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Transcriber's Office

Natural Resources Committee
February 24, 2016

[LB1019]

The Committee on Natural Resources met at 1:30 p.m. on Wednesday, February 24, 2016, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB1019. Senators present: Ken Schilz, Chairperson; Curt Friesen, Vice Chairperson; Dan Hughes; Jerry Johnson; Rick Kolowski; Brett Lindstrom; John McCollister; and David Schnoor. Senators absent: None.

SENATOR SCHILZ: Good afternoon everyone and welcome to the Natural Resources Committee. I'm Senator Ken Schilz, Chairman of the committee and I represent District 47. We don't have all committee members here. I know Senator Lindstrom is introducing a bill. Senator McCollister will be along soon. Senator Hughes, he's probably trying to figure out where those ten counties are that he represents. (Laughter) So with that, I'll let Senator Kolowski go ahead and start with introductions.

SENATOR KOLOWSKI: Rick...thank you, Mr. Chairman. Rick Kolowski, District 31 in southwest Omaha. Thank you.

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

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

SENATOR JOHNSON: Jerry Johnson, District 23, Saunders, Butler and Colfax County and I will be leaving shortly for introduction, but I hope to be back.

SENATOR SCHILZ: And we also have with us today Laurie Lage, she's the legal counsel for the committee, and Barb Koehlmoos who is the committee clerk. And then we have two pages. We have Jake Kawamoto and Kellie Wasikowski, both go to school here at UNL and we're happy to have them here. If you plan on testifying, please pick up a green sign-in sheet. They're on the table at the backs of the room. If you do not wish to testify but 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 as well and this will then become an official part of the record. Please fill out the sign-in sheet before you testify. Please print and it's important to complete the form in its entirety. When it's your turn to testify, please give the sign-in sheet to Barb, the committee clerk, and that helps us keep a more accurate record. 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 handouts for the pages to give to the committee. And when you come to testify, please

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Speak clearly into the microphone, tell us your name, spell your first and last names. And please turn off your cell phones, pagers, or anything else that might make noise during the hearing. Respect the testifiers and if you do get a call or you have a conversation, if you could kindly just take it out in the hallway, that makes it easier for everyone here to listen to the testifiers and to ask questions. Where did I go? Oh, no displays of support or opposition to a bill are allowed so no clapping, no screaming, no hollering. We'd appreciate that. Once again, we like to respect the testifiers and the senators so they can listen and ask questions. Doesn't look like we need to, but we're going to do it anyway. We're going to use the light system. Five minutes, and so four minutes on green, one minute on yellow, and then the red light comes on and I think everybody in the room here understands how that works so we don't need to go into, you know, how long you can keep the red light on. Some people try to do it longer than others, but when the red light comes on try to...try to end your comments. At this point, I think we're done with all the housekeeping, so Senator Davis, you're welcome to open up on LB1019.

SENATOR DAVIS: Good afternoon, Chairman Schilz and fellow senators, I am Senator Al Davis, A-l D-a-v-i-s from District 43, and I'm here today to request your support in the advancement of LB1019. As you know, the Niobrara Council was established initially in 1997 by an interlocal agreement between Brown, Cherry, Keya Paha, and Rock Counties. In 2000 legislation was passed which reconstituted the Council as a state recognized organization and delegated Niobrara river management responsibility, including the ability to develop conservation easements and hold title to land. The Council began with 15 members, each representing a different stakeholder's perspective, but this number was later expanded to 16. The membership consists of representatives from local, state, and federal government, local landowners, county commissioners, area industries, and the environmental community. The diverse makeup of the Council provides a wealth of knowledge, experience, and new perspectives regarding river management issues. Although the Niobrara Council concept was a departure from conventional approaches to natural resource management, the cooperative experiment has proven to be extremely effective and now serves as a model for others throughout the nation. LB1019 would remove in current law a cap of \$50,000 in any calendar year for support that the Game and Parks Commission may provide and would instead allow the commission to provide in addition to administrative support, budgetary, operational, and programmatic support when requested by the Council to carry out its duties. Additionally, the Council would be required electronically to submit a report annually by December 1 to the Clerk of the Legislature and the chairperson of the Natural Resources Committee describing expenditures made pursuant to the Niobrara Scenic Act...Niobrara Scenic River Act. Finally, certain appointments made to the Council would be subject to confirmation by the Legislature. Those appointments would be those members who were appointed by the Governor. LB1019 basically strengthens the current law and the relationship between the Niobrara Council and the commission. The Council has experienced decreased funding from both the state and National Park Service. Before 2009, the Council received \$50,000 from General Funds. In '15...fiscal year

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'15-'16, the Council appropriation was reduced by \$8,000 each year. The National Park Service has reduced its funding from \$195,000 to \$100,000. LB1019 will establish a foundation of predictable reporting and more oversight of the Legislature of the Council. In fact, I testified in front of the Appropriations Committee regarding the budgetary shortfall of \$35,000 for the Council for this biennium. I appreciate your consideration of LB1019 and your support of its advancement. Following me is the executive director for the Niobrara Council, Kalli Kebourz, but first I'm going to have Mike Tuerk, who is the president of their...the CEO of the Council, the Keya Paha County Commissioner, I think can talk a little bit. Kalli knows the information about the budgetary questions that you might have. And I'd be happy to answer any questions that you may have. I think both of those two individuals would be better at doing that than I can. Let me say that most of you were in Valentine last summer and you know that Senator Harr had some concerns. Part of what we're doing with this bill is to address the concerns that he had, but also to try to remedy some of the funding issues that the Niobrara Council has. Very hard for them to do the work that they need to do with the limited amount of money that they have today. Thank you. [LB1019]

SENATOR SCHILZ: Thank you, Senator Davis. Any questions? Senator Schnoor. [LB1019]

SENATOR SCHNOOR: Yes, Senator Davis, who is bringing this bill? I mean, I know, you, obviously, but I mean where is the source of this? [LB1019]

SENATOR DAVIS: So, I'm bringing it on behalf of the Niobrara Council. When we were in Valentine this summer, after the hearing there, I visited with them and I said, I'll try to help you get some of your funding issues resolved if we can. So it's really my idea. [LB1019]

SENATOR SCHNOOR: Okay. Okay. All right. Thank you. [LB1019]

SENATOR DAVIS: Some of the...as I said, some of the things that we have put in here, the reporting and the legislative confirmation of the appointees, was at the request of Senator Harr. [LB1019]

SENATOR SCHNOOR: Okay. [LB1019]

SENATOR SCHILZ: Thank you, Senator Schnoor. Senator Kolowski. [LB1019]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Senator Davis, what was the major reasons for the decline of funding? [LB1019]

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SENATOR DAVIS: So, I'm going... [LB1019]

SENATOR KOLOWSKI: All over time that you discovered. [LB1019]

SENATOR DAVIS: I will leave that question to Kalli. Mostly has to do with what the Park Service is doing now, what they did originally, but I think they can probably give you a good answer to that.

