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Transcriber's Office

Natural Resources Committee
March 12, 2015

[LB634 LB636 LB637]

The Committee on Natural Resources met at 1:30 p.m. on Thursday, March 12, 2015, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB634, LB636, and LB637. Senators present: Ken Schilz, Chairperson; Curt Friesen, Vice Chairperson; Dan Hughes; Jerry Johnson; Brett Lindstrom; John McCollister, and David Schnoor. Senators absent: Rick Kolowski.

SENATOR SCHILZ: Good afternoon, everyone, and welcome to the Natural Resources Committee. I'm Ken Schilz, Chair of the committee, from Ogallala. And we have most of the committee members present. I know Senator Kolowski is a little under the weather today, or he's out of town, I'm not sure, one of the two. He's excused though, let's put it that way. But I would like to take the opportunity to allow the other members to introduce themselves and we'll start over here to my left with Senator McCollister.

SENATOR MCCOLLISTER: John McCollister, honored to serve District 20 in Omaha.

SENATOR SCHNOOR: Dave Schnoor, District 15, Dodge County.

SENATOR LINDSTROM: Brett Lindstrom, District 18, northwest Omaha.

SENATOR FRIESEN: Curt Friesen, District 34, Hamilton, Merrick, Nance, and part of Hall County.

SENATOR JOHNSON: Jerry Johnson, 23, Saunders, Butler, Colfax.

SENATOR HUGHES: Dan Hughes, District 44, Perkins, Chase, Dundy, Hayes, Hitchcock, Frontier, Red Willow, Furnas, Gosper, and Harlan.

SENATOR JOHNSON: You're getting better with the (inaudible).

SENATOR SCHILZ: He is; he's almost got it memorized. Okay, we also have with us today Barb Koehlmoos, who is the committee clerk; and Laurie Lage, who is the legal counsel for the committee. And then we also have Jake Kawamoto here; he's a student at UNL studying political science. So, today we have three bills on the agenda. And it looks to be Senator Garrett day at the Natural Resources Committee, so we'll have those. If you're planning on testifying, please pick up a green sheet that's on the table at the back of the room. If you do not wish to testify, but

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would like your name entered into the official record as being present at the hearing, there's a form on the table that you can sign. And this will be a part of the official record of the hearing. Please fill out the sign-in sheet in its entirety and give the sign-in sheet to the committee clerk and that will help us make a more accurate public record. If you're not...if you do not choose to testify, you may submit comments in writing and have them read into the official record. If you have handouts, please make sure you have 12 copies for the pages to hand out to the committee. And when you come up to testify, please speak clearly into the microphone, tell us your name, spell your first and last name, and then we'll allow you to start your testimony. Please turn off any cell phones or turn to silent or vibrate, pagers or anything else that could make a noise. And keep your conversations to a minimum or please take them out into the hallway. We don't allow any displays of support or opposition to a bill, either vocal or otherwise, is allowed at the public hearing. Let's give the testifiers and the committee members a chance to make sure they can hear everything that's going on. We do use the light system in the Natural Resources Committee. Everyone gets five minutes: four minutes on green, one minute on yellow; and then when it turns red, we expect you to finish up and leave. And if not, we will make sure that you understand that. Just one more thing before we go, I think today is our last Natural Resources Committee hearing. Is that correct? And I would just like to say thank you to the committee, as well as Barb and Laurie for doing an outstanding job and making all the committees run very smoothly. So I'd just like to personally say thanks to everyone. And thanks to Jake for being a good page this year; he's been the one (applause) that's right, he's been the one that's been here every time. So, appreciate that very much.

SENATOR JOHNSON: Oh, no public display of support.

SENATOR SCHILZ: Oh, shoot. Oh, that's not on a bill, so...

SENATOR JOHNSON: Okay, all right.

SENATOR SCHILZ: So with that, Senator Garrett, you are welcome to open on LB643.

SENATOR GARRETT: Thank you, Chairman Schilz. If it's all right with you, my opening comment I was going to make for all three bills, just in respect for your time. [LB634 LB636 LB637]

SENATOR SCHILZ: You know what, we will very much allow that, if you'd like to, go ahead. [LB634 LB636 LB637]

SENATOR GARRETT: Thank you. [LB634 LB636 LB637]

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SENATOR SCHILZ: We'll open the hearing on all three bills. [LB634 LB636 LB637]

SENATOR GARRETT: Thank you. [LB634 LB636 LB637]

SENATOR SCHILZ: There you go. [LB634 LB636 LB637]

