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Natural Resources Committee
February 08, 2017

[LB566 LB635 LB636 CONFIRMATION]

The Committee on Natural Resources met at 1:30 p.m. on Wednesday, February 8, 2017, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on gubernatorial confirmation of Randy Gard, LB566, LB635, and LB636. Senators present: Dan Hughes, Chairperson; Bruce Bostelman, Vice Chairperson; Joni Albrecht; Suzanne Geist; Rick Kolowski; John McCollister; Dan Quick; and Lynne Walz. Senators absent: None.

SENATOR HUGHES: Welcome to the Natural Resources Committee. I'm Senator Dan Hughes; I'm from Venango, Nebraska, and represent the 44th Legislative District. I will serve as Chair of this committee. The committee will take up bills in the order posted. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. The committee members might come and go during the hearing. This is just part of the process as we have bills to introduce in other committees. I ask that you would abide by the following procedures to better facilitate today's proceedings. Please silence or turn off your cell phones. Please move to the reserved chairs when you are ready to testify. These are the first two chairs on either side of the aisle, marked "the queue." Introducers will make initial statements followed by proponents, opponents, and neutral testimony; closing remarks are reserved for the introducing senator only. If you are planning to testify, please pick up the green sheet that is by the door at the back of the room. Fill out the green sheet before you testify. Please print, and it is important to complete the form in its entirety. When it is your turn to testify, give the green sign-in sheet to the committee clerk or to a page. This will help us make a more accurate public record. If you do not wish to testify but would like your name entered into the official record of being present at the hearing, there's a separate white sheet on the tables that you can sign for that purpose. This will be part of the official record of the hearing. Written materials may be distributed to committee members as exhibits only while testimony is being offered. If you have handouts, please make sure that you have 12 copies and give them to the page to distribute to the committee. When you come up to testify, please speak clearly into the microphone and tell us your name and please spell your first and last name to ensure that the record is accurate. If you do not, I will interrupt you and ask you to do that. We will be using the light system for all testifiers. We will have five minutes to make your initial remarks to the committee. When you see the yellow light come on, that means you have one minute remaining, and the red light indicates that your time has ended. Questions from the committee may follow. No displays of support or opposition to a bill by vocal or otherwise will be allowed at a public hearing. The committee members with us today will introduce themselves beginning on my far left.

SENATOR KOLOWSKI: Senator Rick Kolowski, District 31, southwest Omaha.

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SENATOR GEIST: Suzanne Geist, District 25 which is the east side of Lincoln and north to Waverly.

SENATOR QUICK: Dan Quick, District 35, Grand Island, Nebraska, and Hall County.

SENATOR WALZ: Lynne Walz, District 15 which is all of Dodge County.

SENATOR HUGHES: And to my far right.

SENATOR ALBRECHT: Joni Albrecht, District 17, Thurston, Wayne, and Dakota Counties.

SENATOR BOSTELMAN: Bruce Bostelman, District 23, Saunders, Butler, and most of Colfax Counties.

SENATOR HUGHES: And Senator McCollister will be joining us shortly. To my left is committee counsel...committee legal counsel, Laurie Lage. And to my far right is committee clerk, Mandy Mizerski. Our pages for the committee are Heather Bentley from Miller, Nebraska; she is a freshman at UNL, studying agricultural economics. And Lee-Ann Sims from Lincoln; she is a sophomore at UNL studying political science and global studies. So with that, first up today we have Randy Gard for the Nebraska Ethanol Board. Yeah, if you'd like to come and tell us a little about yourself and why you want to be on the Nebraska Ethanol Board. Welcome.

RANDY GARD: (Exhibit 1) Senator Hughes, members of the committee, thank you very much. My name is Randy Gard, R-a-n-d-y G-a-r-d, from Grand Island. And I'm excited to be here today for a couple of reasons. One, to have the opportunity to serve publicly on the Ethanol Board. And I think the other part of it is, it really gives myself and the organization I work for a chance to really make sure that we've got the right voices and the right information in front of the Ethanol Board to make great decisions and do the things the right way. So, you know, I've got kind of an interesting background. Senator Hughes, how would you like me to proceed, do you want me to talk about my background or where do you... [CONFIRMATION]

SENATOR HUGHES: Just tell us whatever you'd like us to know about you and you think you'll get our votes to approve you. [CONFIRMATION]

RANDY GARD: Okay. Fantastic. Currently, I'm the executive director of Bosselman Enterprise in Grand Island. It's a family-owned business; it's been around for 70 years. We've got 44 convenience stores, 44 truck repair shops that repair Class A...like on highway semis. We've got 12 restaurants, 10 hotels, an indoor football team in Grand Island. And we sell over 50 million

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gallons of fuel a year...(recording malfunction) strategy going forward is we want to be the state leader in renewable fuels. And if you look at our 44 convenience stores, about a third of those have the infrastructure to not only sell E10 ethanol blended fuel, 87 octane, but also we have the ability to blend E15, E20, clear up to E85. And we've got about \$3.5 million worth of investment in that infrastructure and we're going to spend about another million dollars this year. And so to do that, you know, having a clear understanding of ethanol, the 25 ethanol plants we have in the state, what it means to the farmers and the economic impact it has to the state of Nebraska is important for us to really to attain our goal of being the leader in renewables. It doesn't really pertain here, but last year, we were one of the largest blenders of biodiesel in the state; we blended over 1.5 million gallons of soybean oil that mostly...the lot I was producing inside the state of Nebraska. We're focused; we're passionate, and that really leads into the importance of not only the company I work for, but also me personally to be part of the Ethanol Board.
[CONFIRMATION]

SENATOR HUGHES: Okay, thank you, Mr. Gard. Are there questions? I've just got a couple. I'm assuming...well, you should never assume. The Ethanol Board, I spent some time on the Ethanol Board and there are specific seats that are assigned to different commodities and positions of industry. So what seat are you filling? [CONFIRMATION]

RANDY GARD: It's for the petroleum seat. [CONFIRMATION]

SENATOR HUGHES: Okay, okay. And how familiar are you with what the Ethanol Board does in the state of Nebraska? [CONFIRMATION]

RANDY GARD: Well, a limited amount because I've actually been to one meeting, so I'm just kind of trying to get my feet wet. But I think initially, Senator Hughes, the objective was to promote the production and the use of ethanol inside the state of Nebraska. And I know that has certainly gone on for quite a few number of years. But I think we also have a unique opportunity in front of us. When you look at how much ethanol is produced in the state and nationwide that we really have an opportunity, as a state, to see if we can push ourselves past this E10...want to call it blend wall that we've got now and see if we can start to push that closer to E15. At the end of the day, what a lot of folks don't understand is E15 is better fuel and it costs less. And there's a lot of talk out there about, well, certain vehicles won't run on E15. The reality is, there's 253 million vehicles on the road and the average age of those vehicles are about 11.5 years. So when you think through that, a 2001 and older vehicles that may struggle with E10 or E15, there's not a whole lot of those left. So I think we've got a unique opportunity as an ethanol board to see if we can really drive toward the expanded use and to push toward E15. [CONFIRMATION]

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SENATOR HUGHES: Thank you. And as an agricultural producer, I certainly appreciate what the Bosselman family and company has done in promoting ethanol in the state of Nebraska and helping us to understand the tremendous ripple effect of that industry that has had throughout the whole state of Nebraska economy. So, any other questions for Mr. Gard? Seeing none, thank you very much for coming today. [CONFIRMATION]

RANDY GARD: Thank you. [CONFIRMATION]

SENATOR HUGHES: Okay. With that are there any proponents for Mr. Gard? Any opponents? Anyone wishing to offer neutral testimony on his behalf? If not, we will close that hearing for Randy Gard, Nebraska Ethanol Board. And we will move on to LB566 which is a committee bill, and our legal counsel, Ms. Lage, will be introducing that for us. Welcome. [CONFIRMATION]

LAURIE LAGE: Thank you. Senator Hughes and members of the Natural Resources Committee, my name is Laurie Lage, L-a-u-r-i-e L-a-g-e; I'm committee counsel here to introduce LB566. The Interstate Wildlife Violator Compact is an agreement among states that recognizes the suspension of hunting, fishing, and other Game Law permits in another member state. Through the compact, states assist one another by participating in a database of Game Law violators so that illegal activities in one state can affect a person's hunting and fishing privileges in all other participating states. The Interstate Wildlife Violator Compact was created to promote compliance with the laws, regulations, and orders related to the management of wildlife resources in member states. The compact establishes a process in which Game Law violations by nonresidents of one state may be handled as if the person were a resident of the state where the violation took place. This will help promote efficiencies in the processing of Game Law violations by non-state residents. There's a reciprocity clause in Nebraska statutes that prohibits a person from obtaining a hunting or fishing license in Nebraska if that person's permit has been revoked or suspended in another state for a violation that is also illegal in Nebraska. However, there is no mechanism in place for the commission to easily check out one's out-of-state permit status. Joining the compact would remedy that issue. We are working with the Game and Parks Commission on the language of the bill to ensure it clearly and efficiently directs the commission to enter into the compact. A committee amendment which will rewrite the bill is still being drafted and it will be made available to you as soon as it is finished, along with an explanation of what has changed and why. Regardless of the language however, the intent and outcome will match the original bill. The Game and Parks Commission and others are here to explain the compact in greater detail. So with that I'll close and ask if you have any questions. [LB566]