SENATOR KOLOWSKI: Okay. This would be a very appropriate year with the National Park's 100th anniversary to do something very substantial and important to anchor our river systems and state parks back to what they used to be. I think that... [LB1019]

SENATOR DAVIS: Well, you know, they are...there are things they're expected to do which they can discuss in more depth, but they need to have the resources available to do those things. [LB1019]

SENATOR KOLOWSKI: Sure. [LB1019]

SENATOR DAVIS: And what I think is important about the Niobrara Council is, that they are the intermediary between essentially the Park Service and the people who live along the river because most of that land is privately owned. So it's important that they have the resources they need. [LB1019]

SENATOR KOLOWSKI: Thank you. [LB1019]

SENATOR SCHILZ: Senator McCollister. [LB1019]

SENATOR MCCOLLISTER: Yeah, thank you, Chairman Schilz. Senator Davis, thank you for your testimony and I support the work of the Niobrara Council. Are there any other stakeholders that contribute financially to the counties, or the NRDs contribute to the upkeep or the maintenance of the organization? [LB1019]

SENATOR DAVIS: So, I think during the first few years the counties put some funding into it. I think after the state set up the Council as a state agency that ceased. Again, I'm going to expect that the representatives from the Council can answer that question in a better manner than I could, but that's my understanding. [LB1019]

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SENATOR McCOLLISTER: What percentage of the funding comes from the state? [LB1019]

SENATOR DAVIS: So, if they are getting...they originally were getting \$195,000 from the Park Service and \$50,000 from the state. Now we are down to, I believe, \$100,000 from the Park Service and then it was \$42,000 from the state last year. [LB1019]

SENATOR McCOLLISTER: So we're roughly... [LB1019]

SENATOR DAVIS: So it's about a third now. [LB1019]

SENATOR McCOLLISTER: I see. [LB1019]

SENATOR DAVIS: It was about a fifth of the total before. [LB1019]

SENATOR McCOLLISTER: And there's no other outside sources of funding? [LB1019]

SENATOR DAVIS: No. [LB1019]

SENATOR McCOLLISTER: Thank you, Senator Davis and thank you, Mr. Chairman. [LB1019]

SENATOR SCHILZ: Thanks, Senator McCollister. Any other questions? Senator Davis, just back on the funding thing. Those state dollars that they're receiving currently, where do those come from? [LB1019]

SENATOR DAVIS: So those come through the Game and Parks appropriation. [LB1019]

SENATOR SCHILZ: And that would be the same as these new funds would come from? [LB1019]

SENATOR DAVIS: Yes. [LB1019]

SENATOR SCHILZ: And does that require an appropriation or is that just...when I say appropriation, what I mean is, it does affect the General Fund? [LB1019]

SENATOR DAVIS: I'm going to defer that question to Tim McCoy. He's here and he could probably answer that. [LB1019]

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SENATOR SCHILZ: Okay. That's fine. I saw him. He was shaking his head or nodding his head or something so I think you're safe. Okay. Any other questions? Seeing none, we'll let you off the hook. [LB1019]

SENATOR DAVIS: Thank you. I do have another bill to introduce, so I may have to slip out. [LB1019]

SENATOR SCHILZ: Okay. Sounds good. Okay, we'll take proponents for LB1019. Good afternoon. Welcome. [LB1019]

MIKE TUERK: (Exhibits 1 and 2) Good afternoon. My name is Mike Tuerk, M-i-k-e T-u-e-r-k. As mentioned previously, I'm the current chair of the Niobrara Council and I'm also a Keya Paha County Commissioner and I'm here today to represent the Niobrara Council with a statement of support with regards to LB1019. I would like to read a piece of documentation for the record that is a joint effort from the Niobrara Council Board. It says, members of the Natural Resources Committee: At a regular meeting of the Niobrara Council held on February 18, 2016, the Niobrara Council unanimously voted to support LB1019 with amendments submitted by the Niobrara Council. LB1019 addresses the issues the Council is facing regarding annual budget issues, questions arising out of limitations of legislative support and further addressing issues the Natural Resources Committee raised regarding the legislative confirmation of Council members appointed by the Governor, and the Committee's additional request for board oversight and a review of the Council expenditures in pursuit of the Niobrara Council's statutory responsibilities under the Niobrara River Corridor statutes adopted by the Legislature and the Federal Niobrara National Scenic River Act. The Committee's acknowledgment of the value of the Niobrara Council in assisting the management of the state's valuable natural resources is appreciated and supported. That letter is under my signature with the blessing of the Niobrara Council. [LB1019]

SENATOR SCHILZ: Thank you, sir. Any questions of Mr. Tuerk? Senator Schnoor. [LB1019]

SENATOR SCHNOOR: Thanks for coming, Mike. On the back page of the bill it says the Game and Parks Commission may provide administrative...and then this is added, budgetary, operational, and programmatic support--I think I read that--when requested by the Council. So the three words, budget, operational, and programmatic...am I pronouncing that right? [LB1019]

SENATOR SCHILZ: I think so. [LB1019]

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SENATOR SCHNOOR: So are you willing to start turning over operational support to the Game and Parks? [LB1019]

MIKE TUERK: Well, and I guess it would be a definition of what operational support might entail. We work hand in hand with the Game and Parks Commission on budgetary issues. Certainly they are our oversight mechanism. If we are to be audited, it's through the Nebraska Game and Parks Commission with regards to the budget amounts that they provide to the Niobrara Council. In terms of operational support, I have not seen that. That language has been in the statute since its inception in '91, or 2000. [LB1019]

SENATOR SCHNOOR: Well, this what I'm reading, those three words, budgetary, operational, and programmatic, those are being added. They weren't in there. According to this bill that is an addition. [LB1019]

MIKE TUERK: Okay, and I'll apologize. I'm not aware of the particular language by definition of what particular phrase means. I know that the purpose of that change to the legislation was to strike the \$50,000 lid limit on that support. [LB1019]

SENATOR SCHNOOR: Because I just remember all the controversial issues that have been going on, you know, since I've been here. And you, obviously, know about that much further back that just...that kind of...I see that where it appears that with this, you would be starting to hand over operational support to Game and Parks, so that... [LB1019]

MIKE TUERK: That is not the intention. [LB1019]

SENATOR SCHNOOR: Okay, well, that's how it reads, so. All right. Thank you. [LB1019]

