to some potential lawsuits. And that is coming along. I understand we have installed something like 38 new toilets in the parks. Everybody can be happy about that if you use the parks. But the goal is to finish 60 or more before this new policy has expired. Well, the public was not happy, as you know, about the closing of these parks. I received a number of frantic calls from constituents, members of friends of the state parks organizations, desperate to keep their own parks open. I'm sure you did too. One of the things that was really encouraging about this whole thing was that we had communities stepping forward and providing funds and volunteers to have an impact on their own parks and, at least temporarily, resolve the issue without having to close them. The...it got the attention of the public, certainly. But we can't rely upon the good intentions of our citizens. We can't rely on the ability of communities to support the parks and our recreational areas. This is simply not sustainable and it's no way to go about funding these important state resources. I'm not going to recite the park statistics for you in order to establish its importance. You know what's in the state park system. You know it's important. So that is something that we can all agree on. We can also agree that our parks are desperately in need of help and we're here today to discuss some new strategies. You'll be hearing from others on that, on some sustainable mechanisms. The Legislature has statutorily assigned Game and Parks with the task of administering our park system. We don't have a choice here, we've got to do this. And it is an obligation of ours and it's one that I think we ought to fulfill. The General Fund appropriation to the state parks system has flatlined throughout at least a couple of decades. Last year, General Fund money was just \$9.5 million. The fallout is that we have...one of the things we've done to respond to this shortfall in funding is we've transferred a number of parks over to counties, because we can't afford to take care of them ourselves. And some counties have been fine with doing that. But that, too, is not a good way to run our park system. We have new ideas to talk about today, including the diversion of existing sales taxes on motorboats which would generate about \$2.5 million, and a proposal for a one-time emergency funding to kind of catch up on the maintenance and perhaps

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focusing heavily on the ADA compliance issue. There are other ideas that you'll be hearing about as well. I'm sure that all of you have received a copy of a rather well-done study that Game and Parks put together on our park system and some ideas on how we can go about getting additional revenues for it. So I'm looking for your feedback, your questions and suggestions to take into next session because I do plan to come back with a new plan. One thing is obvious. We have a compelling state interest to keep our parks operational, safe, and beautiful. We can't fail our parks, because to do so would be to fail our citizens. So with that, I will invite your questions and defer to the people who are following me for detailed expert information. [LR205]

SENATOR BRASCH: Thank you, Senator Avery. Are there any questions from the committee? Senator Smith. [LR205]

SENATOR SMITH: Not a question, just a statement. Senator Avery, you know, thanks for being a champion of this issue and working with the state parks and really coming back with an effort that is doable, that's reasonable. And I know you've been working really hard on this. I really appreciate it and you're doing a great job. [LR205]

SENATOR AVERY: Well, we don't want to run into the buzz saw we did last year which involved a new fee. If we can do this without increasing fees, I think we might have a better chance. And I do appreciate your help last session, by the way. [LR205]

SENATOR SMITH: Okay. [LR205]

SENATOR BRASCH: Any other questions from the committee? Seeing there are none, we will move forward and ask Commissioner Jensen to come forward, please. Thank you for joining us, Commissioner. [LR205]

MICK JENSEN: Senator, thank you very much for allowing us to appear before you. Senator, members of the Natural Resources Committee, I'm Mick Jensen. I'm the

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commissioner from the 3rd District, which is the northeast corner of the state of Nebraska and, roughly, Highway 30 to 81 to the borders to the east. We appreciate the opportunity to meet with you today. And, hopefully, we'll shed some light and answer some questions that you folks might have. And together, we can come together on a hugely important task that we have, I think, in front of us. Quite frankly, we need your help in how we can best go about ensuring the future of these state parks. I'm going to provide a general and broad introduction to the challenge we face. And there will be speakers following me, providing more specific information and be able to answer your questions, should you have any. As you know from the work of the committee last year, the commission faces a large challenge for sustaining the funding future of our state park system. You will hear from Roger Kuhn, our Parks Division administrator regarding the park system, the existing resources used to manage these parks. And the challenge that we face is quite large. The park system is aging. We're looking at over \$30 million in deferred maintenance needs and approximately \$13 million to fully meet mandated Americans with Disabilities Act, known as ADA. Our deputy director, Tim McCoy, will provide a summary of the unmet needs and the costs of those needs. As you know from the work of Senator Avery and your committee last year, no easy answers to securing the additional sources of revenue to maintain and update our park infrastructure. Our director, Jim Douglas, will discuss the alternatives the agency has explored and continue to explore in order to sustainably provide the quality park system that our citizens expect. State parks are vital to Nebraska both for recreational opportunity and their economic impact. And Commissioner Rex Fisher will share with you the economic impact of the state parks to the state and summarize why we feel it's imperative for the commission to find a long-term solution to our parks' funding needs. I want to thank you, personally, for your work to help us figure this out and help us ensure the future of our park system. We really do appreciate your ideas and your thoughts and your help. And we'd be glad to answer any questions as they occur. I would just say that this morning at the local coffee shop in Blair--which Senator Brasch has been to more than once--everybody noticed that I was wearing a tie rather than my usual breakfast garb and wanted to know if I was applying for a new job or what. And I said, well, I'm just

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trying to keep the old one. (Laughter) But I did explain to them a little bit about what our problems were with the park and funding and so forth. And they were quite surprised, to be honest with you. And they all indicated that they enjoy our parks. I took a poll and all but one of them had a park sticker and buy them every year and were quite interested in how we would come up with some kind of funding mechanism that would ensure the ability to continue taking their families and the rest of them to the park. So there's broad support, at least in our hometown, at least in that coffee shop, Senator. And I suspect it's the same at other coffee shops around the state. So if there are any questions, I'd be glad to try to answer at this point. [LR205]

SENATOR BRASCH: Thank you. Senator Johnson. [LR205]

SENATOR JOHNSON: Yeah, thank you. And thank you, Mick, for coming to testify. And thank you for your service on the commission. A couple of questions. One is a clarification and I maybe wrote these down. The first comment was \$43 million maintenance. Does that include... [LR205]

MICK JENSEN: That's total. That's total. [LR205]

SENATOR JOHNSON: Okay. So the \$30 million is maintenance, thereabouts, and the rest is ADA. [LR205]

MICK JENSEN: That's correct, yes. [LR205]

SENATOR JOHNSON: Okay, thank you, that clarified that. What's our risk of not being able to take care of the issues dealing with ADA as far as...is there an umbrella over that that says, if you don't do this, it's going to have to be shut down or what? Where are we at? [LR205]

MICK JENSEN: You know, I'm not sure of that. Maybe Director Douglas can answer

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that more fully. But my own opinion is, I've been living in dread fear that someone is going to either have a problem or discover that they are not accessible and that we're going to hear from them in some type of a legal form. I do not claim to be an expert there. But regardless of that, I believe that we're finding more and more people that want to use our parks that are not as able to get around as you and I. And I think one of the advantages that we have in this state is, we have a great park system, we have a beautiful outdoors, and the more people that can get out and enjoy that, I think the better off we all are. One of the things, that it's not a direct parallel, but at the last two commission meetings, we have had a group of people that have taken upon themselves to help young, disabled hunters come out in the field. And they've rigged up some of the most interesting and intricate equipment you've ever seen in your life. They have an iPad right here that's hooked to a rifle scope and they have a button. And as the guide is with them, if they've got everything lined up, they'll push this button and that--and it's usually a youngster--can fire and harvest a hunt just like we do. And it's those kind of people that I believe that we need to take of. And I can't speak to the legal liability. We'd probably have to go to the Attorney General. But I just feel that it's incumbent upon us to provide those kind of opportunities and, of course, we're required by law. [LR205]

SENATOR JOHNSON: Thank you. [LR205]

SENATOR BRASCH: Thank you. Any other questions from the committee? [LR205]

MICK JENSEN: Thank you. [LR205]

SENATOR BRASCH: I have one question. Did the coffee shop offer any suggestions or solutions? [LR205]

MICK JENSEN: To be honest with you, I did not give them a chance because I ran in and I grabbed the coffee, explained it, and left. [LR205]

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SENATOR BRASCH: Okay. [LR205]

MICK JENSEN: But I did get the feeling from them that some additional funding in some form they were willing to pay as a citizen and continue the ability. You know, we've had quite a stir in Fort Calhoun at Fort Atkinson. And I have to tell you that I'm very pleased to have Julie Ashton located at that site. And that town has really taken up the challenge since we had to close down that park early. And people, I think, are willing to pay for the opportunity to go. They don't want to see these parks go away. And likewise, they don't want to see them come into disrepair. So I'll be glad to go back and take a poll, if you'd like, and I could get that to you probably tomorrow morning after I have coffee. [LR205]