SENATOR HUGHES: Thank you, Ms. Lage. Are there any questions at this point? Seeing none, thank you. Okay, proponents for LB566? Welcome, Mr. Smathers. [LB566]

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SCOTT SMATHERS: Good afternoon, Chairman Hughes, members of the Natural Resources Committee; Senator McCollister, good to see you again, sir. I am Scott Smathers, S-c-o-t-t S-m-a-t-h-e-r-s; I am the executive director of the Nebraska Sportsmen's Foundation. The Nebraska Sportsmen's Foundation is a 501(c)(3) organization that was founded in the state in 2002 by sportsmen for sportsmen. We are an educational awareness delivery system, quite frankly, is the easiest way to put it. I work with our membership base of various conservation groups, sportsmen clubs, conservation groups, environmentalist groups, working on sportsmen and natural resource and outdoor issues. I work as a conduit to bring that information to you in this body, to the Game and Parks, DNR, and NRDs. I am also testifying on behalf of the Big Game Conservation Association today as I am one of the founding members and current executive board member of that organization that couldn't be here today. In my role at the Sportsmen's Foundation, one of my jobs is to spend the entire year traveling around to all those various groups, having conversations, meeting, and talking about specific sportsmen issues, killing coffee shop lore, if you will, that seems to travel around the state in appearance to certain issues. And in those efforts, this last 18 months the issues of wildlife game violators in our state, in particular poaching issues, have become a major topic within those groups when I visit. Quite frankly, the outrage has been tremendous from the standpoint of we've got to do something to stop that. That conversation led us to visit with an individual you'll hear from in a minute from the Crimestoppers and Wildlife Protectors Association and we agreed that we would sit down and try to find, basically, a three-step program to help strengthen the Game Laws in the state of Nebraska and maybe send a message that this needs to stop. The first step, as we started the conversations, was to enjoin the wildlife compact...violators compact. Presently, there are 45 states that are presently in the wildlife compact. There are two that are in the process; we are one of those. And we feel it's the first positive step to send a message that if you're violated somewhere else, you're going to be violated here. We do not want to make Nebraska a haven for folks. It doesn't take much Internet research to figure out that you...if you've been suspended somewhere else you can come here. And if you're honest on your answers and you've paid your child support, you can retain a license. So we're working with the Game and Parks. I want to make it clear that this is a sportsmen's bill. This is driven by sportsmen's outrage; this is driven by sportsmen's desire to patrol our own. It's sad to say that we all know it, that the acts of a few affects the efforts of many, and we're tired of being labeled that we're bloodthirsty; and quite frankly, we've seen an increase in wanton feral kills around the state. We've seen a...along with a disconnect of the younger generation to the outdoors and respect to natural resources, we've seen an increase in taking of wild game without the proper licensing and out of season. And quite frankly, we're done and we're tired of it. Our own groups are outraged. And so that's why I'm here today and that's why we work to bring LB566 to the table. We hope that you, the committee, and we appreciate your efforts in making it the committee bill. And, Senator Bostelman, thank you very much for being the initial point of contact on this bill, and we look forward to it hitting the floor. I can answer any questions. [LB566]

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SENATOR HUGHES: Thank you, Mr. Smathers. Are there questions? I just have one. So you said there were 45 other states that have joined this, so it's not necessarily a regional but more of a national... [LB566]

SCOTT SMATHERS: It is a national... [LB566]

SENATOR HUGHES: ...place. What are the states, besides Nebraska, who are not involved yet? [LB566]

SCOTT SMATHERS: I know somebody is going to speak about that behind me in more depth, Senator Hughes. [LB566]

SENATOR HUGHES: Okay, that's fine. [LB566]

SCOTT SMATHERS: Yeah, they're going to give the exact number. I know we're one of two that are in the process of doing this process. And because it's an interstate compact, it has to start with the state body. [LB566]

SENATOR HUGHES: Yes, okay. Any other questions? Seeing none, thank you for your testimony. [LB566]

SCOTT SMATHERS: Thank you. [LB566]

SENATOR HUGHES: Next proponent. [LB566]

CRAIG STOVER: Good afternoon. My name is Craig Stover, C-r-a-i-g S-t-o-v-e-r, and I'm the administrator of the law enforcement division for the Nebraska Game and Parks Commission. I'm here today to testify on behalf...for the commission in support of Wildlife Violator Compact bill, LB566. We'd like to thank the Chairman of the Natural Resources Committee, along with the Wildlife Protectors Association and the sportsmen's council for supporting this bill. Current Nebraska law states that if your privileges to hunt, fish, or trap are suspended or revoked in another state, they're also suspended or revoked in Nebraska. However, there's no mechanism out there to exchange any of that information back and forth, so we have no idea who those people are. The compact was originally created back in the 1980s with the support of several fish and wildlife service agencies across the country. At that time, law enforcement administrators and wildlife commissioners from several different states began discussing the idea of a compact based on the same format as the driver's license compact which allows for vehicle licensing and enforcement. I don't want to contradict my previous speaker, but I may be wrong on this too, it's

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my understanding that 44 states are currently members of the Wildlife Violator Compact. There are four other states that are in the process of adopting the compact. And there are two states that...that at this time are recognized as not moving that direction and that's Nebraska and New Jersey. So this step has come across pretty quickly here and there's been minimal notification there, so that's why we're not listed. Becoming a member of the Interstate Wildlife Violator Compact does have several benefits not only for our constituents but the commission as well. Members of the Wildlife Violators Compact, you've heard, are able to exchange information to accept hunting, fishing, and trapping permit revocations and suspensions from other states. Any data that related to those suspensions is transmitted over secure servers and is housed in Nevada at a central location there. Just a few of the benefits: the compact allows--and this is one of the big ones--the compact allows for nonresidents who may be issued a citation to be released on their own recognizance on the spot, just like a resident would be treated without having to post bond or go to jail. If the nonresident then fails to respond to the citation, they would be subject to possible revocation through the compact language. This frees up officers' time, the burden on the courts, and jail facilities; it reduces a number of "failure to appear" cases out there, and eliminates a tremendous inconvenience for our constituents out there of having to travel to a jail in order to post bond. Annually, our officers will issue about 500 citations to nonresidents who could be impacted by this. Adoption of the compact also helps to serve as a deterrent in committing wildlife violations. The thought of committing a violation in your home state could affect your licensing privileges in other states, tends to deter that. We get questions on that all the time. And the last adoption of the compact would help clear up a lot of confusion out there. A lot of these other states...all the other 44 states that are members of the compact right now, when they suspend those people, the first question they ask is where can I go? And one of the two places that they always respond with is Nebraska and New Jersey. So even though it's contrary to our current law, those people think that they can come here and still hunt, fish and trap. How many people are potentially affected by this bill? At one time or another, we were able to find out that there has been 278 Nebraska residents that have been suspended or revoked in other states, in other compact-member states out there. Currently, there are 20 Nebraska residents under some sort of suspension or revocation through the Wildlife Violator Compact. Lastly, the number of...annually, through the Nebraska court system, they will revoke approximately a dozen people each year; that number varies quite a bit, but it averages about a dozen people. Do you have any questions? [LB566]

SENATOR HUGHES: Okay. Thank you, Mr. Stover. Questions? Senator Kolowski. [LB566]

SENATOR KOLOWSKI: Thank you, sir. Mr. Stover, thank you for being here today and for your testimony... [LB566]

CRAIG STOVER: You bet. [LB566]

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SENATOR KOLOWSKI: ...very helpful. Kind of two questions: why were we so late in the game trying...being two of the last states to come forward and participate in it? Is this something that has been blocked or just...we just didn't sit at the table and get involved? [LB566]

CRAIG STOVER: Sure, well, I prefer to look at the positive rather than the negative and I'm really tickled to be here today to testify on this right now. I think we were actually on the cutting...on the beginning edge of this when our original law was passed, recognizing revocations in other states. And for a number of years out there, when people would ask this similar question, we would tell them--we don't need to be a member of the Wildlife Violator Compact because we already have a law that states if you're suspended or revoked in another state, you're suspended or revoked here. Times change, more and more people get suspended or revoked, there's more and more problems, there's more and more issues; it's time for us to move forward with it. [LB566]