SENATOR GARRETT: Thank you, Chairman Schilz and members of the Natural Resources Committee, I'm Senator Tommy Garrett, T-o-m-m-y G-a-r-r-e-t-t. I represent my fellow citizens in Legislative District 3, which includes large portions of Bellevue, Papillion, and Sarpy County. LB634, LB636, and LB637 were ideas brought to me by constituents in District 3 as I was going door to door in the summertime. In preparation for BRAC, I've introduced a number of bills this session to make Nebraska a more military-friendly state. I believe LB634, LB636, and LB637 will improve the quality of life of our military men and women and their families. LB634 allows former POWs, Prisoners of War, the opportunity to purchase a small game combination hunting/fishing permit and associated stamps at a discounted price of \$5. Four states currently do not even charge former POWs any fees to hunt or fish in their states, so this is the least Nebraska can do for our prisoners of war. LB636 allows active-duty military members stationed outside of Nebraska, when they're home on leave, to receive a \$5 small-game combination hunting/fishing permit valid for the duration of their leave. This is a small discount and there would only be a loss of \$24 of potential revenue for each permit sold. This is the least we could do for active-duty men and women. Little things like this can go a long way in retaining veterans in our state after they leave the service. LB637 allows spouses of military members stationed in Nebraska to hunt and fish on resident permits even though they are technically nonresidents. A version of this program is already in existence in the state of Minnesota. Originally, when my wife, Julie, and I moved to Nebraska, we were simply stationed at Offutt Air Force Base. There was some time before we became official residents of Nebraska. Julie would be the first to tell you that most of the time the spouses of our military men and woman are forgotten. When we allow our military spouses who are stationed in Nebraska the opportunity to hunt and fish at resident rates, we are sending a strong message. We are speaking with our actions; we are letting them know they are one of us, they are Nebraskans. This allows us to retain our best and brightest of our military men and women in Nebraska and allows us to grow our state and grow our tax base. These proposals are not totally out the ordinary. There are some preexisting Nebraska hunting and fishing license fee exemptions and discounts for veterans. So this would not be the first time we pass legislation that allows veterans and military service members the opportunity to purchase discounted permits. Nebraska resident veterans, 50 percent or more disabled, currently receive free lifetime hunting and fishing licenses. This is not much different from other states. Forty-five states have exemptions for or discounted hunting and fishing licenses for disabled veterans. Free hunting and fishing licenses are also given to Nebraska resident veterans who receive a pension from the VA as a result of a total and permanent disability. We also currently allow Nebraska residents who are deployed out of state or have been deployed within the last 12 months to

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receive a one-time combo fishing and hunting license for \$5. Also, nonresident, active-duty military personnel are charged resident rates for licenses. There's precedence for programs like this, not only that every time a paid combination hunting and fishing license is sold, Nebraska is qualified to receive \$89.96 in federal aid monies. These are all fiscally responsible proposals that will help to grow Nebraska and strengthen our repertoire in the event of a BRAC. I encourage you all to vote for passage of these three bills. Every little thing we can do to brand Nebraska as a state that is friendly to our military men and women will go a long way in preventing a closure at Offutt Air Force Base in the event that President Obama gets his wish and the Pentagon begins their BRAC. At this point I'll take any questions that you may have. [LB634 LB636 LB637]

SENATOR SCHILZ: Thank you, Senator Garrett. Any questions? Senator McCollister. [LB634 LB636 LB637]

SENATOR MCCOLLISTER: Help me recall--thank you, Mr. Chairman--what is a BRAC? [LB634 LB636 LB637]

SENATOR GARRETT: Base realignment and closure. [LB634 LB636 LB637]

SENATOR MCCOLLISTER: Okay. [LB634 LB636 LB637]

SENATOR GARRETT: The military, the Department of Defense is pushing hard. They say there's at least a 20 percent surplus of bases. And they're looking to...we've been downsizing...the Army, the Navy, Air Force, Marines, and they said with that downsizing we have an excess of bases and it costs a lot of money to keep a base open. And I can go into rhyme and reason why Offutt is going to be directly in the cross hairs if there's a BRAC. [LB634 LB636 LB637]

SENATOR MCCOLLISTER: Yeah, do you really think these discounted hunting and fishing licenses will make a difference? [LB634 LB636 LB637]

SENATOR GARRETT: I was really surprised. I was on the campaign trail this last summer, and there were a lot of veterans in my district and I'd knock on doors. And this one particular guy, I remember vividly, he wanted to talk, and he had young, school-aged children. And so he said, you got a minute? So we sat down on his front porch and his daughter went and got us iced tea and he was telling me about how much he and his family loved to fish. And he's a retired Air Force...or Navy veteran, excuse me, and that it would be great if we could get free fishing licenses. And so when we actually met with Game and Parks and found out that there needs to be at least a little bit of a fee there for various reasons. And it was surprising to me the number of

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people that...I haven't hunted or fished in years, but there's a lot of folks out there that do, a lot of veterans especially. [LB634 LB636 LB637]

SENATOR McCOLLISTER: Thank you, Senator. Thank you, Mr. Chairman. [LB634 LB636 LB637]