SENATOR BRASCH: I'll be watching for the results. And I believe the citizens in Fort Calhoun and elsewhere have been very generous with their time and support and have put a lot of sweat equity and love into Fort Atkinson. [LR205]

MICK JENSEN: It might interest you folks to know that on the first weekend of the month, we'll get 50 to 60 volunteers from six or seven states, pay their own expenses to come to Fort Calhoun. We let them camp in a small area out there so that we can minimize their expenses. They dress in period costumes and they actually enact and reenact what went on in the fort back in the 1800s. And they provide a living history that is attended by many, many people. And those people are just fantastic. I sat in on a meeting that they had where they were looking at their budget trying to figure out if they had \$60 for candles for their candlelight presentation a month ago. So these people truly are the breadbasket of the United States and we have them right here in Nebraska. But they want these parks to be taken care of in the manner in which they should. [LR205]

SENATOR BRASCH: Very good. Thank you. Seeing there are no other questions for Commissioner Jensen, I will ask for Roger to come forward, please. Roger Kuhn is the Game and Parks administrator. Welcome, Roger. [LR205]

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ROGER KUHN: Thank you, Senator Brasch, members of the committee. My name is Roger Kuhn, a division administrator with Nebraska Game and Parks Commission. It's R-o-g-e-r K-u-h-n. I want to thank you for bringing this item to the agenda today. I think it's important and I believe all of you realize it and Mick touched on it. But, you know, first and foremost, I think it's really important to understand or recognize that the state park system in Nebraska is a great asset to the state, provides a great service. And, you know, the visitation and the numbers we get proves that true. We get millions of visitors to our state parks each and every year. And I think it's, you know, the Game Commission who's given the responsibility of managing and administering these parks. It's our responsibility but it's also the Legislature and the citizens of Nebraska responsibility to make sure these are safe, clean, affordable places for our citizens to visit and enjoy, free from liabilities, and good staff that takes care of their needs, all those kind of things. So I think that's just important to keep in mind as we move forward. I'm going to give a little bit of a update on the assets we have in our state park system, just so you understand the scope of the state park system. I know a lot of people I've talked to over the years, they think of state parks as a picnic bench and a fire ring and that's about it. But it's much, much more than that, much more. We have 79 areas, currently, that we administer, 79 different park units. Eighteen of the top twenty-five tourist attractions in Nebraska are state park areas administered by Game and Parks. As many of you know, I think, tourism is the third largest industry in the state. We are the backbone of the tourism industry in Nebraska. Some of the inventory we have, and I'll try not to touch on all of this a lot but we manage--this is just in our park system, not agencywide--but 72,000 acres of land, 67,000 acres of water. We have over 1,000 miles of trails. We have over 1,600 buildings in the state building inventory. Behind the University of Nebraska, I believe, we have the most inventory buildings of any other state agency in the state. We have over 4,000 campsites, 29 trailer dump stations, six swimming pools, 280 bridges--which bridges are there for a reason. Water runs under them, debris collects. They got to be maintained. We have water towers, water treatment plants, 118 boat ramps, 213 boat docks, multiple wells, septic systems,

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electrical distribution systems, all these type of things. All this infrastructure has to be maintained and taken care of. As I said, we host millions of visitors each and every year, and we have all these items that we take care of. We have a full-time staff of 145 people for the state park system in Nebraska. Sounds like a big number. When you're talking about 79 park areas and that much inventory and responsibility, it's not that much. We do employ probably over 900 temporary employees in the summertime which are probably great, you know, jobs for a lot of students and so forth. The other thing I think it's important to note is, where does the money currently come from? What supports...what sources provide support for the state park system? The Park Cash Fund is our primary funding source. And what that is, what's that made of is the park permit feeds into the Park Cash Fund. It's user fees. Park permits generate about \$5.7 million a year. Lodging generates about \$5 million a year, which is cabins, campsites, that kind of thing. Or that's just the cabins, I'm sorry, \$5 million. About \$4 million are from camping revenues. Those are the primary user fees. We also have activity fees for horse riding, paddle boats, other activities in our park system. The General Fund is another funding source we rely on. Also, we get 1 penny off the cigarette tax. It's referred to as NORDA, it's Nebraska Outdoor Recreational Development Act. We get about \$1.2 million a year from that. We also rely on grant funds and private donations. That's another funding source. Those are not nearly as reliable but we do get those most years. Just to give you a quick history, 20 years ago, as an example, the Nebraska park system was funded, the park operating budget was funded by 54 percent from the General Fund. Twenty years later, today, we're funded by approximately 22 percent of our total operating budget comes from the General Fund. This has been an ongoing trend. The message has been, you're going to have to rely more on other funds, user fees, if you will, versus the General Fund. That ratio has gotten less and less and less and that's just in the last 20 years. That's a significant number. So over those years, we try to get creative. We try to generate revenue. We try to raise donations, etcetera. What we've done in recent years, five years ago recognizing the deferred maintenance challenges we had, we initiated a park plan. We've had plans, but we got more aggressive. That plan resulted in: we eliminated 21 full-time staff; we privatized food

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service, we used privatization as a tool; we increased cabin rentals, camp fees, other revenues to generate more revenue; we increased our park permit in 2012; we consolidated park areas; we surplused eight different park areas to local communities. In other words, this isn't our first swing at the play. We've done everything in our power with our resources available to make it as cost-effective and efficient of a system as we can. Those are some of the things we've done, but it's not enough. It continues to grow, the deferred maintenance list. Most recently, we closed 29 park areas, temporarily, in the wintertime. Out of that, 11 partnerships were established with local volunteer groups in communities that come to the forefront and said, these are important to us, we want to take care of them. How do we do it? We entered agreements with them. So the reason for this plan was to cut costs, generate additional revenue to try and effectively attack our ever-growing deferred maintenance challenges. However, given these efforts, as I said, it simply does not create a sustainable, long-term funding solution for our 79-unit park system to solve the deferred maintenance and ADA challenges we face. So Deputy Director Tim McCoy is going to follow me. He's going to talk in more detail on the ADA and deferred maintenance challenges we have. And I'd try to answer any questions you might have. [LR205]

SENATOR BRASCH: Thank you, Roger. [LR205]

ROGER KUHN: Sure. [LR205]

SENATOR BRASCH: And if you do need a few more minutes, I believe this information is very relevant and pertinent. [LR205]

ROGER KUHN: Well, I saw the red light so I tried to get through it there. [LR205]

SENATOR BRASCH: Did you? I saw you hurry and I... [LR205]

ROGER KUHN: But, yeah, I apologize for that. But... [LR205]

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SENATOR BRASCH: No, that's...is there anything else you'd like to add to that before...  
[LR205]

ROGER KUHN: No. Like I said, Deputy Director Tim McCoy will talk a little more on the  
ADA. [LR205]

SENATOR BRASCH: Okay. [LR205]

ROGER KUHN: But you know, the question came to Mick regarding the ADA situation.  
It's a critical situation and, you know, the U.S. Justice Department, they come out with  
mandates and so forth to come in compliance. Now we've been forced, due to revenue  
issues, to be more reactive than proactive. So if we get a situation where we're getting  
complaints and there's an obvious situation, we cut other expenses or other spending  
somewhere else and we try to take care of it, understanding the problem. But on the  
federal level, they want you to be proactive. These things, you know, you shouldn't have  
to be reactive. So, like I said, Tim McCoy will talk more on that. [LR205]

SENATOR BRASCH: Thank you. And are there any questions from the committee?  
Yes, Senator Haar. [LR205]

SENATOR HAAR: Yes. Are we typical of how other states fund their park system or isn't  
there a typical way of doing it? [LR205]

ROGER KUHN: There...it's all over the map. I mean, it's not consistent from state to  
state. I mean, if you look at the surrounding states, there are approximately, I believe  
right now, I think it's around 35 of the 50 states that do have a park permit requirement  
that helps fund their park system. But there are 15 states that don't have a park permit  
requirement. Iowa, as an example, does not have a park permit requirement. They get  
money from the gambling money, mostly, casinos, etcetera. Missouri gets a percentage

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of the sales tax, that's what supports their state park system. Arkansas is the same way, the sales tax. Montana gets vehicle registration money which was an idea that was floated last session. So there are states that do not rely on park permits. The majority of them do and they vary in how much those cost. But part of the alternative funding packet that we've handed out, basically--you know, instead of reinvent the wheel--took some ideas from other states on how they fund. There's real estate transfer tax, there's sporting good sales tax, there's a lot of different ways that states take care of their park system. [LR205]