SENATOR KOLOWSKI: It's sort of like we were ignoring a national database that we could have been a part of and checking on people and all that. [LB566]

CRAIG STOVER: I would look at it this way--all the bugs have been worked out of the system now so it's a good time to get in. [LB566]

SENATOR KOLOWSKI: Good time to get in, yeah. In the same way, revocation in another state, is there a time limit on that or are you revoked for life, X number of years, months, what is it? [LB566]

CRAIG STOVER: The majority of the suspensions that have occurred in the state of Nebraska, under our current laws that we have out there, most of them are only for one year. Now, there are provisions for more lengthy terms in there. We would like to see those terms modified slightly with the ceilings taken off so that the courts can adequately address more egregious violations, you know, a little bit more openly across the board. But suspensions in other states vary quite a bit out there. It would be difficult without having access to the data, it's a little difficult for me to say what's the average number. [LB566]

SENATOR KOLOWSKI: Okay. [LB566]

CRAIG STOVER: My personal contacts out there, South Dakota revokes...has a number of permit revocations annually; far more than what we do. However, the majority of those revocations are only for one year. That's one state that I'm aware of a little bit on the numbers. [LB566]

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SENATOR KOLOWSKI: And what game stands out as the most violated, or they're over the limit of pheasants or, what might it be? [LB566]

CRAIG STOVER: You know, the most egregious violations that we look to seek revocation for here in Nebraska are gross over bag cases where they're shooting way too many critters. [LB566]

SENATOR KOLOWSKI: Okay. Sure. Thank you. [LB566]

CRAIG STOVER: Most of the time...most of the time there's a number of ancillary violations, night time, shooting after hours, no permits, all those types of things. Usually it's a number of things. [LB566]

SENATOR KOLOWSKI: Thank you for your work; appreciate it very much. Thank you. [LB566]

SENATOR HUGHES: Okay. Other questions? Senator McCollister. [LB566]

SENATOR McCOLLISTER: Thank you, Chairman Hughes; and thank you for your testimony this morning...afternoon. You mentioned that 500 violations occur. Are those of residency or no tag, no license at all? [LB566]

CRAIG STOVER: You know, I didn't try to break those down. But those can be anything from shooting from the roadway or taking a deer without a permit or hunting at night or...it's a wide variety of violations. Some of those violations actually could have been classified misdemeanors which would not fall into this category because no bond is required on all of that. But the majority of them are hunting without a permit, fishing without a permit, or some sort of violation of over bag or over harvest. [LB566]

SENATOR McCOLLISTER: By signing on to the registry, will we be able to eliminate those people that claim Nebraska residency, but also have residency in other states? [LB566]

CRAIG STOVER: The compact...the data in the compact is not going to rectify that or clear that up for us. The compact data is only going to list people who have been suspended or revoked, it's not their entire permit systems or there's no access in there to...the only people that are entered in there are ones that have been suspended or revoked. Now we could look at this data and look to see if they were also buying resident permits here versus nonresident. So there might be a little

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side benefit there, but to cleanly deal with the issue you're talking about, this bill won't address that. [LB566]

SENATOR McCOLLISTER: Understand. Last question--the harmonizing of penalties, so if a person has a penalty in South Dakota or Iowa or some other place, even though in Nebraska that penalty may not be as severe, that makes no difference to us when we sign on to the registry, correct? [LB566]

CRAIG STOVER: Basically speaking, yes. Now, there is an appeals process that we already have in place and we will maintain that in place for anyone who is suspended or revoked in another state. They can actually appeal the Game and Parks Commission and that information be reviewed to see if it's concurrent with our laws. [LB566]

SENATOR McCOLLISTER: So in Nebraska, but didn't rise to the level of a violation, it may have in some other state. Is that a possibility? [LB566]

CRAIG STOVER: That is a possibility. However, it's highly unlikely. Let's take, for example, someone in Florida that kills too many alligators down there. Well, Nebraska doesn't have any alligators here, but at the same time, it's an overharvest of a game animal. We do have laws referencing the overharvest of a game animal. So in our opinion, even though it's alligators and we don't have alligators, that would apply. [LB566]

SENATOR McCOLLISTER: Thank you, Officer Hill. [LB566]

SENATOR HUGHES: Okay. Other questions? I just have one for you, Mr. Stover. So can you walk me through the process of how someone would lose their right to be affected by this. I mean, they were issued a citation by a Game and Parks officer, then what goes from then on? [LB566]

CRAIG STOVER: Then what happens next? [LB566]

SENATOR HUGHES: Yes. [LB566]

CRAIG STOVER: If they're issued a citation by one of our officers, a court appearance is set, and they can appear in court at that particular time. There are some times when the revocation, the officer themselves does not cite the revocation right on the initial citation. Sometimes the revocation occurs once those people go to court. But if the officer happens to have that information available, they would list it at that time right there on the citation. The court then is

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the one that sets the amount of time for any revocation or approves any revocation. We don't do that. [LB566]

SENATOR HUGHES: That's already in statute now? What the guidelines for the court to do? [LB566]

CRAIG STOVER: It's already in...yes, yes, yes. [LB566]

SENATOR HUGHES: Okay. So if one of your officers does write a citation, is it still up to then the county attorney where the violation occurred whether or not they prosecute? [LB566]

CRAIG STOVER: Yes. There is one portion of the statute...there's always levels of discretion that are applied and those are applied at all the levels of the legal process out there. One portion of our current statute states that if...that you shall be revoked for a period of one to three years for killing livestock, for being classified as a habitual offender of the Game Law, for obstructing an officer, and there's a couple of other points in there. But that language currently does say "shall" be revoked for a period of one to three years. We would like to see that three-year ceiling lifted at some point in time and just allow the courts to make the decision on how severe the penalty was on that. [LB566]

SENATOR HUGHES: Okay. Thank you very much. Other questions? Yes, Senator Kolowski. [LB566]

SENATOR KOLOWSKI: Thank you. Thank you, sir. Is there ever a confiscation of equipment from a person who has broken the law: rifles, shotguns, fishing equipment, traps, anything like that? [LB566]

CRAIG STOVER: From time to time, yes; they will seize articles and just as you have listed there. Most of the time those things are seized as evidence... [LB566]

SENATOR KOLOWSKI: Okay. [LB566]

CRAIG STOVER: ...and then they are returned back to that person. Occasionally, the court will order something to be destroyed or donated or given away, but all that comes through court order. We don't have any laws in Nebraska for...that would cover the automatic confiscation of those materials. [LB566]

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SENATOR KOLOWSKI: But it does happen occasionally? [LB566]

CRAIG STOVER: It does happen. But it's seized solely as evidence in the case. [LB566]

SENATOR KOLOWSKI: Thank you. [LB566]

SENATOR HUGHES: Okay. Any other questions? Seeing none, thank you, Mr. Stover, very good. Are there other proponents of LB566? Welcome. [LB566]

ROGER ROBERTS: Thank you very much. I appreciate the time from all of you. My name is Roger Roberts, R-o-g-e-r R-o-b-e-r-t-s, and I am the president of the Nebraska Wildlife Crimestoppers board of directors. We're a 501(c)(3) corporation, nonprofit, that assist the law enforcement in tagging some of these folks that are egregious in their violations. We have 18 board members, men and women, all the way across the state. We have one member for each of the wildlife law enforcement officers division; and then we have some at-large members around the state. So we cover from the western border to the eastern border and the north and the south. I've been on this board for someplace between two and three decades, and we try to do our level best to help these guys help the state of Nebraska with wildlife problems, be it fishing or hunting or whatever. Personally, I have a manufacturers rep organization for 35 years in the shooting sports area where we represent manufacturers and sell their merchandise throughout distribution or dealer markets. It's a wonderful way to make a living. It's also a wonderful way to feed your habits aside from money. We get into this kind of thing because we love to hunt and we love to shoot, we love to do all those kind of things and when I started they had to have somebody that could smack a target pretty well and still be able to go out and get an order. And now it's becoming more business-like than anything else. I also, as I've gathered a little capital as we're going along, I also have a couple of thousand acres in three counties here in farm and whatever. So I'm interested in it not only because of a manufacturer's rep situation, but as a landowner with the violations and poaching and night hunting and all those kinds of things. We work hand-in-hand with Nebraska Game and Parks wildlife division to assist in locating fish and game violators. We purchase equipment for law enforcement use, such as airplane time when they're looking for spotlights, we buy some airplane time. We have purchased lab equipment. We have purchased UTVs for a warden's use. We've purchased and had built public relations equipment. We have a wonderful trailer that travels all the time in the state of Nebraska where there are mounts made of illegally taken wildlife from deer to elk to ad infinitum and it's just a wonderful way to get to people at a state fair, a county fair, a meeting of sportsmen, whether it's the (inaudible) club or whatever and that trailer gets pulled all over the place. And if we keep this up and it stays this popular, we're probably going to have to build another one because they...and everybody that sees that there's records of how this game was taken and whatever and it's a beautiful display and it's a good representative for the state of Nebraska's game commission and