MIKE TUERK: I guess we would have to address that and take a look at. [LB1019]

SENATOR SCHNOOR: Okay. [LB1019]

MIKE TUERK: Thank you. [LB1019]

SENATOR SCHILZ: Thank you, Senator Schnoor. Senator McCollister. [LB1019]

SENATOR MCCOLLISTER: Thank you, Mr. Chairman. And welcome, Mr. Tuerk. [LB1019]

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MIKE TUERK: Thank you. [LB1019]

SENATOR McCOLLISTER: Old friend. When you say administrative support, aren't you talking about just a...they send you a check rather than they do all your work. You have a certain amount of autonomy away from Game and Parks, do you not? [LB1019]

MIKE TUERK: We do. We do and again going back to what I said previously, the administrative support, and Kalli, who is going to testify today, can answer to that specifically, but there is a great amount of interaction with the accounting folks at the Game and Parks. They're very demanding on how we account our dollars and utilize our dollars, but I would defer that question maybe to Kalli when she's up here to testify. [LB1019]

SENATOR McCOLLISTER: Thank you, Mr. Tuerk. Thank you, Mr. Chairman. [LB1019]

SENATOR SCHILZ: Thank you. Senator Friesen. [LB1019]

SENATOR FRIESEN: Thank you, Chairman Schilz. Welcome, Mr. Tuerk. [LB1019]

MIKE TUERK: Thank you. [LB1019]

SENATOR FRIESEN: I know when we're...in previous testimony when we've talked about the Niobrara Council and we started out with a lot more funding from Fish and Wildlife to start with, but what are the needs of the Council now? What would you say would be a relatively modest budget or where are you trying to shoot for? [LB1019]

MIKE TUERK: Well, we're at an immediate shortfall to get us through our financial of 2017. Our initial request was \$37,000 which we thought would accommodate our budget needs through fiscal year 2017. There's been several gyrations that have gone on since this process began, but that's our estimated number just to be healthy. Certainly, we've got lots of programs that we're wanting to enable and enact that, you know, would call for some additional funds down the road. [LB1019]

SENATOR FRIESEN: So you're talking about \$37,000 more than what you received last year? [LB1019]

MIKE TUERK: That's correct. [LB1019]

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SENATOR FRIESEN: Okay. But now with new federal people up there, is there any thought process that down the road they might increase funding? I mean the relationship seems to be much better. Is that a possibility? [LB1019]

MIKE TUERK: We've had some conversations with those folks. As you're well aware, every year we enter into a cooperative agreement with the National Park Service which itemizes the projects, activities that the Council is responsible for, or is willing to be responsible for. And then we attach budgetary figures to those projects and at that point in time, then when everybody is in agreement, that contract is signed, but we've already started trying to lay some groundwork with regards to an improvement in the federal contribution to the Niobrara Council. [LB1019]

SENATOR FRIESEN: Now do...counties, you said, used to contribute, but they don't now, or...? [LB1019]

MIKE TUERK: I don't believe there's any contributions to date. At its inception there may have been some preliminary funding that was provided to create the interim Niobrara Council, but I don't know that specifically. [LB1019]

SENATOR FRIESEN: Okay. Since then there's been no contributions by the counties. [LB1019]

MIKE TUERK: No. [LB1019]

SENATOR FRIESEN: Are there any others that you've applied for grants or anything like that? [LB1019]

MIKE TUERK: Well, we've got a regular and ongoing process where we deal with grant funding mechanisms if we've got a specialized project. We submitted a grant request last year for the total of about \$500,000 to address some invasive cedar tree problems within the basin last year. That grant request scored highly, although we were not awarded any funding for that project. So we're, you know, trying to be creative and trying to create some revenue opportunities and that was one of our attempts at doing such in helping the local landowners with the cedar tree events, but, as I say, it was not funded. So certainly if funding does not become available, we have to get creative and look at budget constraints and also, you know, the potential of maybe soliciting the county for some funding, the four counties that are involved in the basin. [LB1019]

SENATOR FRIESEN: Okay. Thank you. [LB1019]

MIKE TUERK: Thank you. [LB1019]

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SENATOR SCHILZ: Thank you, Senator Friesen. Further questions? Senator McCollister.
[LB1019]

SENATOR McCOLLISTER: Yeah, thank you, Mr. Chairman. And Senator Friesen's questions kind of prompted a few of my own. Has the mission of the Council changed over the years since inception? [LB1019]

MIKE TUERK: Well, I can only speak to my time and our mission has been the same. I think the state mission is probably identical in nature. I think the original intent of the Niobrara Council, in fact, was to become the voice, the interplay between the Park Service and the local communities representing the landowners within the basin if difficulties arose due to the Park Service presence in an area or what have you. You know, we always provided ourselves as being a sounding board for those issues and an avenue to address those issues with the Park Service.
[LB1019]

SENATOR McCOLLISTER: Is there an ongoing relationship with the counties such that you report back to them? Do they look to Niobrara Council for any advice or any kind of...?
[LB1019]

MIKE TUERK: Oh, absolutely. A lot of the counties were involved in trying to meet zoning regulations and requirements that were called for within the Niobrara Valley Basin. In fact, the Niobrara Council does have zoning oversight with regards to any developments that are considered within the corridor. And they, in fact, would submit those requests to the Niobrara Council for approval or denial, the counties, each individual county would. And the Niobrara Council, prior to my time, was involved in trying to standardize the building codes that were involved within the corridor, things such as screening, you know, building heights, those kinds of zoning issues that counties would be concerned with. And I think that's been a concerted effort within all of the counties to try. They're not all identical today, although that's the intent was to consolidate those kind of activities within the Niobrara Council, giving the Park Service kind of a one-stop shop, if you will. [LB1019]

SENATOR McCOLLISTER: Great. Is promotion of tourism a part of the mission of the Niobrara Council? [LB1019]

MIKE TUERK: Absolutely. And Kalli can certainly speak to those endeavors that we do on a regular and ongoing basis. [LB1019]

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SENATOR McCOLLISTER: So the counties receive a betterment from what the Niobrara Council does. [LB1019]

MIKE TUERK: That's a true statement. There's revenue to be gained at the communities that are involved. Is it equal and distributed evenly? No. Not at all. You know, Valentine is a huge recipient of a lot of the Niobrara traffic, whereas, my town, Springview, Nebraska, is more of a trickle-down kind of event, fuel stops, pop stops, those kind of things, so. (Laughter) [LB1019]

SENATOR McCOLLISTER: Well, thank you, Mr. Tuerk. Thank you, Mr. Chairman. [LB1019]

SENATOR SCHILZ: Thank you, Senator McCollister. Other questions? Seeing none, thank you for your testimony. [LB1019]

MIKE TUERK: Thank you. [LB1019]

SENATOR SCHILZ: Further proponents? Good afternoon. Welcome. [LB1019]

KALLI KIEBORZ: Thank you, Senator Schilz. My name is Kalli Kiebourz, K-a-l-l-i K-i-e-b-o-r-z, and I'm here to testify on support of LB1019. I would offer any answers to your questions that you had. I didn't have a prepared testimony, just in general support. [LB1019]

SENATOR SCHILZ: Very good. Any questions? Senator Schnoor. [LB1019]

SENATOR SCHNOOR: Are you representing any group or organization? [LB1019]

KALLI KIEBORZ: The Niobrara Council.