SENATOR HAAR: Okay. [LR205]

SENATOR BRASCH: Thank you. Senator Kolowski. [LR205]

SENATOR KOLOWSKI: Thank you, Madam Chair. Roger, thank you for your comments. The ADA issues are just so difficult. And coming from a school background, we probably wouldn't be able to function. The area would probably be cordoned off or we'd be closed down because you cannot, just cannot have that threat to your population by not having adequate facilities. And I find it unconscionable that we're not dealing with those and haven't done something on an emergency basis, at least, to try to address those issues. I'll have more to say later but I certainly empathize with what you're saying. It's not a sexy topic... [LR205]

ROGER KUHN: It's not a sexy topic, no. [LR205]

SENATOR KOLOWSKI: ...when you're dealing with toilets and concrete and paint and all those kind of things on a maintenance basis when we have so much wrapped up in our state parks that are jewels in the state. [LR205]

ROGER KUHN: Well, and part of the reason of the 29 park areas that we closed is, we diverted those resources to try to tackle some of the deferred maintenance needs. And

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we used the staff that were assigned to those parks as labor to, basically, construct rest rooms, outhouses. When you say it's not real... [LR205]

SENATOR KOLOWSKI: You bet.... [LR205]

ROGER KUHN: ...yeah, it's not. But that's an item that's on our deferred maintenance list. We, literally, have hundreds of these outhouses around our park system that are very old. They do not meet not only ADA compliance standards; they don't meet environmental standards as well. [LR205]

SENATOR KOLOWSKI: Certainly. [LR205]

ROGER KUHN: And so those are the kind of things we're trying to do. And, you know, we're going to be able to construct, minimum, 38 of these units during this wintertime, maybe more, that will replace noncompliant units. [LR205]

SENATOR KOLOWSKI: Well, with the NRDs...of course, I did eight years up in the Papio NRD and the canoe ramps and other things that we put into the Elkhorn and Platte, a lot of that effort we had to do much of the same thing. And then you have to maintain it. If you don't think of a maintenance budget, you're negative. [LR205]

ROGER KUHN: Yeah. And there are more and more lawsuits being filed around the nation with these ADA issues. It's a liability. [LR205]

SENATOR BRASCH: Senator Schilz. [LR205]

SENATOR SCHILZ: Thank you, Senator. Good afternoon, Roger. [LR205]

ROGER KUHN: Hi. [LR205]

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SENATOR SCHILZ: How are you? [LR205]

ROGER KUHN: Good. [LR205]

SENATOR SCHILZ: As you talk about...and I...you know, we're talking about raising fees and other things such as that, have you...has Game and Parks looked at alternatives to that as well, as far as public-private partnerships, things like that, "vendorships" that maybe you haven't looked at in the past to start to add? And maybe not, necessarily, over the whole park system but individual to each, separate park, as to where you could do some of that as well to start, because I can't see that what we're talking about here today is going to get you where you need to be either, completely. [LR205]

ROGER KUHN: Well, sure, sure. We've utilized that tool. I mean, we...I guess most recently, we privatized the food service operation at Mahoney State Park. It was an operation that was losing dollars. The primary reason we were losing dollars is they were state employees that were working at the restaurant. You don't have as much flexibility. Most restaurants, with the waitress and wait staff, they don't pay them \$7, \$8 an hour, you know, where with a state employee we had to, and those kind of things. It wasn't as efficient. So we privatized it and that's now operating in the black. That's one example. We also privatized one of our state recreation areas recently at Memphis State Lake. It was a satellite area that we took care of from Lincoln, our Lincoln headquarters. So we'd be traveling somebody out there. Well, we got a local person, entered a contract, paid them less than it was costing us to provide the same services. We have 18 concession operations statewide that provide services that we can't afford to provide. So we do the private partnership. We also do the public partnership by surplusing eight of our park areas, which the Legislature approved, to local communities, political subdivisions, some are counties, some are communities. I think there's more of that to come. So we used to have 87 park units. We now have 79 through using that tool. We've also consolidated park operations, not a private

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partnership, but with our own deal where McConaughy is an example of that. We consolidated Ash Hollow and McConaughy into one park unit with one superintendent instead of each park having a superintendent. So we've used consolidation as a tool. We've used these tools, I mean, and we're still not able to keep up, but it's helped, it helps. [LR205]

SENATOR SCHILZ: Right. And hopefully, I mean, I think, you know, in looking at places like Lake McConaughy, I think there's more that could be done there in that respect. And I hope that you're looking at that as well. [LR205]

ROGER KUHN: And we are doing more. We got all kinds of activities. We had an ATV event last fall, they want to have two events this year at McConaughy. It was a new event last year. I just met with an interested party with the Dairy Queen franchise there that wants to do an ice cream...a mobile ice cream truck on the beach, provide services. And that's a private partnership that provides more services to the people visiting there. [LR205]

SENATOR SCHILZ: Right. And you know, one other thing that I just thought about and was thinking about is I hear now that--and this surprises me--but UNL has a sand volleyball team. Wouldn't it be a great opportunity to take them out to the sand beaches at Lake McConaughy and have a tournament out there? [LR205]

ROGER KUHN: You could host a tournament, yeah. [LR205]

SENATOR SCHILZ: Yeah. Hey, why not? [LR205]

ROGER KUHN: Yeah. [LR205]

SENATOR SCHILZ: Yeah. Anyway, I'm just... [LR205]

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ROGER KUHN: No. [LR205]

SENATOR SCHILZ: ...the wheels are always turning. [LR205]

ROGER KUHN: Yes. [LR205]

SENATOR SCHILZ: Thank you. [LR205]

ROGER KUHN: Thank you. [LR205]

SENATOR BRASCH: Are there any other questions? Seeing none, thank you very much, Roger. [LR205]

ROGER KUHN: Thank you, Senator. [LR205]

SENATOR BRASCH: At this time, we'd like to call up Tim McCoy, deputy director for Game and Parks. [LR205]

TIM McCOY: (Exhibit 1) Thank you, Senator Brasch, members of the committee. I am going to hand out, just in case you lost track of it, another copy of our alternative funding report. There's a lot of background information in here as well as some detailed information on various alternatives that, hopefully, you've had a chance to look at. But I wanted to make sure, just in case you misplaced that, you got to see it again. You know, as Roger identified, we do have a lot of resources and infrastructure in our parks. The other challenge that we face with our park system, we have a lot of parks that are really old. They have a lot of old infrastructure. And some of that infrastructure isn't that obvious when you're in a park because many of our parks, if you get to someplace like Platte River or even parts of Lake McConaughy or Fort Robinson, they're like a small town. We have water systems, we have sewer systems, we have electrical systems. We have all those systems that are, in some cases, sort of that hidden infrastructure that, as

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towns deal with, that eventually come up for replacement. Those are large cost items when we look at those, you know. So even when we operate and maintain these facilities daily, we have to have that updating and replacement. And as Roger and others have already identified, when we do those, there are new standards that have to be met. One of the ones that, you know, really gets the most attention is the Americans with Disabilities Act. I would say the other standards that are out there that we need to...that we look at are our own state standards for water quality. When we look at...when you look at many of our...on our areas that aren't high-profile state parks without a lot of infrastructure, we still have rest rooms. We still have septic tanks. In some cases we have fish cleaning stations. All those require that when we update those or, in some cases, do major maintenance to them, we come up to the new standard. So the cost of doing those replacements, as you all know with any business, those costs aren't going down. And so it is a real challenge for us. And one of the challenges with looking at the ADA components of that, in most cases, the major ADA cost activities we're looking at are additional costs to doing a major replacement or a rebuild or a modification of facilities. And it can be everything from parking lots and camping pads to remodeling cabins. And remodeling cabins can be quite a deal for us when we have cabins that are 50 years old around the state. And so you look at maintaining those new standards, which also includes building standards and building codes that many of these were not built up to current codes. And it's pretty frightening to look at the costs of doing those changes. So we're sitting here right now looking at, you know, from our standpoint, from what we have well documented, is our deferred maintenance needs, immediate needs of about \$7.5 million. Our two- to four-year need is about \$8 million to \$6 million. And our five- to ten-year need is about \$15 million. And I remind you of the ten years because this \$43 million figure we're talking about is what we see in the next ten years. That means next year, a new year gets added on. And this is one of the challenges that...the reasons we continue to bring this to your attention is, you can get by not catching up on that for a little while, but it continues to build. And so we do need your help in looking at that and figuring out the ways that we can try to come to a better, more sustainable plan of how we're going to address this challenge because it's a big