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our law enforcement people. We also pay rewards for information leading to arrest and conviction of serious violators. For example, about this time last year, we had...I don't remember whether it was 27, 28, 29 antelope shot out of season in Morrill County. Could not get anyplace with the investigation. We talked with Craig and with Dewayne over at law enforcement. We had them publish a sheet with about every newspaper and TV that we could find and we put up a couple of thousand dollars as a reward. The first day we got the names; the second day these guys went out and cracked it. And these were antelope that were just left to lay. And those kinds of violations we don't need in the state. Also, those kinds of violations and violators, they don't need in Wyoming or Idaho or wherever else either, and that's something that this compact will do for us. It will give us information; it will allow us to give information to other states as well. The board is unanimous in favor of LB566. And I'm sure you can understand why. We are interested not only in the consumptive users of game and fish, but in people that just appreciate them. And if we allow the decimation of our herds and our flocks and all of those things, it's going to be a poorer place to live whether you're on the farm, whether you're in the city, whether you're going to state park or whatever that is, we want to do that. Sir. [LB566]

SENATOR HUGHES: Your red light is on. Can you wrap it up please? [LB566]

ROGER ROBERTS: Okay. Well, anyway, help us if you can and get this bill done and we'll be happier campers, I'll guarantee you. Can I answer any questions for anybody? [LB566]

SENATOR HUGHES: Thank you, Mr. Roberts. Are there questions? [LB566]

ROGER ROBERTS: All right, thank you very much. [LB566]

SENATOR HUGHES: Seeing none. [LB566]

SENATOR GEIST: I do...just... [LB566]

SENATOR HUGHES: Senator Geist. [LB566]

SENATOR GEIST: Just a simple little question. Is there a specific species that you're seeing the most of being poached? [LB566]

ROGER ROBERTS: Probably the most visible is in the deer, whether it's in western Nebraska where they have a whitetail deer permit maybe they're shooting mule deer. Here in this end of the state that I live on, there's still a lot of spotlighting, there's a lot of hunting from roads, those kinds of things. But understand that these guys are not sportsmen, they're criminals. And we are

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interested in the sportsmen and keeping those things alive so that we can all appreciate them when we're driving around the countryside. But those are the most visible. It's hard to get too visible if you...if there's one duck over limit or something that way, but where you have a whole field full of antelope that have been shot and...you know, it's a violation...it's a theft for everybody that lives in the state of Nebraska and these guys in the Game and Parks and law enforcement are the people that stand between us and anarchy and those things and we want to help them as much as we can. [LB566]

SENATOR GEIST: Thank you. [LB566]

ROGER ROBERTS: Thank you, appreciate it. [LB566]

SENATOR HUGHES: Okay, thank you. Any other questions for Mr. Roberts? Thank you very much for coming. [LB566]

ROGER ROBERTS: All right, you're welcome. [LB566]

SENATOR HUGHES: Next proponent. Welcome. [LB566]

WES SHEETS: (Exhibit 1) Good afternoon, Senator Hughes, members of the Natural Resources Committee. My name is Wes Sheets, that's spelled W-e-s S-h-e-e-t-s. I live here in Lincoln, Nebraska, and I'm currently a longtime member of the American...Izaak Walton League of America. You might note that it's one of the oldest conservation groups. Our chapter here in Lincoln was actually formed in 1924. And I think there's not too many other groups that are...that have more age now. Most of us are almost approaching that age, I guess. But nevertheless, we wanted to appear in front of you to thank Senator Bostelman and I hate that he's missed, for bringing this bill, and we certainly appreciate members of the committee cosigning on. We think it's a very important piece of legislation that will provide great benefits to our renewable natural resources for the state of Nebraska. If Nebraska should join the compact, which we hope they will, and sanction authorities for wildlife violations occur, the ability of our state to protect and restore important wildlife resources will be substantially bolstered. We think this is very good business for our state. Rescinding the privilege of a hunting and fishing in one state because of a violation in another certainly brings a strong message, I would hope, to those people that have violated some of our public trust doctrines. And you know, wildlife resources are held in public trust by all the states in our country, but they don't recognize political boundaries, so we think this is a strong step at taking care of that inequity perhaps. It's very good business and I guess in summary I would urge the committee to move the bill out of committee onto the floor and I would also ask that you support passage and make it a law for the state of Nebraska. And not to reiterate all the other things that have been said, but in my personal history,

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I can see benefits in other states. I've had the opportunity to travel to other states and I often observe how they operate their wildlife management. It's a great move and it would be a great addition to our statutes. So with that I would attempt to answer questions if you have some, but I appreciate your time. [LB566]

SENATOR HUGHES: Thank you...thank you, Mr. Sheets. Are there questions? Seeing none, thank you for your testimony. [LB566]

WES SHEETS: Certainly. [LB566]

SENATOR HUGHES: Wait. Excuse me. Senator Kolowski. [LB566]

SENATOR KOLOWSKI: A fast one, if I could, please. Thank you, sir, Mr. Chairman. How many members do you have, sir, in Lincoln or the area? [LB566]

WES SHEETS: Currently, there are 15 chapters of the Ikes across Nebraska from...further southwest is down in Senator Hughes' of Imperial; it's a rather small group; there's a chapter in Wayne. But in our Lincoln chapter, we just passed the 1,200 mark of folks that enjoy the outdoors. They're hunters, fishermen, they're interested in other outdoor recreational activities. But hunting and fishing was the primary focus of the initial beginnings of the Izaak Walton League and still is today. That was the reason it was formed back in '22, urging, you know, a century and a half ago it really wiped out a lot of our resources. So the Izaak Walton League had a lot of newspaper ink, I guess, and other things and they really worked hard to support the restoration of those wildlife resources 120, 130 years ago. [LB566]

SENATOR KOLOWSKI: Thank you. [LB566]

SENATOR HUGHES: Okay. I will give Izaak Walton League a plug. This last spring my granddaughter and I had a very fun day at Champion Mill Lake in Champion, Nebraska, because of the Izaak Walton League fishing day. They provided an excellent lunch and poles and bait and it was a very good grandfather/granddaughter morning and afternoon. Thank you. [LB566]

WES SHEETS: I'll be certain to pass that compliment on, Senator. The Imperial chapter is a fairly small group, but they're pretty active. And they were the ones that really brought the outrage over this antelope case to the table and the reason that we're sitting here today. [LB566]

SENATOR HUGHES: Thank you very much. Senator Kolowski. [LB566]

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SENATOR KOLOWSKI: If you'd like some turkeys, wild turkeys, they're in my yard in Omaha. Would you please take them. (Laughter) [LB566]

WES SHEETS: That would be up to the Game and Parks Commission, Senator. Thank you very much. [LB566]

SENATOR HUGHES: (Exhibit 2) Thank you. Other proponents? Seeing none, any opponents? Excuse me, we do have a letter of...a proponent submitted by Jocelyn Nickerson of HSUS, Humane Society of Nebraska. Any opponents to LB566? Seeing none, is there any neutral testimony? Seeing none, do you have a closing? If you want to say something, if not, you can waive. Okay, committee counsel waives, and that will close our hearing on LB566. Now we will open the hearing on LB635. Senator Bostelman, welcome to your Natural Resources Committee, Senator. [LB566]

SENATOR BOSTELMAN: Thank you, Mr. Chairman. Good afternoon, Chairman Hughes and the Natural Resources Committee members. My name is Bruce Bostelman, that's B-r-u-c-e B-o-s-t-e-l-m-a-n, and I'm here to introduce LB635. LB635 is a bill to amend Sections 37-504 and 37-513 of the Nebraska Revised Statutes to change violations and increase penalties regarding violations of Game Law. This bill amends Section 37-504 in the following ways: it increases the fine for unlawfully hunting, trapping, or having in his or her possession deer, antelope, and so on, or wild turkey from \$200 to \$500 per violation. It enhances the unlawful hunting, trapping, or having in his or her possession any elk, violation from a Class III misdemeanor to a Class II misdemeanor and increases a fine for such actions to \$1,000. It enhances the violation for unlawful hunting, trapping, or having in his or her possession any mountain sheep from a Class II misdemeanor to a Class I misdemeanor and keeps the fine at \$1,000, which is a statutory maximum for a misdemeanor. It increases the fine for any person who unlawfully hunts, traps, or has in his or her possession any quail, pheasant, partridge, Hungarian partridge, curlew, grouse, mourning dove, sandhill crane, or waterfowl from \$100 to \$500. It adds language to subsection (4) which stipulates that any person who unlawfully takes any game, or has in his or her possession any such game, is guilty of a Class III misdemeanor, such individual shall be fined at least \$50 per animal up to the maximum fine authorized by the law upon conviction. This bill specifically adds the language requiring the fine of at least \$50 is to be, and I quote, per animal, end quote, until the maximum statutory fine is reached. This bill also amends Section 37-513 of the Nebraska Revised Statutes in the following way: It increases the fine for any person violating 37-513(1) which reads: It shall be unlawful to shoot at any wildlife from any highway or roadway, which includes that area of land from the center of the traveled surface to the right-of-way on either side. Any person who violates this subsection shall be guilty of a Class II misdemeanor. This bill changes the fine for such actions from \$100 to \$500. This bill is intended to provide some teeth to our Game Laws and help further deter game violations and unlawful killing of wildlife. This bill aims to respond to increasing incidents of gross game violations