SENATOR SCHNOOR: Okay. [LB1019]

KALLI KIEBORZ: I didn't state. I'm their executive director. [LB1019]

SENATOR SCHILZ: Did you spell your name? [LB1019]

KALLI KIEBORZ: Yes. [LB1019]

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SENATOR SCHILZ: Okay. Sorry, I...thank you, Senator Schnoor. Any further questions? Seeing none...oh, go ahead, Senator Friesen. [LB1019]

SENATOR FRIESEN: I'm just curious again about your budget and the shortfall that you have. So when you do have a shortfall, where do you get the money from or how are you...do you have a reserve at all or, you operate with? [LB1019]

KALLI KIEBORZ: So this year the reason for the request in working with Senator Davis, this will be the last year that the Niobrara Council can operate within reserve funds. So after...I mean, 2017, we will be out of that pot of money. [LB1019]

SENATOR FRIESEN: Okay. [LB1019]

KALLI KIEBORZ: And you had asked previous about the declining funding from the Park Service and some of the things that might have changed from the \$195,000 down to the \$100,000. Would you like me to speak to a couple of those? [LB1019]

SENATOR FRIESEN: Yeah, if you could address a little bit of those of why that happened. [LB1019]

KALLI KIEBORZ: Okay. I just...I wrote down a couple of things while Mike was up here talking. I know that the Park Service office used a portion of that funding to expand a law enforcement operation with two law enforcement rangers on the river. And a portion of that funding within their budget went for just opening the office in general. Our money comes out of the money that's allotted to the Niobrara as a unit, and so when those operations opened, the money had to come out of somewhere. [LB1019]

SENATOR FRIESEN: So they're operating...their budget may not have decreased from the federal level, but the amount that they're passing on to you has decreased. [LB1019]

KALLI KIEBORZ: I believe that's correct, yes. [LB1019]

SENATOR FRIESEN: Okay. [LB1019]

KALLI KIEBORZ: That's how it was explained to me. [LB1019]

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SENATOR FRIESEN: That makes sense. As they started doing more of the operational, they just kept the funds and didn't work together with you as much as... [LB1019]

KALLI KIEBORZ: Originally they didn't have an office in Valentine either and so that's a cost that they've incurred as well, so. [LB1019]

SENATOR FRIESEN: Okay. So it's not as though the federal government is probably spending less up there or Fish and Wildlife. They're probably spending the same amount in their total budget, but they're not passing down the money to you guys. [LB1019]

KALLI KIEBORZ: I think that's correct. [LB1019]

SENATOR FRIESEN: Thank you. [LB1019]

SENATOR SCHILZ: Thank you, Senator Friesen. Senator McCollister. [LB1019]

SENATOR McCOLLISTER: Thank you and welcome, Kalli. [LB1019]

KALLI KIEBORZ: Thank you. [LB1019]

SENATOR McCOLLISTER: The Niobrara Council doesn't do any law enforcement functions themselves, correct? [LB1019]

KALLI KIEBORZ: They do not, but when we had that money in our budget we used it to pass on to the counties to help a law enforcement officer be designated for the river corridor area. And we also used a portion of that money in partnership with Nebraska Game and Parks to supply an officer to be located directly in Smith Falls State Park, so to help with visitation there and any issues that might arise. That's where that portion of money went. [LB1019]

SENATOR McCOLLISTER: And so there's no longer any money in your budget that provides that function, correct? [LB1019]

KALLI KIEBORZ: No. And to be clear, neither one of those functions still happen. I mean, there isn't a designated...there isn't a designated person through Game and Parks at Smith Falls State Park. [LB1019]

SENATOR McCOLLISTER: So there's no person there at all. [LB1019]

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KALLI KIEBORZ: Well, there could be. I mean, but there isn't that designated person. Does that make...? Our funding helped guarantee someone there during the summer and without that funding, I believe that that doesn't exist anymore. [LB1019]

SENATOR McCOLLISTER: So it's the responsibility of the counties to provide law enforcement? [LB1019]

KALLI KIEBORZ: I don't know that I can answer that. [LB1019]

SENATOR McCOLLISTER: It's not Game and Parks is it, or the National Park Service? [LB1019]

KALLI KIEBORZ: I'm sorry, I don't know. [LB1019]

SENATOR McCOLLISTER: Okay. That's interesting. Thank you very much. Thank you, Mr. Chairman. [LB1019]

KALLI KIEBORZ: You're welcome. [LB1019]

SENATOR SCHILZ: Thank you, Senator McCollister. Any other questions? Maam, I guess just the one that I have and this is going off of what Senator Schnoor said. When you see the words budgetary, operational, and programmatic, can you...do you know what that looks like when you talk about those words as it pertains to this bill? [LB1019]

KALLI KIEBORZ: So in my brief conversation with Pat Cole from Nebraska Game and Parks, it's the general operations of how things look now. He was not anticipating a change. I'm not anticipating a change. [LB1019]

SENATOR SCHILZ: I notice it's permissive language rather than "shall." Okay. Thank you very much. [LB1019]

KALLI KIEBORZ: Uh-huh. [LB1019]

SENATOR SCHILZ: Any other questions? Seeing none, thank you for your testimony. Appreciate it. [LB1019]

KALLI KIEBORZ: Okay. Thank you. [LB1019]

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SENATOR SCHILZ: Further proponents? [LB1019]