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one. You know, we're looking at, in many cases, an aging park system. And we want and need to provide that quality park experience for our citizens. They value their parks and we owe them that. As an agency, that's our responsibility and we really have an obligation to do that. And that includes protecting these treasures that our agency has been entrusted with for the future of all our citizens. So I know you have all been engaged in this last year. And we do appreciate your efforts and your help. And we look forward to, you know, not only sharing with you our ideas but to hearing what ideas you may have or different avenues of trying to address this because it's a big challenge. And we know we need your help. [LR205]

SENATOR BRASCH: Thank you. Are there any questions? Yes, Senator Kolowski. [LR205]

SENATOR KOLOWSKI: Thank you, Madam Chair. Tim, thank you for your testimony and your comments. This past interim period has been a very busy one for a number of us in a number of ways. Senator Schilz and myself are on the Water Commission. Laurie, of course, was there on a lot of those. Others have visited some of the meetings. And I sometimes wonder when I think about the work we did on reservoirs in the Papio NRD as far as the whole metro area, that not only provided flood control and property protection and people protection, it also provided a great deal of recreation. And there's not a lake or a reservoir that we put in that isn't heavily used. And I live right by Zorinsky, which is one of the most heavily used in the entire state, if not the metro area. The idea I'm thinking about is one that, perhaps, we could have discussion on tying together some of the needs you're talking about and the Water Commission that would be more positive in its sale of whatever resource or revenue resource we'd go to, to the general public so they understand that these things are not disconnected, but they are heavily connected. So many of your parks are connected right next to water or with water. And to see how we could, perhaps, phase-tie some of that together would be a creative move that might help us all in our pitch to get this done in the state of Nebraska because we can't let this deteriorate any longer. So I'd just make that statement out of

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the blue. Looking at your sheets again, thank you for the handout again, but that helped spark some of the things that we had heard about and talked about from a lot of different angles this summer. Thank you. [LR205]

TIM McCOY: Well, we appreciate that because that is, you know, that's part of the...when we look at our park system, the connection to water is apparent. [LR205]

SENATOR KOLOWSKI: Absolutely. [LR205]

TIM McCOY: You look at fishing opportunities. You look at where our parks are at, we have very few parks...I think we have one that's an old road wayside area that we still have by Hastings. It's probably the only one that doesn't have water adjacent to it or on it. I mean, it's just part of that...it's part of what we look for, part of what the public looks for when they go recreate in a park. [LR205]

SENATOR KOLOWSKI: Thank you. [LR205]

SENATOR BRASCH: Very good. Any other questions from the committee? Yes, Senator Johnson. [LR205]

SENATOR JOHNSON: Thank you, Senator Brasch. A couple, three parks that I'm familiar, at least within my district, one of them is Memphis State Park. And I had the opportunity to tour that with another group. And it looks like a win-win. It's not the fanciest park but very much appreciated. Another park that's new is Lake Wanahoo. And, of course, that's new so maintenance, hopefully, is not there but don't want it (inaudible). The other park that...or area, is Czechland Lake. Is that...was that, at one time, under the Game and Parks? And now, I know it's managed by the NRD. Do we have other lakes in the state that are or maybe could be operated by a NRD district, which would allow some sort of funding through that mechanism? [LR205]

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TIM McCOY: We've...I know, actually, didn't we just transfer one up in the Lower Loup?  
[LR205]

ROGER KUHN: Oliver Reservoir. [LR205]

TIM McCOY: Yeah. Well, and then Oliver Reservoir out in the southwest, we're working with South Platte NRD on that one. But, yeah, we have done that, in some cases, with some of those reservoir areas where the NRDs have expressed an interest in taking those over and actually, you know, managing those with their funds. The challenge...I guess, one of the challenges I see with that, it's you have to have...you obviously have to have a partner in the NRD that's really interested in taking on that additional responsibility. [LR205]

SENATOR JOHNSON: Uh-huh. [LR205]

TIM McCOY: As a state agency, when we need to do that, we can. But, you know, on some level, we don't want to be in the position where we just try to pass off, you know, all of the things that we're obligated to do also. We do have several of those cases where we started those where we were actually managing them for the NRDs under agreements, similar to what we're doing at Wanahoo right now, so. [LR205]

SENATOR JOHNSON: Yeah. Yeah. [LR205]

TIM McCOY: We have several of those around the state where we...in many cases, there's some cost sharing there that we're doing with the NRDs, that we operate it as a park but they're also providing some funding with that. That's a little different model than we used, you know, 20 years ago. And we also have a lot of lands that we manage, you know, around Lincoln that are lakes and reservoirs that are actually owned by federal agencies that had interest in building them for flood control and no interest in providing recreational access. And so we have several lakes in the state that either the Bureau of

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Reclamation or the U.S. Army Corps of Engineers are the actual owners. And we, under agreement with them, do the management to provide the recreation. [LR205]

SENATOR JOHNSON: The contract...and they might vary a little bit. I'll just use Czechland as one. Do they assume the responsibility of maintenance or does that still fall under Game and Parks? [LR205]

TIM McCOY: I believe Czechland was built by the NRD, wasn't it? [LR205]

ROGER KUHN: We've never operated it as a state park. [LR205]

SENATOR JOHNSON: Never operated it, okay. So they're in total control and have the responsibility. [LR205]

TIMOTHY McCOY: Yeah. Yeah, it's their... [LR205]

SENATOR JOHNSON: Okay. [LR205]

TIM McCOY: ...yeah, it's their facility. And that's one of the challenges, especially when you get into reservoirs or things that you've built or large buildings is, there's a large obligation that goes with that responsibility. And in many cases, even the agreements that we have with local entities of government, provides a clause where if they no longer are willing to manage that, we have to be responsible for taking that back. When you're looking at things like Champion Mill or a historical site, there's always those future obligations with that that are challenging. [LR205]

SENATOR JOHNSON: Maybe a little bit of follow-up to what Senator Kolowski commented on and dealing with the Water Task Force Funding. As possibly building more reservoirs in the state for sustainability, everybody is going to assume or hope that there's recreation with it. That's going to put a larger burden on Game and Parks,

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because, I know--I was mayor of Wahoo when we were working on the management of Wanahoo--and that stretched you, I know. So, I mean, it takes more of your budget in order to maintain new parks as far as staffing, so it's not going to get any easier, put it that way. [LR205]

TIM McCOY: We appreciate other people acknowledging that. (Laughter) [LR205]

SENATOR BRASCH: Senator Kolowski. [LR205]

SENATOR KOLOWSKI: Thank you, Madam Chair. Another idea just to throw out because this came up in trying to connect all the water discussions that we've had. But what potentials would there be with bonding authority to the NRDs, all NRDs, not just the Papio, because we're the only ones with...or another one does have some out west, I understand. So there's 2 out of the 23. But people like to go to places in their own locale and not too far of a drive to use the parks and the recreational areas and all the rest. And what incentive would that be, then, for a project list on a yearly basis that you might, within the boundaries of the watershed or that NRD, collaborate with them, with the parks in other locations that you have, to get some things done that haven't been done before? Again, I don't know all the legal entanglements. It's just an idea of how we can have different agencies sharing to get the jobs done that aren't always done. [LR205]

TIM McCOY: Yeah. [LR205]

SENATOR KOLOWSKI: A second idea or a second thought I wanted to get an answer on something. I come from northern Illinois and when my father was young, he worked for the CCC--Civilian Conservation Corps--and they built a lot of trails, a lot of parks, a lot of things all over northern Illinois. I came from the Illinois River Valley where the Fox and the Vermilion meet the Illinois. And Starved Rock State Park is a shining example of a great deal of work that was done in that particular area with the trails and

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everything else they built on the land there. Do we go back that far, as far as CCC roots with a number of places? And there's probably no entanglements to the federal government, not that the feds would do a very good job on things right now. But any other resources to get to through that angle, from the conception of how those were designed and built? [LR205]

TIM McCOY: There...we actually did have a crew this fall that came out from the Youth Conservation Corps that came out to the Pine Ridge that we'd been working with a couple of other groups out there. They came out and spent a lot of time working on...following the wildfires. [LR205]

SENATOR KOLOWSKI: Okay. [LR205]

TIM McCOY: They spent a lot of time doing tree cleanup, trying to help with fence lines. So we have been trying to access that. I think that crew wants to come...we're going to try and get a crew again next year. But you get...you basically get two weeks to a month of their time. But, yeah, there's still some of those opportunities. We still seek those out. [LR205]

SENATOR KOLOWSKI: Thank you. [LR205]

SENATOR BRASCH: Senator Haar. [LR205]

SENATOR HAAR: Yes, thanks. Do you have any idea...I mean, cutting staff is sort of a double-edged sword. You save money but then a lot of the...I'm close to Branched Oak out there and a lot of times there's nobody to collect the fees. And folks just drive in and out. Do you have any idea what percent of people do that, just don't bother to pay fees since there's nobody in the guardhouse? [LR205]

TIM McCOY: I would...I'm going to overly generalize that I think it's like everything else.