SENATOR SCHILZ: Thank you, Senator McCollister. Senator Schnoor. [LB634 LB636 LB637]

SENATOR SCHNOOR: Thanks, Colonel. I have a couple of questions for you. One, your first bill is about POW...former POWs, how many are there in the state of Nebraska? [LB634 LB636 LB637]

SENATOR GARRETT: There are...oh, I don't have my cheat sheet with me. There aren't that many. There's...I think there's lower double digit kind of number. [LB634 LB636 LB637]

SENATOR SCHNOOR: Really? [LB634 LB636 LB637]

SENATOR GARRETT: There's not that many. [LB634 LB636 LB637]

SENATOR SCHNOOR: There aren't that many? [LB634 LB636 LB637]

SENATOR GARRETT: Yeah. [LB634 LB636 LB637]

SENATOR SCHNOOR: Really? [LB634 LB636 LB637]

SENATOR GARRETT: Yeah. [LB634 LB636 LB637]

SENATOR SCHNOOR: Okay, because we were...the Sergeant at Arms and I were kind of trying to figure out how many POWs...former POWs that are in our state and we really had no idea. [LB634 LB636 LB637]

SENATOR GARRETT: There are not that many. You'll see the occasional license plate for former POWs. There's some guys out there. [LB634 LB636 LB637]

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SENATOR SCHNOOR: Okay. All right. My next question, your second two bills, LB636 and LB637, talk about spouses in the military and we know what has happened on the floor with that terminology. [LB634 LB636 LB637]

SENATOR GARRETT: Oh, I know. I know. [LB634 LB636 LB637]

SENATOR SCHNOOR: You know, although...you know, whether you agree or disagree with it, the military has gone that route. So, what's your thoughts about that? [LB634 LB636 LB637]

SENATOR GARRETT: Well, my eyebrows were raised when that point was brought up. And I think we've been sensitized to that. I think it's a bit of a red herring. I don't see that recognizing spouses for our purposes here legalizes...I don't think we're going against our constitution by doing this. I really don't. It would be a stretch, I guess, if somebody wants to challenge that in court or something, they could do that. But I...I really think that's a bit of a red herring. My wife, God bless her, when we were in Korea before we came here, her and her friends, they got to where they called themselves "camp followers." They give up their careers, they give up so much to follow their spouses during their careers, you know. So she beats it into me all the time that when we're doing things for veterans, we ought to be thinking about their spouses as well. [LB634 LB636 LB637]

SENATOR SCHNOOR: And I agree completely. I'm just...it will...I'm just positive it's going to be brought up, you know, should these advance to the floor, that will get brought up because we've seen it already. [LB634 LB636 LB637]

SENATOR GARRETT: Yeah. We heard some testimony this morning where...it kind of alluded, and he didn't go there. So I'm thinking that maybe we'll leave that sleeping dog lay. [LB634 LB636 LB637]

SENATOR SCHNOOR: Okay. Thank you. [LB634 LB636 LB637]

SENATOR GARRETT: Thank you. [LB634 LB636 LB637]

SENATOR SCHILZ: Thank you, Senator Schnoor. Any other questions? Further questions? Seeing none, thank you very much for your openings. [LB634 LB636 LB637]

SENATOR GARRETT: Thank you. [LB634 LB636 LB637]

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SENATOR SCHILZ: Great. So do we have any supporters? [LB634 LB636 LB637]

TIMOTHY McCOY: Do you want me to do all three of these at once? [LB634 LB636 LB637]

SENATOR SCHILZ: That would be great. Yeah. [LB634 LB636 LB637]

TIMOTHY McCOY: Okay. We're supporters of... [LB634 LB636 LB637]

SENATOR SCHILZ: We'll...and I'll tell you what, we won't even make you stay within the five minutes. We'll give you... [LB634 LB636 LB637]

TIMOTHY McCOY: Oh, that's all right. I'll try to. [LB634 LB636 LB637]

SENATOR SCHILZ: We'll give you a little time. [LB634 LB636 LB637]

TIMOTHY McCOY: And I'll give you all of these and then I'll explain it. (Laughter) [LB634 LB636 LB637]

SENATOR SCHILZ: But I do reserve the right to shut you off if you go too long--how is that? [LB634 LB636 LB637]