MIKE MURPHY: (Exhibit 3) Good afternoon, Senators. How are you? My name is Mike Murphy, M-i-k-e M-u-r-p-h-y. I want to thank Senator Schilz and the committee for this opportunity today. I'm testifying today on behalf of the Nebraska Association of Resource Districts and the Middle Niobrara Natural Resources District in support of LB1019. I'm also a district representative on the Council, as you are all aware. Overall, I think this bill is fairly straightforward and includes some needed improvements to the Council. I want to stress the deeper need of continuing local representation on the Council to showcase what the local people and landowners want, need, and are willing to allow on their private property. It is the landowners that provide use and access of their property and the water that flows through it for public use. Without them, use would greatly be limited. The Council continues to be that voice, the avenues for locals, outfitters, landowners to convey their issues and concerns with the National Park Service and try to bring reason and common sense to the management of the river and related activities. This avoids the heavy-handed regulatory approach that we commonly see from federal agencies involved with the wild and scenic rivers. I would also like to point out that in rural Nebraska we oftentimes have to represent multiple interests due to the lack of population and the time commitment needed to be part of a board. Over the years, it has been difficult and somewhat impossible to be able to obtain more than one name to be submitted to the Governor's office for appointment and considerations. The Council numerous times has been asked to re-advertise and to get...try to obtain additional names for consideration. This has been an additional extra cost incurred by the Council. Thank you for your time and I just encourage your support. [LB1019]

SENATOR SCHILZ: Thank you. Mr. Murphy. Any questions? Senator Kolowski. [LB1019]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Mr. Murphy, thank you. Good to see you here today and what is your NRD budget in that district, please, the yearly budget? [LB1019]

MIKE MURPHY: Oh, \$500,000 to \$800,000. \$500,000 to \$800,000 is our yearly budget. [LB1019]

SENATOR KOLOWSKI: You're yearly budget. And how much goes directly to the efforts of the Council that you're working with? [LB1019]

MIKE MURPHY: Nothing directly that would go back towards the resource conservation end of it within the scenic river corridor. [LB1019]

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SENATOR KOLOWSKI: Okay. [LB1019]

MIKE MURPHY: So all the...Nebraska Soil and Water Conservation programs, water quality, chemigation inspections and stuff like that, you know we've got roughly 50 miles of the scenic river corridor in our district. So there again, if you limit that boundary to that quarter mile, you know, it seems like every year we do some different tree plantings. We know we got, you know, chemigation, water quality inspections to take place. To put a hard number on there, I think would be difficult, but I mean, it could be done. [LB1019]

SENATOR KOLOWSKI: How many staff do you have? [LB1019]

MIKE MURPHY: I've got five full-time staff. [LB1019]

SENATOR KOLOWSKI: And again your budget, maximum would be about \$800,000? [LB1019]

MIKE MURPHY: Yeah. That varies a little bit with, you know, grants and stuff like that, but general tax request is...has been right around, you know, that \$500,000. [LB1019]

SENATOR KOLOWSKI: Do you have a good working relationship with the people with the Council and all the rest? [LB1019]

MIKE MURPHY: Yes. Yes. I mean, I think that's been the one thing, time and time again, is to bring that local perspective of that government regulation down to earth. You know, just last night we, the Park Service, had...hosted an outfitter meeting. Was there, talked about the water issues with them. They introduced what they were going to start moving forward with their mandatory commercial use permits. Something new with this new superintendent that claimed that it's been part of the requirements that they could have implemented from the very beginning. Well, here we are 25 years into this and something new, some of these guys have been dealing and doing outfitting for 40-plus years and now you've got to get a...potentially get a permit to use your own property and get on and get off. Get into the law enforcement aspects. I think we've seen continued changes. Senator Davis just happened to be with us the day we stopped down at the Middle Niobrara, public access landing Brewer Bridge on the river in the middle of the week. Here comes a nice young school group and here comes the Park Service, you know, assisting with them with their side arms and ARs and things. And our question is, is our river that bad? Is north central Nebraska that bad that we have to, you know, be packing heat? It's a question. Their answer is, we have the authority to, to carry. Well, so does everybody else. It's that balance that's trying to maintain...I think it's tough for some of these Park Service people to come in and

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recognize that this isn't a national park. It is private property, but they want to manage it as a national park. And that is at the end of the day, the rub. They're trying...they're here to try to manage a national park the same way on private property and it can't and won't happen. [LB1019]

SENATOR KOLOWSKI: Have you had a lot of pirate problems on the river? [LB1019]

MIKE MURPHY: No, not that I... [LB1019]

SENATOR KOLOWSKI: Just checking. Thank you very much. (Laughter) [LB1019]

SENATOR SCHILZ: Thank you, Senator Kolowski. Senator Schnoor. [LB1019]

SENATOR SCHNOOR: I thought you said pilot. I'm like, what? [LB1019]

SENATOR KOLOWSKI: No, pirates. [LB1019]

SENATOR SCHNOOR: Mike, thank's for coming. You must love to travel to Lincoln. [LB1019]

MIKE MURPHY: It's kind of getting to be a weekly occurrence, so, yeah. [LB1019]

SENATOR SCHNOOR: All right. With all that you said, and I asked Mike Tuerk earlier, I guess my thought is, I would...these three words that are added in there, budget, operational, and programmatic support, that all even though it's...it is the language you said, Senator Schilz, may support, what did you...was it... [LB1019]

SENATOR SCHILZ: Permissive. [LB1019]

SENATOR SCHNOOR: Permissive language. You know it doesn't mandate it, it's once...I view this as one step closer to giving control over to Game and Parks and everything that you said is what you're trying to prevent doing. [LB1019]

MIKE MURPHY: See, and that's that fine-line balance. You know, I mean if it truly is going to be treated as a national park, then the Park Service should be able to bring money and I think, you know the executive committee numerous times have had conversations and some of them pretty heated in regard to, if you want all this stuff done, you want noxious weeds controlled, you want cedar management, you want all this, you know, law enforcement, then bring some

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dollars to the table, or then that...otherwise it forces us as the Council to, do we rely on state funding, grant funds, whatever, to kind of force ourselves to become a standalone entity. And, you know, I don't know if it works great either way until you get to that point, but at some point if the Park Service, you know, isn't going to continue to be that partner and bring that funding to the table, the Council will have to make that choice, us local will have to make that choice whether Game and Parks is the best answer or not. I think a lot of it at the time when some of this...the legislation was created, there was that funding mechanism that was created to run the money, the state dollars through the Game and Parks aspect of General Funds. So I don't know if that's, you know, that's not necessarily a bad way to go, but I think it goes back to when the counties and the NRDs and stuff created the original river advisory council, I believe it was called, prescenic river designation and tried to be preemptive and tried to be proactive in showcasing and taking care of the river and that's at the end of the day, that's what has continued to happen for the last 25 years. And the only thing that's truly continued to change in it is more regulatory oversight. Otherwise, we still have a lot of the same landowners, we have the same resources. Yes, we had a, you know, an extreme wildfire in 2012. That comes back to, you know, lack of being proactive in resource management. And there are big ticket things. When you get into noxious weeds and true forestry management, that's...those are expensive items that take a lot of resources and dollars. [LB1019]