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You have about 5 percent that are cheaters, you have about 95 percent of the people that are going to try and do the right thing. We have a lot of people that do provide their camping fees in the Iron Rangers and self-report. We do have staff, though, that still go around and check those. And sometimes they get met with some resistance from campers that because they set up there before, you know, before. [LR205]

SENATOR HAAR: Yeah. [LR205]

TIM McCOY: But they go around and check those and normally do collect them, especially at our manned areas. But there is some of that that happens where people don't pay the fee unless somebody makes them do it. [LR205]

SENATOR HAAR: Okay, thanks. [LR205]

SENATOR BRASCH: Any other questions from the committee? I do have one question. [LR205]

TIM McCOY: Yes. [LR205]

SENATOR BRASCH: The infrastructure needs are growing. And the funds that we have at hand are not sufficient for present-day needs. Have any of the ideas or suggestions been more favorable than others, as far as feasibility? I know you're out every day with, you know, the public and park attendees. Is there something that you feel is more of a workable, reasonable solution? [LR205]

TIM McCOY: Well, it's an interesting dilemma, I guess, to answer that question. I mean, one of the solutions that had a lot of interest, especially from our parks users, was the proposal that came through with Senator Avery's bill last year. But since then, we continue to look into this. I will tell you, for us, this is challenging. We normally don't go out and look for different pots of money to try and put our fingers in as an agency. So

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this is a little different and challenging for us to do this. We normally try to focus on our operations and providing good public service in the things that we do, you know, that are really a direct part of our mission. So I think some of the things, looking at, you know, are there potential ways to get specific sales taxes towards this, we're open to any and all suggestions. I don't know that there's a perfect answer to any of this. I think it's like any funding question that comes in front of the Legislature. There's probably not an easy, perfect answer. There's a variety of ways it can be done and sometimes it just comes down to what the, you know, to what the will of the people really is, you know. The push comes to shove on all these things from doing something to how to fund it and it's a difficult challenge. And we just...from what we're seeing, you know, those potentials to maybe get, you know, something that's sustainable, something we can plan on through (inaudible), you know, from years to come is a way to address it. But there's probably other ways. [LR205]

SENATOR BRASCH: Thank you. And one more question is, with the current fee that you have the park permit, how does that look compared to other states for your needs? Is it a fee that has caused attendance to decline? Or your thoughts on the existing fee or future fees, please. [LR205]

TIM McCOY: The existing fee, we just...it was just raised \$5 a few years ago. And we have not saw a large decline from that. We saw, I think, the first year we had that, we had a really beautiful early spring and we had a lot of park attendance. So we've only got two years to go on. I think this year, attendance was back down a little bit. But I think, you know, from a funding standpoint that's still fairly stable. We're, you know, we're not a high-fee state when we look at our park permit fee, but we also have a lot of those user fees that are within the parks. So we have this ongoing concern, if you raise that to the level that people stop coming to your park, then they're not camping there, they're not doing the other things in the park. So it's a concern. We're not...you know, I think, it depends on the states you compare it to. If you compare it to Iowa and Missouri that don't have a parks permit fee, it looks really high. Compared to our needs, if all we

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were doing was trying to focus on our parks permit fee to meet the needs that we have out there that we're trying to address here, you'd essentially have to double our park permit. And that probably would not be good in terms of the other impacts it would have. I think it would limit the use of our parks by the public and it would not be a good start to go. But it's an example of, we have to find other ways to try and garner the resources to do this. [LR205]

SENATOR BRASCH: Very good. Any other questions from the committee? Seeing none, thank you so much. [LR205]

TIM McCOY: Thank you. [LR205]

SENATOR BRASCH: And I would like to invite Game and Parks Director, Jim Douglas, to come forward, please. [LR205]

JIM DOUGLAS: Thank you, Madam Chair. My name is Jim Douglas, J-i-m D-o-u-g-l-a-s, and I serve as the director of the Nebraska Game and Parks Commission out of our Lincoln headquarters. Thank you and the members of the committee for the opportunity to speak to you today. You've heard a lot of good things about background on our park system and the needs in our park system. And I think we're certainly moving to that point in discussion where people are interested in, you know, what the solutions might be and have questions about one alternative and another. And I just wanted to, perhaps, put out a little food for thought in those realms. One is that I think it's important to know that if we look at the problem as a \$42 million problem...and Tim told you that, you know, so much of that will need to be done in the next three years, five years, and so on. In our analysis, you know, that's growing \$1 million a year. We probably need...now depending on whether there was any kind of a one-time appropriation that helped move things a little farther ahead and reduced that amount, we probably, we need about \$5 million to \$6.5 million a year, I think, to use the old saying, to eat that elephant. So, I mean, that's a number I think that's at least worth discussing. Because at

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some point somebody is going to ask the question, well, how much do you need and how fast do you need it? That's a figure that, you know, we'd like to discuss with people if they're interested in discussing that. The other thing is, you know, we have a system of funding right now that's diverse. I mean, we have a variety of funding sources. The appropriations from the Legislature of General Funds, the figure of \$9 million was mentioned but that's for the whole agency. Just on the park side, only about \$6.5 million of that is going to parks. So there's about \$6 million, \$6.5 million coming from the Legislature through appropriations, \$5.5 million from the user fee, a gate fee essentially, with a park sticker. Another several million from camping fees. We also get, as was mentioned, you know, \$1.3 million from cigarette tax, NORDA funds. So my point is, we have a variety of funding sources. And I don't think, personally, that it's bad to have a variety of funding sources. Now that's not to say that we wouldn't be jumping for joy if we had a dedicated source that was going to solve all of our needs for a long time and into the future. But there is some value in having a variety of sources that we're not totally reliant upon one thing. And in that vein, as we look at other ways that we might fund things, I think that reliability and predictability is something that's important as we look at eating that elephant. That's why I think that there's been some discussion and some research done recently on the potential for dedicating a percentage of sales tax or some sales tax that's associated with a particular buying activity, such as the purchase of boats, for example. As someone mentioned, you know, water is really an element that's associated with the majority of our park areas. And all of the activities associated with water recreation happen, primarily, on state park or recreation areas. Of all the water...inland water bodies in the state, 75 percent of all the activity is taking place on areas that we manage, at least 75 percent. I know there's over 150 boat ramps and so on in the state. And there's like 120 of them are on areas that we manage. So I think as we look, also, at funding sources, you know, as we try to...if we would try to justify some association of a sales tax, for example, or a fee that would go to parks. The public has expressed to us that they'd like to see some connectivity in some cases. So there would be connectivity, for example, in that example, if you were taking sales tax, because we wouldn't have all of this...all these boats being purchased, for example, if there weren't

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places being provided that were safe and reasonable and well maintained for people to use them. So that's just one thought that I have. The other thought is that there could be some other recreational items that are purchased or associated with recreation that there might be some way to capture some sales tax on. And we don't want to say that this is the way we should do it. It's just that those points I'm making about association, predictability, dedication are something that we would like to have people think about. The sales tax revenues from boats, for example, is about \$2.5 million a year. So that would only put us partway towards what we would need. But there's other ideas out there. Senator Kolowski had some interesting ideas, too, that deserve further consideration, for sure, about whether there's any partnerships that could happen with other needs in the state, with water. There are, potentially, bonding opportunities for getting a jump start on some of these repair needs that we need. So we're open to any and all ideas and we're really, really appreciative of all of your interests and efforts to help us find solutions for this as time moves forward. You know, we are encouraged about the communities that stepped up that were mentioned when we did temporary closures in the parks. And there may be a few new opportunities that have some longstanding relationships there that we can maintain with friends groups of parks, with our historical parks in particular. And we're going to constantly look at that. We're going to look at public-private partnerships in a real way. And I know, Senator Schilz, you have some ideas in that regard for the Lake McConaughy region. And we appreciate all of that. We are going to do our very best to make sure that we are fiscally responsible in solving this problem. And regardless of what funding mechanism we find or what we need to do, we are going to do it in a way that we maintain a park system that people are proud of. I know one thing for certain, that the park system that we will have in the next few years will not be the same park system we have today. It will be, perhaps, one where we've met a lot of these challenges and that the people are coming to and are enjoying in a way that's safe and sound and within the law. It may mean that we have a few less areas and we have some areas we invest more in. It may mean we have some areas that we decide this would make a better natural area. But we are looking at all of our park areas on an individual basis. And we're analyzing them from the standpoint of