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which often result in insignificant penalties or penalties lower than the surrounding states making Nebraska somewhat of a safe haven, if you will, for hunters engaged in unlawful hunting practices. Examples of such gross violations include a incident in 2015 in Morrill County, which was alluded to earlier in a previous hearing, Nebraska, it's where 25 antelope were shot and killed illegally out of season and then left discarded. Additionally, Nebraska Game and Parks and the U.S. Fish and Wildlife Service agents uncovered a North Carolina couple who owned an outfitting company to have violated numerous hunting violations including 25 incidents of over-bagging of turkeys without permits, 29 illegally taken deer, 17 incidences of failing to check deer, and 5 other game violations in Nebraska. Nebraska violation and penalties for Game Law are currently lower than most surrounding states on nearly every category of game violations. Therefore, enhancing the classification of a penalty for Game Law violations will simply put Nebraska more in line with our fellow states to help deter and punish game violations and protect wildlife. Even with the enhanced penalties under this proposed bill, Nebraska remains equal to or at a lower end of penalties for Game Law violations across neighboring states. Several states have penalties reaching \$10,000 or more. Therefore, this bill is to enhance penalties for violation of Game Law is intended to cause potential violators to rethink the temptation to violate Game Laws while providing more consistency of punishments across state lines and to stop Nebraska from becoming a safe haven, if you will, for Game Law violators. Again, this bill simply enhances the penalties for violations of Game Law in Section 37-504 and 37-513 of the Nebraska Revised Statutes and I ask for your support of this bill. I will take any questions at this time if you have any. [LB635]

SENATOR HUGHES: Thank you, Senator Bostelman. Are there questions? Senator Albrecht. [LB635]

SENATOR ALBRECHT: Never shot a gun, never shot an animal, never...any of that sort of thing, but these fees seem to be like from \$500 to \$1,000; \$200 to \$500; \$100 to \$500, is that like what it is in most other states? [LB635]

SENATOR BOSTELMAN: That's a very good question. And there will be a...I could speak to that now, but I think we'll have testifier that will come after me that actually will give you that information by state. [LB635]

SENATOR ALBRECHT: Okay. And then the other thing, when you were reading on page 3, line 16, you said a Class II misdemeanor, is it a two or a three? You said two, but it says three on page 3, line 16. Was that what you mean? [LB635]

SENATOR BOSTELMAN: Well, it should stay as a... [LB635]

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SENATOR ALBRECHT: You know what, it was 37-513. [LB635]

SENATOR BOSTELMAN: Right, I found it. I'm looking back through what I wrote. [LB635]

SENATOR ALBRECHT: Yeah, I just want to be sure. [LB635]

SENATOR BOSTELMAN: Sure. As it is written here, it is Class III, in the bill. [LB635]

SENATOR ALBRECHT: It is a three? Okay, you just said two, so I just wanted to be clear. [LB635]

SENATOR BOSTELMAN: Okay, thank you. I see here on the...right, we'll take a look at that, if that needs to be amended. [LB635]

SENATOR ALBRECHT: Yeah, I just wanted to...there's two's and three's throughout the bill. Okay. [LB635]

SENATOR BOSTELMAN: Okay. [LB635]

SENATOR WALZ: I have a question. Thank you. [LB635]

SENATOR HUGHES: Go ahead. [LB635]

SENATOR WALZ: Okay, the penalties that I'm hearing just have to do with fines, is that correct? [LB635]

SENATOR BOSTELMAN: Correct. [LB635]

SENATOR WALZ: So there's no penalties in this bill that would have anything to do with revoking somebody's license. Is that someplace else or... [LB635]

SENATOR BOSTELMAN: Oh, I think that would probably...and I'll speak to that, but, again, I'll rely on those who are testifying after me who will speak to that, but I believe that's part of the court's jurisdiction if they can do that, yes. [LB635]

SENATOR WALZ: All right, thanks. [LB635]

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SENATOR HUGHES: Okay, other questions for Senator Bostelman? Seeing none, will you stay to close? [LB635]

SENATOR BOSTELMAN: Yes. [LB635]

SENATOR HUGHES: Okay. Okay. Other proponents for LB635? Mr. Smathers, welcome back. [LB635]

SCOTT SMATHERS: Chairman Hughes, members of the committee, again I'm Scott Smathers, S-c-o-t S-m-a-t-h-e-r-s, I'm executive director of the Nebraska Sportsmen's Foundation. When I mentioned in testimony the first bill, LB566, when our groups met throughout the summer, and quite frankly, the last 18 months, we looked at several things. And first initially, when outrage occurs, everybody wanted the stiffest penalty possible and tell every county judge and prosecutor that it's this or nothing. The reality is, we all know that's not going to work. We all know the counties are not going to take a directive of that nature very kindly. So we started looking at other avenues. And basically it was a three-part: compact is the first part, looking at current statutes and misdemeanors in place, raising those numbers. And there's a third part that I won't...we won't bring up today in this conversation because not all the groups are agreed upon it. It's something that will take interim from this body that we're going to have to have an interim study over to agree upon, but that class is called "liquidated damages" which is money that goes to the agency, the Game and Parks. Currently, the misdemeanor fines go to the local county that those fines are awarded in or adjudicated in and I believe they go to the school districts. And so from a standpoint of the outrage of our groups, several things that...that antelope case in Morrill County, when those two individuals who are 21 and 24 years old were convicted, they were each given 18 months probation and fined \$950 each, that's it, for 25 antelope that were just killed and left to lay. And they even tried to hide some of the antelope, quite frankly, to hide up their act. Now, state statute currently says they could have been fined up to \$1,000 per animal, they got \$950 each. I understand it's an animal; I understand it's an antelope. I understand that some folks in the state don't have the same affection for animals do or my groups do. However, it is a resource of the state. Two hundred eighty million sportsmen in this state spend \$780 million a year pursuing that sport, that's in-state, each year in this state. So a thousand dollars per antelope, that's a fair number, but we know we can't force a county judge or prosecutors, a lot of times in the smaller communities, community where I grew up, I'm known by everybody from law enforcement to the county prosecutor, good or bad, and sometimes those nepotism issues occur when it comes to sentencing. You know, Johnny was a good boy. Okay. Let's increase those. That's why we looked at the misdemeanor class and said let's raise everything up one level. The question you're probably going to hear the most is why elk is escalated out of everything else. Elk is unique animal that's making a comeback in our state; the Game and Parks has been working very hard to bring back to our state, to grow those numbers. We consider that to be a trophy-classed animal, whether that's 6 points or 60 points or whatever the points may be on that

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elk, that's a unique animal. Another animal has been talked about in this body for four years and it will be talked about again this year, this unique animal is the mountain lions. So we want to make sure that we have an appropriate system in place that when judges look at offenses we maximize out the potential fine. If that 24 and 21 year old were revoked provisions...or license rights for five to ten years, which they can't do currently in this state, would that make a statement to other 24 and 21 year olds? I think it would. Not only to 24 and 21 year olds, but to older folks in my class that, as you hear earlier, some of the most wanton crimes is shooting from the road, I have...on opening day, in Senator Bostelman's district in Butler County I have private ground that I hunt, opening day of deer season, as I sat in my tree stand on the edge of a field, two vehicles drove by six times then decided to shoot at the 15 does out in the middle of a field. To show you the intelligence of some these criminal, his car was a company truck with lettering all over the side of it. (Laughter) I do own a nice pair of Swarovsky binoculars that made it out very clearly, so when I called them in...but he still only received a warning because he did not harvest an animal. My frustration grows. So that's why we put this misdemeanor (inaudible) together. With that, we're hoping that with this bill will lead to a consensus amongst our groups for the conversations over the summer to look at raising liquidating damages and making it a powerful punch. With that I'll close and answer any questions. [LB635]

SENATOR HUGHES: Thank you, Mr. Smathers. Are there questions? Senator Albrecht. [LB635]