SENATOR SCHNOOR: And I completely understand that, but I guess, you know, my thought is I would just caution you if those are the items that you are concerned about, what you're doing here is giving Game and Parks one... [LB1019]

MIKE MURPHY: One step up? [LB1019]

SENATOR SCHNOOR: Yeah, one step up on it. [LB1019]

MIKE MURPHY: There again, what's better or worse? Is it better to give that more control to the Park Service or work locally with our own state entities and that being Game and Parks? You know, I think that's probably more of a question that should be left up to the local people. As of last night, I would say the local people weren't too happy with the Park Service by saying they're going to require them to, you know, start going through a permitting process to use waters of the state. So if it's working with a state agency in a more, I guess, commonsense fashion, then...if that...it comes back to those alternatives. I think...I hate to...I think I maybe mentioned this even last night. It gets down to unless we have a lawsuit that truly brings out who has the most control or the say in jurisdiction, we won't know. And there's no need to get to that point, but, you know, the Park Service sits there and says, we have control and we have the say on the water. Well, do you? There's pretty clear state laws that allow public use of the waters of the state and public access. You know, we have public recreation liability, you know, act in place for protection of,

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you know, accidents and stuff like that. It comes back to, truly is there a need to continue to have a wild and scenic river? Yes, it's great. And I think that's the thing is, the Park Service wants to showcase public use and bring in that opportunity to grow visitation, locally, economically, north central Nebraska, you know the Council, everybody wants to, you know, have some of that same public interest, same public involvement, but that has continued to decrease with the oversight of the federal government and more regulation. People have turned to go elsewhere. They went to the Dismal, they went to the Loup, the Elkhorn Rivers because they know they won't have to deal with that federal control, that federal, you know, the extra policing, the extra, you know, potential headaches. Not saying that there's still going to be stupid people. You can't fix stupid. There's always going to be those people that are going to go above and beyond current law, but let the current laws in place work. [LB1019]

SENATOR SCHNOOR: Okay. Thank you. [LB1019]

SENATOR SCHILZ: Thank you, Senator Schnoor. Any other questions? Seeing none, thank you for your testimony. [LB1019]

MIKE MURPHY: Thank you, guys. Good seeing you again today. [LB1019]

SENATOR SCHILZ: Have a safe trip home. [LB1019]

MIKE MURPHY: Will do. [LB1019]

SENATOR SCHILZ: Further proponents? Good afternoon. [LB1019]

MARJORIE KENNEDY: Good afternoon. My name is Marjorie Kennedy, M-a-r-j-o-r-i-e K-e-n-n-e-d-y. I live in Malcolm, Nebraska. Today, I wish to give testimony in support of LB1019 on behalf of Audubon Nebraska, with a state office located in Denton, and also on behalf of Wachiska Audubon Society with office located in Lincoln. The board of Wachiska voted at its meeting on February 9th to support LB1019. Marian Langan is the executive director of Audubon Nebraska and she is out of town and asked me to provide testimony in her absence. We would like to thank Senator Davis for introducing this bill. In addition, we would like to thank the members of the Natural Resources Committee who traveled to Valentine in September last year to learn more about the Niobrara National Scenic River and the workings of the Niobrara Council. There were a lot of people that testified that day. I didn't testify, but I was there. I remember it rained a whole lot. [LB1019]

SENATOR SCHNOOR: Me too. (Laughter) [LB1019]

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MARJORIE KENNEDY: Probably ruined the river trip, but anyway there was a lot of good testimony. Marian Langan was one who testified. I was very impressed by all the testimony. I thought it was a great hearing, very well attended and I think everybody got to say what they had on their mind and it was very enlightening. Audubon Nebraska and Wachiska Audubon do support this bill. We are really pleased with the changes the bill provides and we noted that it seems to take in many of the points that were made at that hearing in September in Valentine and place them in the statute. This includes allowing for the additional support by Game and Parks Commission. And we are particularly supportive of the reporting requirements that will enable the Legislature and other interested groups to stay informed and involved in the projects of the Niobrara Council. We do urge the committee to advance LB1019 to the floor of the Legislature at the earliest opportunity. Thank you. [LB1019]

SENATOR SCHILZ: Thank you, maam. Any questions? Seeing none, thank you for your testimony. Appreciate it. [LB1019]

MARJORIE KENNEDY: Thank you. [LB1019]

SENATOR SCHILZ: Further proponents? Good afternoon, sir. [LB1019]

BRUCE KENNEDY: (Exhibit 4) Good afternoon, Senators. My name is Bruce Kennedy, B-r-u-c-e K-e-n-n-e-d-y. I'm here this afternoon representing Friends of the Niobrara which is a citizens conservation group very much interested in the Niobrara River, Niobrara River Valley. The 76 miles of the Niobrara that is included in our nation's Wild and Scenic River category is one of the most beautiful areas in Nebraska. It is an asset to Nebraska and it is an asset to the nation. It is a mecca for canoers, kayakers, outdoorsmen, bird watchers, you name it. They all flock to the Niobrara Valley. We realize that the Niobrara Council has a big job to do in managing, making the important management decisions regarding the Niobrara in cooperation with the National Park Service. We are very supportive of additional funding for the Council so that they can carry out their duties and keep this area beautiful and scenic as we have enjoyed it, as we want to pass it down to our grandchildren. The legislative oversight...the Governor makes the appointment and then the Legislature has to approve these, we feel is a very good provision in the bill. This gives the whole state an opportunity to look at the people who are running our Niobrara Council. Money spent by the Council or the National Park Service, whether it be federal money or state money, is taxpayer money and the taxpayer should know what's going on with the Council. The Legislature should know what's going on with the Council. Thereby, we support the annual reporting clause that is in LB1019. We commend Senator Davis for introducing the bill and we thank the committee for the interest that you have shown in the Council activities and the Niobrara River in general. That concludes my testimony. [LB1019]

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SENATOR SCHILZ: Thank you, Mr. Kennedy. Any questions? Senator McCollister. [LB1019]

SENATOR McCOLLISTER: Yeah, thank you, Mr. Chairman and welcome, Mr. Kennedy. How was selection made to the Council before? Has it always been a state appointment? [LB1019]

BRUCE KENNEDY: Yeah. Yeah, the Governor appoints several representatives to the Council. He chooses a timber representative. [LB1019]

SENATOR McCOLLISTER: Okay. [LB1019]

BRUCE KENNEDY: He chooses four landowner representatives. He chooses a recreational person that's in the recreation business, the canoeing and kayaking business, if you will. And he also appoints the environmental representative or conservation representative, if you will. [LB1019]

SENATOR McCOLLISTER: So it doesn't include...the selections do not come from those bodies themselves, it comes from the Governor's appointment and ratification by the Legislature? [LB1019]