TIMOTHY McCOY: Absolutely, you always do as the Chairman. Thank you, members of the committee. My name is Timothy McCoy, T-i-m-o-t-h-y M-c-C-o-y. I'm deputy director at the Game and Parks Commission. We've had the opportunity to look at these bills and also visit with Senator Garrett's staff on them. As far as--you know, I'm going to go through them in order--LB634, I think this bill, you know, we looked at...I don't think it's going to have fiscal...severe fiscal impact for us given what we would expect or what I might expect. Ages of POWs are, and many of them probably are already eligible for the \$5 permit that they can get after they're 64. So I don't see a huge fiscal impact of this. I think it makes sense. I think it's a good way to honor their service. LB636, we do have some concerns with. The original bill, the way it's written, would require us to develop about \$10,000 worth of programming in the system to match the time a permit was available. Because if that crosses calendar years, all of our permits are calendar years. And I know I had discussion with your staff about a potential amendment to just make that...that it would be...they could do those annual permits for when they were on leave; if they happen to cross years, it would be \$5 for each year. And, hopefully, that's something you guys would consider. That would, essentially, take away the potential negative fiscal impact of that. That's the biggest consideration for us. I think that's got...there's potential for us to get a little less from people who came back and bought permits, but there's potential for us to have

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more that come back and take the opportunity to go hunt and fish, which I think is something we'd like to have them doing. LB637, that's another one that I don't think has a significant impact for us fiscally. Really, the benefit there is for those people that are stationed here; they don't have to wait 90 days to become eligible for a permit, because they haven't, necessarily, obviously, moved here by choice, they're getting sent here by the military. With that I'd take any questions you have. [LB634 LB636 LB637]

SENATOR SCHILZ: (Exhibits 1 (LB634), 1 (LB636), 1 (LB637)) Jeez, I like that. That was under five minutes. Any questions? Seeing none, looks great, thank you. Any other supporters? We do have support letters from Scott Smathers with the Nebraska Sportsmen's Council for all three bills. Any opposition? Any neutral testimony? Senator Garrett, would you like to close? You're going to waive closing? [LB634 LB636 LB637]

SENATOR GARRETT: Well, I'll take the opportunity to just...again, this doesn't...this may not seem like a lot to a lot of folks, but it means a lot to veterans. It's...you know, like I said, I had my eyes opened. It was...there's a lot of folks, veterans out there who like to hunt and fish. God bless them. I told them I'd bring a bill. [LB634 LB636 LB637]

SENATOR SCHILZ: There you go. [LB634 LB636 LB637]

SENATOR GARRETT: And that's what we're doing. [LB634 LB636 LB637]

SENATOR SCHILZ: Senator McCollister. [LB634 LB636 LB637]

SENATOR McCOLLISTER: Are you...thank you, Mr. Chairman. Are you amenable to an amendment on the second bill? [LB634 LB636 LB637]

SENATOR GARRETT: Oh, absolutely. [LB634 LB636 LB637]

SENATOR McCOLLISTER: Okay. [LB634 LB636 LB637]

SENATOR GARRETT: Yeah, absolutely. And we probably should have gotten around to doing that where...if it goes over the calendar year, because \$10,000 fiscal note, would be easily fixed by, you know, just making them buy a new license. [LB634 LB636 LB637]

SENATOR McCOLLISTER: Thank you for sponsoring these three bills. [LB634 LB636 LB637]

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SENATOR GARRETT: Thank you. [LB634 LB636 LB637]

SENATOR McCOLLISTER: All for a glass of iced tea. (Laughter) [LB634 LB636 LB637]

SENATOR GARRETT: Indeed. But it was a whole bunch...that was particularly poignant. It was one of those Kodak moments where, you know, new to politics, it was like, this is what it's all about. [LB634 LB636 LB637]

SENATOR McCOLLISTER: It is. [LB634 LB636 LB637]

SENATOR GARRETT: Meeting with constituents and him wanting to sit down and ask his daughter to go get us some iced tea and we sat there, probably, just about an hour talking, trading war stories. [LB634 LB636 LB637]

SENATOR McCOLLISTER: Yeah. It is what it's all about. [LB634 LB636 LB637]

SENATOR GARRETT: Yep. [LB634 LB636 LB637]

SENATOR SCHILZ: Senator Johnson. [LB634 LB636 LB637]

SENATOR JOHNSON: Basically, that was my question. And I guess...I don't think it will take us too long to Exec on these, but, you know, whether we need to Exec or wait until you get the amendment drafted, so we know it's coming and before we Exec on that, I guess that would be my only thought. [LB634 LB636 LB637]

SENATOR GARRETT: Okay. [LB634 LB636 LB637]

SENATOR SCHILZ: Yeah, and you do want to try to get these kicked out and get them moving, don't you? [LB634 LB636 LB637]

SENATOR GARRETT: Oh, absolutely. [LB634 LB636 LB637]

SENATOR SCHILZ: Sure. [LB634 LB636 LB637]

SENATOR GARRETT: Absolutely. [LB634 LB636 LB637]

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SENATOR SCHILZ: Okay. Any other questions? Seeing none, thank you, sir. [LB634 LB636 LB637]

SENATOR GARRETT: Thank you very much. [LB634 LB636 LB637]

SENATOR SCHILZ: And that will close our hearing for today. [LB634 LB636 LB637]