SENATOR ALBRECHT: So, Mr. Smathers, are you the one that can speak to the amount of money? I know you just talked about the elk being the trophy, but where were those numbers...you know, like, say, around the states around us. [LB635]

SCOTT SMATHERS: I will defer that to the fine gentleman who is coming up behind me, Mr. McCoy, from the Game and Parks. [LB635]

SENATOR ALBRECHT: Perfect. Okay. I can wait. [LB635]

SENATOR HUGHES: Okay, other questions? Seeing none, thank you, Mr. Smathers. [LB635]

SCOTT SMATHERS: Thank you. [LB635]

SENATOR HUGHES: Appreciate it. Other proponents? Welcome, Mr. McCoy. [LB635]

TIMOTHY McCOY: (Exhibit 1) Thank you, Chairman Hughes, members of the committee. For the record, my name is Timothy McCoy, T-i-m-o-t-h-y M-c-C-o-y. I'm the deputy director of the

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Nebraska Game and Parks Commission, and we're here today to testify in support of LB635. Some of the questions that were raised, I brought a table with me that we had shared with the senator looking at fines, statutory fines in other states to provide some of these comparisons. In Nebraska, we've had minimums for several years established through the statute. This bill would raise many of those minimums. And also, I wanted to look at some of the comparability of what the statutory maximums were put in. Some other...several states just have a maximum that they've established either as a separate maximum for that species or just by the type of misdemeanor. And in most cases, they have what they consider a high-level misdemeanor that has some really hefty fines in some of those states that provide some of that flexibility. So as we look at this, especially relative to some of our states to the west like Colorado and Wyoming, when you look at things like Elk and big horn sheep, you can see that their fines are quite substantial for those large game animals. And so I think that matches up a little better. Kansas has a very small elk herd. In Nebraska, elk specifically is a once-in-a-lifetime permit to harvest a bull. So that's sort of one of the reasons that for the small herds we have, we support moving up to that thousand-dollar-fine level for somebody that is illegally taking those animals without a permit. Because they are fairly rare, we spend a significant amount of effort; and our landowners do in taking care of those elk, and when they have trophy-class elk, they're tremendously valued by sportsmen. They also can be a resource for those landowners who, in many cases, are getting an access fee from the people that hunt on their property. So it is stealing both from the state and, in some cases, stealing, perhaps, some opportunity from those landowners. When we look at elk specifically, the same thing, I'd say, can apply to deer. There are, in many cases, we have folks who are making efforts to manage for trophy class, white-tail and mule deer, on their property, and somebody coming by and shooting from the road and taking one of those animals is, I think, a little bit egregious. And the other one that's being raised is shooting from a roadway and illegally taking animals off of private property. That is a consistent issue that is very upsetting to landowners. And I think moving that fine up also helps, hopefully, create a little more thought process from the individuals that are doing those sorts of activities that...and keeps them from either doing that behavior or repeating. [LB635]

SENATOR HUGHES: Okay. Thank you, Mr. McCoy. Are there questions? Senator Albrecht. [LB635]

SENATOR ALBRECHT: First question is, does Wyoming get very many permits? Those guys are pretty strong in their fees. But looking at this fee structure, I don't think it's that big of a deal. I thought it was a lot, but in looking at those around us, it's probably not. But more importantly, when you can get the attention of those who are doing things illegally, I think that the fees are in line. Thank you. [LB635]

SENATOR HUGHES: Okay, other questions? Senator Kolowski. [LB635]

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SENATOR KOLOWSKI: Thank you. Tim, where do the fines go? Would you clarify that again? [LB635]

TIMOTHY McCOY: The fines...for fines, those actually go to the counties and are distributed to the schools. The only dollars that...none of the...typically if somebody is dealing with a court fine, they're paying a fine and court costs, none of those dollars come to the agency. The place where Scott mentioned--liquidated damages. There are...if those are requested by the judge or set as part of the fine structure, then those dollars, essentially, are coming back to the state as a way for reimbursement of taking the state's resource in terms of illegally taking those animals. [LB635]

SENATOR KOLOWSKI: The champion elk that young lady took last year was unbelievable. I saw the pictures of that... [LB635]

TIMOTHY McCOY: Yeah, it's a... [LB635]

SENATOR KOLOWSKI: ...one of the top seven or something like that in the country. Unbelievable. [LB635]

TIMOTHY McCOY: Yeah, yes, we had a young lady shot a world-class elk on private land up in the Pine Ridge. Pretty incredible, again, that once-in-a-lifetime opportunity, she really took advantage of it and knocked it out of the park. [LB635]

SENATOR HUGHES: Okay, other questions? Thank you for coming today, Mr. McCoy. I guess the question that I have is do you have any kind of an idea of how many cases are prosecuted...what percentage are prosecuted versus the tickets that are written? And a little speculation on your part, do you think increasing the fines would cause that percentage that are prosecuted to go up? [LB635]

TIMOTHY McCOY: I don't have those numbers, and our law enforcement guys would. But I know it's...most of the tickets we write are very...are much lower misdemeanors than really what these are targeting. And most of those are, essentially, they are...they plead, they do the waiver; they pay a fine and court costs. When we get into these higher level ones, those are the ones that are more likely to be taken. I think this can actually...I don't know that it will increase the number of those going to court. It might a little bit, because in some cases, I think, some of the fines have been low enough that people have said--yeah, you caught me, I'm going to pay my fine and I'm going to move on. And maybe this will bring a little more attention to that. I can get you those numbers; I'll work our law enforcement guys and provide you more detail. [LB635]

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SENATOR HUGHES: Okay. I was just curious if this would spur some of the county attorneys to pursue some of these cases a little more aggressively. [LB635]

TIMOTHY McCOY: Well, it may, and I think some of what we're starting to see now is from some of the recent cases that you heard described today, have drawn some real attention to this. And I think its, you know, the coffee shop talk and the grumbling they've heard sportsmen is there. So, hopefully, we can keep bad people from doing bad things. [LB635]

SENATOR HUGHES: Okay, thank you. Any further questions? Seeing none, thank you, Mr. McCoy, appreciate it. Further proponents? Welcome back, Mr. Sheets. [LB635]

WES SHEETS: (Exhibit 2) Good afternoon, Senator Hughes, members of the committee. For the record, my name is Wes Sheets, W-e-s S-h-e-e-t-s. I'm appearing before you on behalf of the Izaak Walton League again. Naturally, that's the environmental wildlife group that I chose to pick up with recently. And we do spend a lot of time with Mr. Smathers and the sportsmen's foundation. We think our wildlife resources are worth putting in some effort for. Be very brief, just to support the notion that LB635 is good legislation should happen. We've always been of the opinion that a fine assessed for a violation should bring forth some level of economic consequence for an illegal action. So, we think this action will help that a lot. On a very personal note, I would just tell you that as...I grew up in a neighboring state of Kansas to the south. I continue to be a landowner; I have a brother that lives on the family farm down there, and I have a part interest in it, of course. But all the time I was growing up, and even to this day, the most maddening scenario is some idiot that drives down the road, see something he wants to shoot at, stops, and it's not very safe, you know, if you're out there on the cultivator or doing some kind of work. So we're very pleased that that situation is addressed in this legislation. The penalties ought to be higher, in my opinion, for that activity, but nevertheless, we do support the legislation and we really thank Senator Bostelman for bringing it forth. Our wildlife resources is very important to our organization and the people in it. We think they deserve more credit. So with that, I guess I would open for any questions if you have some and urge you to move this bill forward. [LB635]

SENATOR HUGHES: Thank you, Mr. Sheets. Are there questions? Senator Kolowski. [LB635]

SENATOR KOLOWSKI: Thank you, sir. Wes, thank you, again, for your testimony today. I agree with you on the fine levels, they could be much higher as far as I'm concerned. I think that if someone is illegally harvesting, trying to do the things that they're doing in our state is a travesty. And that's something that I would have no problems with if the fines were steeper. Secondly, it's good to hear that the money goes to like schools and the counties, or wherever that may be, but we don't harvest a lot of deer out of season in Millard, so it's something that we don't

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get a benefit from. But I don't know if the money would be better used if it went to Game and Parks as far as the repairs of recreational facilities and all those things across the state. Just another idea just to throw out. And when we have tight budget times, we're always trying to find where we might be able to find some resources. [LB635]

WES SHEETS: Well, I would just respond and say, in my opinion, the remuneration that occurs, there's the county fines staying in the county, I think that's probably good and that's normal practice and care to continue. Certainly the issue of liquidated damages that help support the protection of wildlife would be an important part of the equation. I always remember my early years in Nebraska, I had an association with the Department of Environmental Control prior to Department of Environment Quality, which they are today, and the first director was, once again, their activity is very important for the Izaak Walton League; clean water is one of our (inaudible). Senator Green (phonetic) always promoted the idea that if there's a penalty for a violation of our laws that some economic consequence was the quickest way to get straightened out. And so I would contend that elevating the minimum fines is one way to move forward and have people pay attention to our natural resources. So thank you for that. [LB635]