BRUCE KENNEDY: There's a process, I believe, where names are forwarded to the Governor. [LB1019]

SENATOR McCOLLISTER: By whom? [LB1019]

BRUCE KENNEDY: By, I believe, the county. I believe the county forwards names to the Governor and then the Governor makes the appointment. [LB1019]

SENATOR McCOLLISTER: And does the same process occur for the NRDs? [LB1019]

BRUCE KENNEDY: I can't tell you about that. I can't answer that question. I'm sorry. [LB1019]

SENATOR McCOLLISTER: Okay. Well, in that the money flows from the state or at least a goodly portion, at least a third of the money and two-thirds from the National Park Service, don't you think that removing that local autonomy of those local bodies or of those citizens serving on the body...what I'm leading to is, shouldn't the counties and NRDs help contribute to the maintenance of the Council? [LB1019]

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BRUCE KENNEDY: Yes, I believe they should. [LB1019]

SENATOR McCOLLISTER: Okay. Thank you. Thank you, Mr. Kennedy. [LB1019]

BRUCE KENNEDY: We...they definitely need more money. They have a very big job to do and that would be helpful, yes. [LB1019]

SENATOR McCOLLISTER: Well, in that the Niobrara Council represents those particular bodies and they look to the Council to provide services and oversight, I think I agree with you. Thank you. Thank you, Mr. Chairman. [LB1019]

SENATOR SCHILZ: Thank you, Senator McCollister. Any other questions? Seeing none, thank you very much for your testimony. Appreciate it. [LB1019]

BRUCE KENNEDY: Thank you very much. [LB1019]

SENATOR SCHILZ: Further proponents? Proponents? Seeing none, any opponents? Opponents? Seeing none, neutral testimony? [LB1019]

TIM McCOY: Good afternoon, Chairman Schilz and members of the committee. My name is Tim McCoy, T-i-m M-c-C-o-y. I'm the deputy director of the Game and Parks Commission. Came here in a neutral capacity, but there were some questions that floated around, I thought maybe I could help provide some answers to. The dollars that come from the state, the \$42,000 that's right now in the budget, is General Funds money. Our relationship to the Council is that we have been sort of the...the just the point where the dollars flowed from the General Funds to go to the Council. The Council is an independent body. They're not-for-profit. So we essentially pass funds through to them, but with those General Funds we have responsibilities to make sure that they follow all of the same rules and regulations that go with General Funds. Senator Schnoor, you mentioned the three-word addition. When we looked at this bill, our fiscal...in our fiscal note that Mr. Cole developed, we raised that same question because we're not in a...because they're an independent Council. I don't know, you know, us having potentially more oversight or programming, we view our role as mainly just being that administrative process for the funds going through and every discussion we've had has indicated that's the intent with this. We would be in a very odd position if we are put in, you know, having some level of different administrative control. We also are...we actually have a member on the Council as the Game and Parks Commission so, you know, they don't...they're not under our...they're not...you know, Kalli is an independent employee of the Council. They're in no way under our control and I don't think that's...that is not our intent either. So, just want to make sure everybody knows that. You know,

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the law enforcement question that came up, we actually at the same time the dollars didn't come to the Niobrara Council for law...you know, for the pass through law enforcement, the Park Service took on that role of putting rangers on the river to do those, you know, the law enforcement capacity. The other challenge we faced was that we're going to enforce the...our law enforcement officers, we're going to enforce Nebraska laws which are, you know, boating laws, you know, the other laws on trespass. The Park Service has some other things they would, you know, of their own federal regulations they want to enforce and that's not something that our Nebraska law enforcement officer could do. But we would, you know, we still have law enforcement officers in Valentine. We still play that role. At times we send our boating crew up there and they do passes through the river and talk to people at landings, but we don't have a committed law enforcement person to Smith Falls State Park. We still have our law enforcement officers covering multiple counties up there. [LB1019]

SENATOR SCHILZ: Thank you, Mr. McCoy. Senator McCollister. [LB1019]

SENATOR McCOLLISTER: Yeah, thank you, Mr. Chairman and thank you, Mr. McCoy. Inside that 40...odd \$40,000 that you contribute to the Council, there's no law enforcement money devoted or resources in that amount, correct? [LB1019]

TIM McCOY: The dollars that we contribute to the Council are a straight pass through that comes from the legislative body in Appropriations. [LB1019]

SENATOR McCOLLISTER: Yeah. [LB1019]

TIM McCOY: We don't take anything out. [LB1019]

SENATOR McCOLLISTER: Correct. When Mr. Murphy testified, he indicated there was some friction between, you know, the National Park Service and the local folks. Do you know of any friction between your law enforcement people and the National Park Service? [LB1019]

TIM McCOY: I don't know of any directly because we've...you know, when they're taking that role and what they say is the federal part of the river, we, you know, we don't go try to enforce what they're doing. We still do the Nebraska law, law enforcement activities in that area. We still have at times, our officers go to Smith Park for the other things that we have there with camping and campers, if there's issues. But I'm not aware of any direct friction, but there's always a little bit of friction with, you know, additional federal regulations that they would like states to take on. We don't usually jump to take on their battles. [LB1019]

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SENATOR McCOLLISTER: Thank you, Mr. McCoy. Thank you, Mr. Chairman. [LB1019]

SENATOR SCHILZ: Senator Schnoor. [LB1019]

SENATOR SCHNOOR: Tim, you talked about in the beginning you said, if I understood this correctly, if you're going to start helping with their budget, you're going to expect them to follow your rules. Did I understand that correctly? [LB1019]

TIM McCOY: The role...let me explain it from...the way it's always worked, is we have passed through General Funds that our budget for the Niobrara Council. They're budgeted in the Game and Parks Commission budget, and what we do is we provide those funds to the Niobrara Council. But we are still obligated by all of the state rules for spending General Fund money. So what we ask them to do is to provide the same information that's needed for a state audit because we periodically, all of our funds get audited by the state, so that you have the documentation, essentially the documentation of how the funds were spent, what they were used for. [LB1019]

SENATOR SCHNOOR: Okay. All right. That makes sense. You talked about you, with those, you know the bill would then not change budgetary, operational, or add budgetary, operational, and programmatic, but you said you still view Game and Parks as just...an administrative role, but yet, how...so then, how do you answer to what Mike Murphy was saying about adding or trying to enforce these outfitters to now have licenses, if I think I understood it correctly. [LB1019]

TIM McCOY: That's coming from the National Park Service. We don't have a role in that. That is strictly, I believe, is an issue coming from the National Park Service. That's not a Game and Parks commission. [LB1019]