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who's coming to the park, how many people are coming, where are they coming from, what activities are most used at this park. And then as we go down those lists and look at that, we're also looking at how much does this park cost us, how much does it cost, essentially, per visitor to offer this to the public? And then off to the side, on each one of those parks, we're putting in potential ways to make this a better park that serves the public better. In some cases, that may mean that we're saying, we need to seek a public-private partnership on this one. On this one, we may...we actually need to invest in this because we could reduce the cost per visitor if we had camping here. And camping has a good return on investment for recreational vehicles, for example. In this other case, it may be that, in this case, we need to change the nature of this park. We need to have less of this kind of activity, more of this kind. Perhaps in this park, we need to make it a natural area because that's what most people are doing here. They're hiking. They're enjoying nature on it and so on. They need fewer facilities. So that fiscal analysis that we're doing and that social analysis that we're doing will serve us well with whatever resources we have to bring to bear on maintaining our park system. And if we can get some of the additional funds that we need, we'll have the great park system that people in this state want. So those are my thoughts at the moment. I'd be happy to answer any questions. [LR205]

SENATOR BRASCH: Very good. Thank you. Senator Kolowski. [LR205]

SENATOR KOLOWSKI: Thank you, Madam Chair. Jim, thank you for your testimony and thank you for your leadership in the whole division. The...one of two, kind of two questions: Is there any revenue stream or any taxing taking place on ammunition in this state that we know about? [LR205]

JIM DOUGLAS: Well, there's federal taxing. [LR205]

SENATOR KOLOWSKI: Okay. [LR205]

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JIM DOUGLAS: There's federal taxing that takes place on sporting arms and ammunition. It moves through the Department of Interior. It is moved back to states on a formula basis. It's partly how many hunters you have and partly what your population is, etcetera. In some states, there's actually a state tax. I think Texas has developed a state tax, a sales tax, a special sales tax that goes back to their fishing, game and parks agency. [LR205]

SENATOR KOLOWSKI: Okay. [LR205]

JIM DOUGLAS: But we don't have a state tax, no. [LR205]

SENATOR KOLOWSKI: And then holding that thought, if we had an automobile manufacturing plant in this state and we had something to do with vehicles that we wanted to do something with, we'd probably go to that plant and say, we'll give you first shot as a partner in doing something, be it Ford, General Motors, whatever it might be. We have Cabela's. They are growing all across this country. I've been to a number of stores in all different parts of the country and I love the one in Omaha. I don't know the people. I don't know the politics. I don't know how...what arrangements could be done. But if there's a first shot that should be given to someone for the outdoors and all the enjoyment and all the rest, I would love to see what might come out of a connection with Sidney's main employer and what they might do as far as stepping up and being a civic responsible company in this state. [LR205]

JIM DOUGLAS: We've had discussions with Cabela's about our mutual interests. And some of those, you know, over time, they have provided some resources. But recently, their foundation stepped up and contributed some money to the Game and Parks Foundation for the half-price youth hunting and fishing permit program. And that works in the following way: You have an event, for example, or maybe one of our events, say, Pheasants Forever event. And they would offer maybe six half-price youth hunting permits or fishing permits. And half of the cost would be paid for by our foundation and

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half by the parent or mentor or, perhaps, the organization, Pheasants Forever. And Cabela's has put some money into that program. And what that does is not only, you know, develop the future hunters and fishers of the state, but then, because they're license buyers in that formula I talked about with federal dollars coming back to the state, it increases our federal dollars coming back into the state. So it's actually leveraged seven times for whatever the dollars are that are put into that program. By the time it runs through the system I'm describing and comes back to the state, it's a seven times leverage. So I only bring that up because it's not the answer to this question but it's the answer to the question, are we reaching out to Cabela's and other entities like Scheels and so on to find out where our common interests are? And we are doing that and that's a very good point. I'm sure there's bigger and better things we can do though. [LR205]

SENATOR KOLOWSKI: Well, and the Pheasants Forever president happens to live in Omaha at the current time. So I'm sure John Gottschalk would be much...would be very much...would listen deeply to some of your thoughts and ideas on this. [LR205]

JIM DOUGLAS: Yes. [LR205]

SENATOR KOLOWSKI: Thank you. [LR205]

SENATOR BRASCH: Senator Haar. [LR205]

SENATOR HAAR: Yes, thanks. Could you talk for a moment about the Game and Parks Foundation? I'm not familiar with that. [LR205]

JIM DOUGLAS: The Game and Parks Foundation is a group of...it's a 501 organization. And its mission...you know, it has bylaws and a charter and its mission is totally devoted to creating additional resources and revenues for the Game and Parks Commission's mission. So they have several persons on the foundation board. They have a

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chairperson. They have very little overhead. They pay a minimal amount of money to a secretary but all of the treasury work and the legal work is done, essentially, through volunteers that are also associated with it. The director of the Game and Parks Commission, by virtue of their charter, is a member of that foundation. So I also sit in on those meetings. They generally meet once a year, in January. And we bring different projects to them for their consideration and what they might be willing to try to go out and raise money for and so on. For example, just this last year, they raised \$1.2 million or better to reconstruct officers' quarters at Fort Robinson State Park, for example. And they've done a tremendous amount of work for our state park system over time. And they have provided some dollars recently for some cabin renovation at Mahoney State Park. But you know, a lot of donors are very interested in building infrastructure. It becomes a little harder sometimes to convince people to, you know, build new sidewalks or a new sewer system or something like that. So they're an integral part of the park system, I believe. And they also contribute to wildlife projects. They've contributed initially to the bighorn sheep project and they've done some other recent wildlife projects. So they're a big part of the picture. And we would probably not be in nearly as good a condition as we are, if it wasn't for the Game and Parks Foundation. [LR205]

SENATOR HAAR: Uh-huh. So in terms of total dollars per year that comes...and that's not reflected in your budget otherwise, is it? [LR205]

JIM DOUGLAS: No. No, we get permission to accept those donations. If it involves buildings, of course, we actually do that through the Legislature, at least the Executive Committee of the Legislature. And we have to get the authority through the Legislature to spend those dollars. But it varies according to what projects there might be on the table and how long it takes to complete those projects. So it sort of goes up and down. [LR205]

SENATOR HAAR: Yeah. A for-what-it's-worth idea, when I buy my permit every

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year...and I'm proud of all the stickers I have on my windshield. I may have an accident some day because of that. But, you know, if people were asked at that time if they'd like to donate an extra \$5 or something to the maintenance fund. Everywhere you go nowadays, you know, pet store, whatever, there's always an ask for this or that. It may not generate a lot of money but I know there's some of us, at least, who would. If you asked me when I bought that permit, I'd kick in some extra money. [LR205]

JIM DOUGLAS: I think that's a good idea. And you know, we have that opportunity when, you know, when you buy something on-line, which a lot...a greater number of our purchases of any type of permits and so on are on-line, of course, than they used to be. So we have that opportunity. But we also communicate so much now on social media with people. [LR205]

SENATOR HAAR: Sure. [LR205]

JIM DOUGLAS: And, you know, there's opportunities there too. So we appreciate those ideas. And it goes to what I was saying. I think we need a variety, you know. We need something that we haven't been doing now to solve the issues that we've been discussing. But we also need anything, no matter what size it is, to help us in that. [LR205]

SENATOR HAAR: Uh-huh, uh-huh. Maybe you would have a little extra gold star on my permit or something, but. (Laugh) [LR205]

SENATOR BRASCH: Senator Johnson. [LR205]

SENATOR JOHNSON: Thank you. Thank you, Director Douglas. I'm going to follow up a little bit on the ADA concerns. [LR205]

JIM DOUGLAS: Uh-huh. [LR205]

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SENATOR JOHNSON: And I guess I'm looking at it from the standpoint of whatever mechanism we have for funding to make it more sellable, I'll put it that way, if it was designated that a three-fourths or whatever, maybe it's an exact number, of the funding goes to alleviate the risk, the liability, the concerns of ADA. And let's say we could allocate \$7 million a year for the next two years for ADA to be in compliance. Does that free up any money for you to work on maintenance? Or we have to...would you have to delay those for two years or a period of time, at least? [LR205]