SENATOR HUGHES: Okay. Any other questions? Seeing none, thank you, Mr. Sheets. [LB635]

WES SHEETS: Thank you for being here. [LB635]

SENATOR HUGHES: (Exhibits 3 and 4) Are there any other proponents to LB635? We do have one letter of support from Jocelyn Nickerson, state director of the Humane Society of United States. Do we have any opponents of LB635? Seeing none, we do have one letter of opposition from Amy Miller from the American Civil Liberties Union. Do we have any neutral testimony? Seeing none, Senator Bostelman, you're welcome to close. [LB635]

SENATOR BOSTELMAN: Thank you, Mr. Chairman. Senator Albrecht, thank you for catching my misstatement. You are actually correct. I want the committee to know what is in the bill is correct. I did misstate that, so thank you very much for (inaudible), so I appreciate that. On a personal note, a lot of the violations, I agree, they should be more severe, but we can only do what we can do. I personally have had on our farm people driving down the roadway shooting onto our property when we've been on it, when I've had children out on it, and it's just a disregard and I...you know, the enhancement and the increase in penalties is needed. Others, I know I've talked to, have had the same situation happen with them. And also just seeing the wanton waste sometimes with snow geese, now there's so many, the game officials will find them...law enforcement officials will find them just thrown into the ditches and there are piles of them. So that's why we moved in there instead of a certain amount it's per bird, per animal up to

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the maximum. We need to make the penalties...the fines as much as we can to get the attention of people to stop these type of killings that do not belong here in our state. So with that I would close and just thank you for your support on this bill. [LB635]

SENATOR HUGHES: Okay, any questions? Senator Kolowski. [LB635]

SENATOR KOLOWSKI: I really appreciate your comments on that. And I go back to the confiscation of the weapons. They're not killing those things with a bowie knife. I think we have to be very mindful of the shotguns and rifles that could be confiscated and taken out of the hands of people that are totally misusing them. [LB635]

SENATOR BOSTELMAN: Sure, I agree, even down to the vehicles. What's their transportation? There's a lot of things done, and that's something that I think that's...have to look at that, maybe, at another time, but it is something...growing up in Nebraska, a lot of friends across Nebraska, this is an issue that affects a lot of people, and a lot of people are pretty upset with it. So this, hopefully, will help a little bit in that move to start deterring and then punishing those more appropriately for the crimes they do commit. Thank you. [LB635]

SENATOR KOLOWSKI: Thank you. [LB635]

SENATOR HUGHES: Okay, seeing no...Senator Albrecht. [LB635]

SENATOR ALBRECHT: This is just a comment. Thanks for sharing your personal. I actually have about three that I could think of in the last six years that have happened on our farm. And what I liken it to is you wouldn't want somebody to come in your backyard, Senator Kolowski, and shoot that turkey on your property. But it happens like all the time. We have cows that we've just moved out to corn stalks and one year we found one of them injured in the ditch because the whole herd starts to run when they start shooting. And just less than a month ago, we had some pheasant hunters that just jumped out of their vehicle, and believe me, they all had grey hair, and the dogs were running all over the middle of the road, and if somebody comes over the hill, they shot two birds on our place on the 80 there that we just put cows out on. And you just don't have any idea until you experience it. But the worse of it all, they didn't hurt anything there, but we had our grandchildren out last year, they were sleigh riding across in a field across from the house, they had just come in to warm up, and here come the coyote hunters and they were shooting in the exact same area where those kids were. So out in the country where it's wide open you think, well, surely not, but, yeah, they do. And it's like they're shooting in your own backyard. So it's...I'm glad to hear that you're bringing these forward. [LB635]

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SENATOR BOSTELMAN: Thank you. [LB635]

SENATOR HUGHES: Okay. Any other comments? Thank you, Senator Bostelman. With that we will close the hearing on LB635. And now we will open the hearing on LB636. Senator Bostelman, welcome to your Natural Resources Committee. [LB635]

SENATOR BOSTELMAN: (Exhibit 1) Thank you, Mr. Chairman. Good afternoon, Natural Resources Committee members. My name is Bruce Bostelman, B-r-u-c-e, last name is B-o-s-t-e-l-m-a-n, and I'm here to introduce LB636. LB636 is a bill that amends Sections 37-564 and 37-568 of the Nebraska Revised Statutes to change provisions relating to interference with a person hunting, trapping, or fishing to include intimidation through the use of a telephone or other electronic method of communication. This bill amends Section 37-504 by including language which reads: No person shall knowingly and intentionally interfere or attempt to interfere by intimidation using a telephone or other electronic method of communication of with another person who is not trespassing and who is lawfully hunting, trapping, or fishing, or engage in activity associated with hunting, trapping, or fishing. This bill also amends Section 37-568 to insert the word "telephone" to the list of items and equipment which make it unlawful to use such items in the commission of any of the prohibited acts under both Section 37-564 and 37-567. This bill is necessary to update the statute in consideration of technological advances and to modernize the statute to address the means of communication and interference being used today. When these statutes were first enacted in the early 1990s, electronic communications such as a cell phone and other devices were less prevalent in society and were therefore not a method of interference that was considered at that time. However today, with our telephones as they are and our electronic communications, they are being used on a regular basis to interfere with and harass those individuals exercising their constitutional rights to lawfully hunt, trap, and fish. This bill simply updates the statute to include those methods of interference currently being used. There are criminal statutes which are available if harassment or interference rises to the level of stalking or terroristic threats. This bill simply harmonizes such provisions with Section 37-564 and 37-568 and updates the statutes to clarify that interference using a telephone or electronic communication is included in Sections 37-564 and 37-568. This helps address the growing problems of harassment and interference experienced by individuals exercising their constitutional rights to hunt, trap, and fish being telephones and electronic communications methods. Increasing instances of harassment and interference with hunters, trappers, and fishers are being seen largely involving electronic communication and social media. With advancement of technology and the popularity and frequency of cell phone use, it has become easy to interfere with lawful hunters, trappers, and fishers through electronic means not contemplated when the original statutes were enacted. Capabilities such as video, photo, maps, and social media on telephones and other electronic mediums are now available and are being used to interfere with those exercising their right to hunt, trap, and fish against the spirit of the current Nebraska statutes. The statute which prohibits interfering with an individual lawfully hunting, trapping, or

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fishing is already in place in Nebraska. What this bill does is it simply seeks to amend those provisions to include the current methods of interference being utilized. Many other states have begun modernizing their hunter harassment laws to include new technology and methods. At least one state, Idaho, and there's a handout that we gave to you on Idaho, has specifically specified telephone and other electronic communications as being prohibited forms of interference methods under the statute. I ask for your support of this bill to update the statutes and to specify that interference includes telephone and electronic means of communications which fulfills the intent of the statutes. I ask for any questions that you might have. [LB636]

SENATOR HUGHES: Okay. Thank you, Senator Bostelman. Are there questions? Senator Kolowski. [LB636]

SENATOR KOLOWSKI: Could you elaborate please, Senator, on the use of the device and how that would become an interference with the hunter or fisherman? [LB636]

SENATOR BOSTELMAN: Sure, it can...with our phones, there's multiple number of ways, and I believe there will be some testimony to those, in fact, behind me. But you have your cameras, your phones, loud speakers, you can interfere that way. You can, with GPS, you can identify specific locations. You can take pictures of vehicles, those type of things, so you can track that individual, find out where they live; pictures of their homes, intimidate that way. I have several incidents here I can read to you of actual targeting that is happened. There was a Kendall Jones who was a high school cheerleader posted...she posted a picture of a successful and lawful African lion hunt on Facebook and she received numerous harassing comments and messages, some even threatening such as a Facebook page that said "Kill Kendall Jones" in response to her post. There's a woman in Colorado, had comments on her post. A lot of these are Facebook posts. The point is, is they're using these to target specific individuals and their lawful course of hunting or fishing or trapping. And this young lady, the only...what was stated on the post was--the only answer is to take out these psychopaths, problems solved, animals saved; an eye for an eye; you are a disgrace to those of us who respect life, human and animal, I'd love to hunt you and hang your head on my living room wall. An 18-year-old girl in Michigan was also harassed on-line by this interference went further and people began calling her place of employment and attempting to find her address on-line. Other hunting groups also received harassment threats and interference with their right to hunt, fish, and trap lawfully, the Dallas Safari Club, specifically, one of their conventions it said--I will fight to shut down...the comment was--I'll fight to shut down your disgusting and moral witchcraft, carry out what you do, and when it is done I will complete the past; I will come right to your Dallas Safari Club with AK47 and a grenade and wipe out the whole lot of you. Facebook did nothing in response to the post. This bill would then provide, at least, a layer of protection for such individuals and groups in response to such threats and interference. And more directly, close to home, if you will, Holden Bruce, he was from western Nebraska, was able to draw a mountain lion permit a few years ago. He was 16 years old

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and he was a cancer survivor. He received no less than 250 death threats and/or disparaging remarks via his cell phone and e-mail and personal mail delivery. So there's a lot of ways people are being targeted both in the field and at home. I've heard of families, homes identified. So it's not only the family, I know when you're home; I know when your wife is home; I know where your kids are. Those are things that are coming up we're seeing. [LB636]

SENATOR HUGHES: Okay, Senator Walz, you had a question. [LB636]

SENATOR WALZ: That was my question. [LB636]

SENATOR HUGHES: Okay. Senator Albrecht. [LB636]

SENATOR ALBRECHT: Thank you. What about like even a drone? I mean, those seem to be something that... [LB636]

SENATOR BOSTELMAN: That's something we didn't...we did not talk about, but you're right. There's other states that are actually doing that that's going into...and I'm not for sure, we kind of looked at electronic devices and how this might apply to that. But again, that's new technology and I think that's something we probably want to look at, maybe, in the future, you know, to do that or we can talk if that's something that needs to be done now. [LB636]

SENATOR HUGHES: Okay. Any other questions for Senator Bostelman? Seeing none, thank you. You'll stay to close? [LB636]

SENATOR BOSTELMAN: Yes. [LB636]

SENATOR HUGHES: Okay. Proponents of LB636? Welcome, Mr. Smathers. [LB636]

SCOTT SMATHERS: Chairman Hughes, members of the committee, thank you, again. I'm Scott Smathers, S-c-o-t-t S-m-a-t-h-e-r-s, here representing the Nebraska Sportsmen's Foundation as executive director in just under our 12,000 members presently. I'm going to just close up the testimony book because, quite frankly, this is a personal issue for me, this bill was brought in 2015. Senator Hughes, I think you may have been here your freshman year, I'm not sure. Senator Kolowski, I know you were here. I know Senator McCollister may have been here in that 2015 year also. Electronic communication has come a long way in the last...since this statute was put in the book to protect us against other avenues. The anti groups used to come to the fields; used to stand in front of your truck, they'd identify where you would hunt; they'd throw blood on you, they'd chant, they'd run off the game. Well, with modern technology, now they don't have to

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leave the comfort of their home. They can do those similar things through electronic transmissions. Social media is one avenue which is exploded with bullying, especially of children and young outdoorsmen, but more importantly from an e-mail standpoint. The first time the mountain lion bill was presented by Senator Chambers in this body, Grant Schulte from the AP wrote an article and he quoted myself and Senator Chambers in that. Within an hour of that going nationwide, my e-mail inbox was loaded with 2,000-plus e-mails; and they weren't wishing me happy birthday or have a good day. They were rather derogatory. Again, somebody that loves an animal but would rather see me dead as opposed to the animal, I don't understand that rationale and I didn't think much of it. In my job I get a lot of that. I get a lot of that, I've been...phone calls, cell phone, text messages, across the board on issues. However, one individual from California stood out in the crowd of e-mails that he sent me a picture of my house. And I thought--no big deal, you can pull that from the county assessor. Then he sent me a picture...or a schedule of when my wife was leaving to and from the house for work and that I am...he knew that I was gone three to four night a week for meetings around the state and she was home alone. There's an old statement that husbands sometimes need to be hit in the head to understand what's really going on. I (inaudible) at my wife jokingly; she did not find that funny. She took great cause to that. And quite frankly, my wife is a better shot than I am, she's a conceal carry member; she is well trained. She reminds me of Ms. Lage. She knows how to handle a gun and shoot it. So I was, at that point, turned over to State Patrol. State Patrol informed me that, one, the gentleman is under mental health conditions; he does have a family member in town. That's how he got pictures of my house, so he knew when I was not home, he knew when my wife left to and from the house for work and other things. However, they never came to my property; they never physically tried to harm me, so I could do nothing. With this statute in place, I can then sit down and get a protection order, a restraining order of those natures saying he's violated a current statute in the Nebraska code and I can pursue that avenue where that if he then makes an attempt, then I have reasons to follow up with a restraining order or I can make this happen. Right now, if he stands outside my driveway I can file a restraining order, but what has he done? It's no different than an irritating neighbor, and we all have one of those, right? So this is a real personal message for me. In addition to that, after this started happening, started noticing the influx of text messages and some rather disturbing phone messages came across my cell and the office phone. And we were encouraged to change those numbers, change my e-mail; I refuse. I refuse to run; I refuse to let these people change how we do business; I refuse to let these people dictate how we are. The thing that people don't understand, sportsmen spend a tremendous amount of hours and money as volunteers on habitat and natural resources in this state. As some senators here know, I'm also one of the appointed members of the Natural Resource Commission on water in the state. I spend a tremendous amount of time on my own dime, if you will, serving the state in that capacity. And I also have planted over 10,000 acres of habitat for various wildlife species and pollinators and song birds and native prairie. So we're not going to go anywhere, so this bill...although it seems rather mundane on the surface, simply modernizing the current statute to modern technology issues would help us tremendously. If you

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could imagine your 14-year-old granddaughter or 13-year-old grandson that participates in this activity is flooded through his cell phone with hate messages, either text or e-mails. It's tough enough being a 13 or 14 or 15 year old in this day and age. But we need to make sure this happens, so I appreciate the support from the committee and at least getting it to the floor for a conversation. Thank you. Can I answer any questions? [LB636]

SENATOR HUGHES: Okay. Thank you, Mr. Smathers. Senator Geist. [LB636]

SENATOR GEIST: Yes, thank you. I'm curious, is this just part of the bill and not the part that talks about what the penalties are? [LB636]

SCOTT SMATHERS: There is...if you are...if it is determined that you have violated the statute, it can be a Class III misdemeanor. [LB636]

SENATOR GEIST: Okay. [LB636]

SCOTT SMATHERS: But we did not put any statutory issues or punitive issues, excuse me, in the bill. Obviously, that would move it from this committee, most likely, to Judiciary. [LB636]

SENATOR GEIST: I understand. [LB636]

SCOTT SMATHERS: And it would raise a whole lot of other questions. We're simply trying to update and modernize the current statutes to include modern technology, which is telephone communications and electronic devices. [LB636]

SENATOR HUGHES: Okay. Senator Kolowski. [LB636]

SENATOR KOLOWSKI: Scott, thank you for bringing this up. I think it's a really important topic and the electronic toys of our twenty-first century certainly have changed the whole milieu of what we do and how we do things. As a 41-year educator, I know educational administrators that don't have their number at home or address or anything else. I never did that. I have it fully published, but haven't had any repercussions because of that. But there are those that have other attitudes and I think it's a very honest perception on their part. Thank you. [LB636]

SCOTT SMATHERS: Thank you. [LB636]

SENATOR HUGHES: Okay, other questions or comments? Thank you, Mr. Smathers. [LB636]

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SCOTT SMATHERS: Thank you, Senator. [LB636]

SENATOR HUGHES: (Exhibits 2, 3, and 4) Other proponents? Seeing none, we do have one letter from Troy Stowater, President of the Nebraska Cattlemen. Opponents to LB636? Any opponents? Seeing none, we do have a letter from Amy Miller, legal director American Civil Liberties Union of Nebraska; and also Anne DeVries. Any neutral testimony? Welcome back, Mr. McCoy. [LB636]

TIMOTHY McCOY: Thank you, Chairman Hughes. Members of the committee, my name is Timothy McCoy, T-i-m-o-t-h-y M-c-C-o-y, here testifying neutral on this for the Nebraska Game and Parks Commission. I'm deputy director out of Lincoln. As we've looked through this, we understand the issue. It's something we've heard about and we hear about from our constituents. And, really, the one thing that we've looked at is, maybe, there's some ways to harmonize this a little bit with some of the language that's in 28-311.02 which is on stalking and harassment which sort of talks about the pattern of conduct tied to telephone or this sort of information. And that concern comes from talking with our law enforcement folks about...the challenge with this is making sure that you have a way to track this in determining intent. And because this is in the Game Law codes, maybe there's a way to connect those to make that a little clearer to how this ties in with what's already in statute elsewhere. And that's really our only comment about it. We hope there's a way to move this forward. [LB636]

SENATOR HUGHES: Okay. Thank you, Mr. McCoy. Are there questions? Seeing none, thank you. Any other neutral testimony? Seeing none, Senator Bostelman...Senator Bostelman waives closing. With that, that will conclude our hearings for today at the Natural Resources Committee. [LB636]