JIM DOUGLAS: I don't think that, logistically, that spending \$7 million a year each of the next two years or some two-year period would fit well... [LR205]

SENATOR JOHNSON: Okay. [LR205]

JIM DOUGLAS: ...because it's a portion of the overall project. And I'm not certain that we could...would have the resources to do the projects that this ADA cost falls on top of. In other words, that would need to be spread out over a longer period of time. [LR205]

SENATOR JOHNSON: Okay. [LR205]

JIM DOUGLAS: If there was a new capital fund developed that was deferred maintenance for Americans with Disabilities or even a new capital fund developed that was distinct, we would want to make sure that we had the appropriation authority over enough years to actually do that in good fashion. We could only...we can probably...you know, this current year, we're doing more capital development--spending what's called capital money--more because we increased the amount of money of our own Park Cash Fund and we spent the total amount of NORDA funds that we get on this deferred maintenance, try to eat that elephant. But that's about, you know, that's \$3 million, okay? Now maybe there's \$1 million, if we had it, that we'd put on top of that for making sure it's ADA compliant. So I mean, the ratio is just such that we'd want to spend...we'd

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have to fix the ADA problem over a longer period of time than just two years. I don't know if I'm answering your question or not. [LR205]

SENATOR JOHNSON: Okay. But if ADA was part of the mandate or whatever, you know, it might help the overall project if we're getting something...a move forward. [LR205]

JIM DOUGLAS: We wouldn't have any problem with the fact that there was some stipulation that some percentage of dollars... [LR205]

SENATOR JOHNSON: Percentage would go... [LR205]

JIM DOUGLAS: ...was spent for that in that regard. I mean, we would have to use, roughly, the figure that we developed already from what we know are our ADA needs compared to what we know are repair needs that require ADA compliance. [LR205]

SENATOR JOHNSON: So if we use the ratio of the \$30 million and 14 percent, whatever that percentage is, it might be acceptable? [LR205]

JIM DOUGLAS: Uh-huh. [LR205]

SENATOR JOHNSON: Okay, thank you. [LR205]

SENATOR BRASCH: Any other questions from the committee? Could you tell us one more time, how much is the amount for ADA that you're...that the needs, the...how many? [LR205]

JIM DOUGLAS: Well, it's minimally \$13 million. [LR205]

SENATOR BRASCH: Okay. All right. So hypothetically, if there was a one-time

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appropriation made specifically to address those needs, would that...by the...you know, if we had that amount come from appropriations, hypothetically, would that help address an immediate need? [LR205]

JIM DOUGLAS: If we're going to...I don't...please, indulge me... [LR205]

SENATOR BRASCH: No. Okay. [LR205]

JIM DOUGLAS: ...for just a second... [LR205]

SENATOR BRASCH: All right. [LR205]

JIM DOUGLAS: ...because I don't want to mislead you. [LR205]

SENATOR BRASCH: No. Okay. [LR205]

JIM DOUGLAS: If we were to repair, fix, replace, do everything on the list, that's \$30 million. [LR205]

SENATOR BRASCH: That's ADA. No? Okay. [LR205]

JIM DOUGLAS: It's \$30 million worth of projects. [LR205]

SENATOR BRASCH: Total projects, okay. [LR205]

JIM DOUGLAS: They really wouldn't cost \$30 million. They would cost \$43 million because there's an additional amount that would have to be put into those projects to make sure that they're ADA compliant. So if we had \$13 million and you said you have to spend this on Americans with Disability Act compliance, it wouldn't quite work that way because we have to, you know, we have to replace something larger, of which the

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ADA part is a smaller part, so. We would certainly appreciate that \$13 million if we could make sure we had the authority to spend it over the time period that it would take to start eating on that \$30 million. [LR205]

SENATOR BRASCH: I see. Okay, very good. [LR205]

JAMES DOUGLAS: Yeah. [LR205]

SENATOR JOHNSON: Would follow up on that, just a quick math: 13 times 3 or 30 percent or a third is \$39 million. [LR205]

JIM DOUGLAS: Uh-huh. [LR205]

SENATOR JOHNSON: So if, in putting something together, one-third of this money could go or should go to ADA compliance and that might make...help make it salable. [LR205]

JIM DOUGLAS: Right. Yeah. [LR205]

SENATOR JOHNSON: Okay, thank you. [LR205]

SENATOR BRASCH: One more question as well is, of all the sources discussed, is there one that you believe would be a better answer? [LR205]

JIM DOUGLAS: You know, I think that we have to think about something that is doable. And so there's a lot of the alternatives that are discussed in the study, for example, represent new revenue. And I'm not so certain that finding new revenue through additional fees, unless it was maybe an increase in an existing...you know, increase in the park fee might be part of it or something. But I mean, you know, a new surcharge, a new tax, and so on, is probably--you know, you're a better judge of that than I am--but

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it's probably less doable, perhaps, than a dedication of an existing fee or an existing tax that has some tie to recreational activities. That's just my thought. Now somebody might have a different thought. And that's why we're open to any thoughts. [LR205]

SENATOR BRASCH: Senator Kolowski. [LR205]

JIM DOUGLAS: Yeah. [LR205]

SENATOR KOLOWSKI: Madam Chair, thank you. Jim, the amount you're talking about takes care of past needs and ADA and all these kind of things that have been built up for quite a while. You're a leader, your commissioners are leaders. You've also got dream sheets of what you'd like the Game and Parks division, department to look like and the dreams we'd like... [LR205]

JIM DOUGLAS: Uh-huh. Uh-huh. [LR205]

SENATOR KOLOWSKI: ...to have take place that you're not even factoring in. I think, you know, we're talking about probably \$50 million over X number of years--two years of \$25 (million), five years of \$10 (million)--because you have to manage projects and you have to have enough people to get the jobs done in a priority listing. So I don't look at it as just \$43 million. I think you need to also have enough cutting edge money to take you to the next level of what we'd like to be proud of in our state's Games and Parks division. And so I think we need to rethink how we think about allocations of this nature to not just repair but exceed. [LR205]

JIM DOUGLAS: Right. Well, I wouldn't disagree with you. And I think the point that you brought up about, you know, what the future water needs are in the state and a lot of which would, potentially, involve impoundment, immediately put on the table a lot more needs. You know, the discussions that were a little while ago about NRDs and what NRDs manage and what we manage. I mean recently,...I'll tell you that, you know, the

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Pigeon/Jones project up in northeast Nebraska and, you know, Lake Wanahoo recently, and we just redid our agreement with a couple of other NRDs concerning NRD water bodies. And we told every one of the NRD managers and, in some cases, related to their board through the manager the fact that right now we're not willing to put more resources into managing those recreation areas than we can get back in park entry fees and camping fees, which hasn't always been the case. But you know, the...that's not always easy for the NRDs to come up with either. And so we're going to have to work together on that as time moves forward. But that prospect for even more recreational opportunities that people want--and people do want them--are there. So I agree with you. [LR205]

SENATOR KOLOWSKI: Thank you. [LR205]

SENATOR BRASCH: Any other questions? Seeing none, thank you. [LR205]

JIM DOUGLAS: Thank you very much. [LR205]

SENATOR BRASCH: We'll welcome Rex Fisher, the Game and Parks Commissioner. [LR205]

REX FISHER: Thank you, Madam Chairperson. I'm Rex Fisher, R-e-x F-i-s-h-e-r. I've been a commissioner since 2008. I represent the entire state, I'm the at-large commissioner so you pretty much know those boundaries. And so my testimony will be fairly short here today. First of all, I want to thank you for letting me appear. And I also would like to thank Senator Avery for continuing to fight for this. I believe that all of us in the room are dealing with an issue that's important to the legacy of our state and what we're going to leave behind. So I think it's critically important. Within this issue, I think, one of the words you've heard is sustainable and reliable funding for our park system is not just good public policy but we believe it's a good investment. Our parks provide valuable recreational opportunities for our citizens and our visitors from in and out of

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state and serve as economic engines for tourism in all of our local communities. In a recent study, the economic impact of Nebraska's state park system was \$750 million annually and it supports over 8,000 jobs in our state. Most of those benefits are external to the parks, to the communities, and to the concessionaires and others in all those local areas and communities. And again, our budget in those parks is \$25 million. So that \$25 million to \$750 million is a 30-to-1 ratio. I think that stacks up favorably to anything we're doing in terms of the state. And again, that \$25 million, \$6 million of that comes from General Fund support. The other \$19 million comes from fees and charges within the parks. Our parks also include 18 public-private partnerships with businesses and concessionaires. Those partnerships generated \$3.6 million in revenue in 2010 and \$4.5 million in 2012, so it's growing at a healthy pace and we're proud of that. And Mahoney State Park was mentioned. That's one example that was in the red \$200,000 a year and now it's in the black by \$100,000 a year. And it's a great venue. I helped a little bit, I had my daughter's wedding there last year at the pavilion and it worked out very, very well. Other larger concessionaires include Trade Winds Marina at Sherman Reservoir, Lakeside Country Store at Fremont Lakes, Louisville Lakeside at Louisville State Lakes, and the North Shore Lodge at Lake McConaughy. And I can tell you that this group of commissioners and the staff is always looking for those public-private partnerships. We ask that of almost anything that we do at all times. I think we look at it very much like a business. And Senator Kolowski mentioned, you know, that we have John Gottschalk on Pheasants Forever board. We also have another Omaha resident, Dick Bell, who's on the Pheasants Forever national board, so that's good for us, along with Mike McCarthy who's on the board of Cabela's. So we're blessed to have some of our citizens active and some of our good partners that we have. In 2012, over \$1 million in taxes were collected from the state parks: lodging taxes totalled \$408,000 and sales taxes that were \$655,000. Meeting the deferred maintenance and ADA needs will require contracting with design consultants, contractors, construction companies. And that creates work and that creates economic activities across the state and in all the local communities. Our state parks make up over half of the top 20 tourist attractions in Nebraska and provide an integral backbone for tourism, the state's third largest industry.

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There are several ways to provide funding to invest in the future of the state park system. The dedication of sales tax from boats and, potentially, other recreational items seem like a natural fit. They use those facilities and so we'd like to see that be part of the solution. Last year, if you recall, the Legislature...we were fortunate, the Legislature saw the wisdom to put \$1.8 million into Lake McConaughy and Mahoney State Park. And it was all in things that we were doing to generate revenue--more hookups for electrical, more cabins, things that are bringing visitors and creating revenue--and we're very much focused on that. We look forward to discussing any other alternatives that you have or others have to meet these growing needs for our parks. We truly appreciate the efforts of the Natural Resources Committee to continue to study this challenge and we will continue to work closely with you. And with that, I'll take questions. [LR205]

SENATOR BRASCH: Any questions from the committee? Seeing... [LR205]

REX FISHER: It's good to be last. (Laughter) [LR205]

SENATOR BRASCH: Seeing none at this time, is there anyone in the room here that would like to testify? Anyone? Seeing there are none, Senator Avery, would you like to close? [LR205]

SENATOR AVERY: Thank you, Madam Chair. I want to thank the committee for taking this issue on. It's difficult and we've learned that today, as if we didn't already know it. But it's an important issue and I do appreciate the time you put into this. And I appreciate the help I expect to get from you next year. And, of course, Game and Parks, they've been great to work with. I just want to comment on one thing relating to the ADA compliance issue. I'm just going to give you a small example of how it works. And it makes it difficult to separate an ADA project from a maintenance project. Let's say you need to replace a deck on a cabin. Maybe that costs two grand. But the...once you undertake that project, then...you've grandfathered that cabin in under the old rules so ADA rules don't yet apply until you start working on that cabin. You start to work on the

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deck, now all the other...all those ADA issues have to be complied with. And maybe they add another \$500 because you have to have a ramp up to the deck and so now it's a \$2,500 project. And that is what the Game and Parks Commission runs into all the time. So it sounds good. Give us...let's do \$13,000 (sic) and just focus on ADA. But that then would, in all probability, be almost impossible to do...to separate the two. They're kind of inextricably linked. When you start upgrading a bathroom facility, for example, you're going to have to be ADA compliant with the bars and all of that sort of thing. So those...you couldn't just go in and put the bars in because then you've got the other issues that are left unattended to. So I just want you to know that I'm willing to help in any way I can with this committee in expediting this legislation. [LR205]

SENATOR BRASCH: Okay, we have several questions. I saw Senator Schilz here first. Senator Schilz. [LR205]

SENATOR SCHILZ: Thank you. Senator Avery, you know, as we look at this and I see that you are contemplating using the motorboat fees to do that. And as you know, in the past, I entered this legislation to use some of those fees for invasive species. And then we heard Senator Kolowski talk about the possibility of water funding. And you know, after I've sat here and listened, there may be some ways that we can work together, because I see the invasive species issue being a water issue. And, you know, with your support moving forward on something like that, voting for some funding for water projects that need to happen across the state, I might be able to give up that allegiance to that motorboat fee that's out there. So we can talk about that if you don't mind. (Laughter) [LR205]

SENATOR AVERY: I am open. [LR205]

SENATOR SCHILZ: Okay. Thanks. [LR205]

SENATOR BRASCH: Senator Johnson. [LR205]

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SENATOR JOHNSON: I'll go back a little bit to the issue with the ADA. I kind of got--and maybe I got the impression wrong--that we're more reactive. When something gets bad enough, then we focus on ADA and shift away maybe of some maintenance. What I was attempting to do was put it on a little higher priority that in this funding we would make sure that we are working on ADA as a focus. I know it adds to things because there's no grandfather clause. So that was my point in trying to lift that a little bit higher maybe, partly, to sell the concept but also to make sure that it is being taken care of, so. [LR205]

SENATOR AVERY: And it would help us with the liability issues as well. [LR205]

SENATOR JOHNSON: Yeah. [LR205]

SENATOR AVERY: I don't...I understood what you were trying to do. [LR205]

SENATOR JOHNSON: Yeah. [LR205]

SENATOR AVERY: But once you initiate a project for ADA, then you've got the other maintenance issue still there. If you initiate a maintenance project, then you've got to include the ADA issue too. Yeah. [LR205]

SENATOR JOHNSON: Right, they go together. [LR205]

SENATOR AVERY: Yeah. [LR205]

SENATOR JOHNSON: Thank you. [LR205]

SENATOR BRASCH: Senator Haar. [LR205]

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SENATOR HAAR: Yes, well, Senator Avery, thank you so much for your persistence on this and I will be supportive. I was just wondering if there is a...if this works out, whether there will be an "Avery State Park" at some point, or. (Laughter) [LR205]

SENATOR AVERY: Tucked away somewhere way up in the northwest corner of the state where nobody can find it, including me, up there with the mountain lions. (Laughter) [LR205]

SENATOR HAAR: Well, we hope this park won't wait until you died. [LR205]

SENATOR BRASCH: Senator Kolowski. [LR205]

SENATOR KOLOWSKI: Thank you, Madam Chair. Senator, thank you for your leadership. This is a very, very important topic for generations to come and we've got to do the right things, just like we talked about in water. The fantastic documentary filmmaker, Ken Burns, if you haven't seen his series--everyone in this room--if you haven't seen the series on America's national parks, do yourself a great favor and rent it or buy it and look at it time and time again because those jewels, those crown jewels across this country are enhanced by the baubles that we have in every state. And we've got great state parks in this state and we cannot, for our future generations, we cannot let those go to waste or disrepair and falling apart to any degree. We've got to keep those alive and, in fact, grow the system to be even stronger for our populations in the future. So thank you very much, Senator Avery. [LR205]

SENATOR AVERY: I have seen that... [LR205]

SENATOR KOLOWSKI: It's outstanding. [LR205]

SENATOR AVERY: ...and it is very well done. [LR205]

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SENATOR KOLOWSKI: Thank you, sir. [LR205]

SENATOR BRASCH: Senator Schilz. [LR205]

SENATOR SCHILZ: I was going to make a funny but I don't think so. [LR205]

SENATOR BRASCH: Senator Dubas. [LR205]

SENATOR DUBAS: Thank you, Senator Brasch. And I'm sorry that I missed so much of the hearing. I had to be at another hearing. But I don't want that to be perceived as me not being interested in what's going on here... [LR205]

SENATOR AVERY: Oh, I'm not doubting that. [LR205]

SENATOR DUBAS: ...because I am interested. And I'm interested because I understand where you're coming from, Senator Avery. And you and I have had these conversations and I do want to support our parks. And I do want to work with you to find a solution that we can really move forward and that we'll make sure that our parks are as good as they can be, if not better. So I do pledge you my promise to work with you and find a solution. [LR205]

SENATOR AVERY: I'm feeling better all the time. [LR205]

SENATOR SCHILZ: It's early. [LR205]

SENATOR AVERY: It's early. [LR205]

SENATOR BRASCH: Any other questions from the committee? I also wanted to thank you, Senator Avery, for bringing this forward. And seeing there are no other questions, this concludes the hearing today. Thank you. (See also Exhibit 2) [LR205]

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SENATOR AVERY: Thank you. [LR205]