SENATOR SCHNOOR: Okay. All right. Thank you. And then another question, you talk about the law enforcement portion of it. How do you...with maybe the exception of Smith Falls, is that it, which is a state park, how do you enforce any kind of other laws up and down the Niobrara River when it is all private property? [LB1019]

TIM McCOY: Typically that comes in if we have...when we're responding to something from a landowner that's requesting assistance that there's a problem, whether it's...they think they have trespassing, whether it's somebody is trespassing and hunting on their property. The other laws that we do enforce are some of the boating laws, so on the water, making sure that people are, you know, have their safety devices with them, you know, that they have life jackets, they have cushions if they're...you know, that's just sort of things they need to have in the boat. But that's

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really the intent of it, making sure people are safe on the water. It's not trying to track people down. [LB1019]

SENATOR SCHNOOR: Okay. All right. Thank you. [LB1019]

SENATOR SCHILZ: Thank you, Senator Schnoor. Senator Kolowski. [LB1019]

SENATOR KOLOWSKI: Tim, on the landowners, does their jurisdiction go to mid-river, like it would in the Missouri River, like the middle of the river, as far as their land and the water, if they own one side of it? [LB1019]

TIM McCOY: Correct. It follows Nebraska law which is if you're on the water you're fine, but if you're, you know, if you're touching bottom then you're essentially on private land. [LB1019]

SENATOR KOLOWSKI: Okay. [LB1019]

TIM McCOY: And so that's...I know that's one of the challenges that I know from conversations from our representative in the Council, but it's always been an interesting discussion with the Park Service because essentially in most of that river, it's all private land underneath that water too. [LB1019]

SENATOR KOLOWSKI: How many launching points do you have for...what I'm thinking of, I've got a canoe, I want to come in, or a tube, or whatever else you're doing, are they on a common map that you can get in the area and know where to go and where to launch? [LB1019]

TIM McCOY: Yeah, there's a lot of different launching points there. I can think of at least five off-hand right now, but I think there's more and Kalli and Mike would know better than that. But yeah, there's maps that show all the different launching points so that you can take a different length of floating trip on the river to match that up. [LB1019]

SENATOR KOLOWSKI: Seventy-six miles are within that boundary, is it not? [LB1019]

TIM McCOY: I believe so in that. [LB1019]

SENATOR KOLOWSKI: That's what Mr. Kennedy said in his testimony. I hope there's more than five. It's a good distance between things if you had an emergency or something like that. [LB1019]

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TIM McCOY: Yeah, well, there's a primary area where a lot of the floating occurs and then it's a little more spread out after that. [LB1019]

SENATOR KOLOWSKI: Okay. Thank you. [LB1019]

SENATOR SCHILZ: Thank you, Senator Kolowski. Any other questions? Senator Friesen. [LB1019]

SENATOR FRIESEN: Thank you, Chairman Schilz. Mr. McCoy, how does the Game and Parks decide how much money to fund them? I mean, you're allowed to go up to \$50,000. Who makes the decision on what amount to fund currently? [LB1019]

TIM McCOY: Legislative Appropriations Committee. They appropriate the General Funds and we...it shows up in our budget and we pass it through to the Council. [LB1019]

SENATOR FRIESEN: And so it's a request by the Council to Appropriations. [LB1019]

TIM McCOY: Correct. [LB1019]

SENATOR FRIESEN: So if we change this, it will just allow them to appropriate more money if they want to? It has nothing to do with you. [LB1019]

TIM McCOY: Right. We're sort of a functionary in this process. [LB1019]

SENATOR FRIESEN: Okay. Thank you. [LB1019]

SENATOR SCHILZ: Thank you, Senator Friesen. Further questions? Seeing none, thank you for your testimony. [LB1019]

TIM McCOY: Thank you. [LB1019]

SENATOR SCHILZ: Further neutral testimony? Going once. Neutral testimony? Going twice. Senator Davis, you're welcome to close. [LB1019]

SENATOR DAVIS: Thank you, Senator Schilz. I wanted to sort of clear up a few little questions that Senator Schnoor had about the language that was added. So you've heard what Mr. McCoy

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had to say about that. When we were in negotiations, discussion with the Appropriations Committee, they expressed some concern about that word "administrative," because we're expanding the scope of what could happen by taking this cap out. It was their suggestion to add that language. As you said, it is permissive language. If the committee wants to strike it, it's not a big deal to me, but that's why it was put in there was to try to take care of some of the concerns that bill drafters had with regard to the Appropriations. You heard discussion about the people that are on the Niobrara Council and I don't want to repeat everything, but there are county board members, NRD members, NRD managers, landowners, Game and Parks representatives, fish and wildlife, Park Service, timber, and outfitters, so they really tried to put together a big broad coalition of people to manage that part of the river. Again, why I think this is such an important entity is it's an unusual situation where you have the Park Service with no land, but trying to control a river. So this entity is a great intermediary between the Park Service and the landowner and if it wasn't there, the landowners would be on their own or it would be up to the counties to take care of it. Mr. Tuerk made a reference to an amendment that was in the process of being discussed. In the interest of what we're trying to do here, we're not going to try to drop that amendment. Basically what that does is it tries to address some of their quorum concerns when somebody is appointed and doesn't...or then resigns and then there's nobody appointed. When you've got a large geographic area and a large body, you get into some quorum issues, but we're going to go back and look at that, and if we have to bring that back, we'll bring it back next year. And I think you've heard them talk a little bit about some of the things they've done. They did a great deal of work with educational things early on, a broad involvement with kids. The cedar project is a worthwhile project if they can maybe take a step up with that. You know, a few years ago when I introduced the Wildfire Suppression Act, we all heard about the increasing 40,000 acres a year of cedar encroachment on grazing land. So, that kind of work is great. There's a loosestrife problem on the river. They've tried to work a little bit with that too, as have the NRD's and getting the funding is a big deal. They need to have that cap removed and I think, you know, if they're going to be an effective entity, they're going to have to have more money because it's just not enough revenue for them to do what they're trying to do. So, with that I would appreciate your considering advancing the bill as quickly as possible. [LB1019]

SENATOR SCHILZ: Any final questions for Senator Davis? If this gets out of committee, what, do you have a path for it? [LB1019]

SENATOR DAVIS: Well, if it were to get out of committee, you know, with the unanimous consent, I'd try to get it on the consent calendar. [LB1019]

SENATOR SCHILZ: Okay. [LB1019]

SENATOR DAVIS: It's important that we get it done. [LB1019]

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

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SENATOR SCHILZ: Right. And then just the last question, so remove the cap completely or is there another level that you can take it to that would do what you need to do? [LB1019]

SENATOR DAVIS: Well, I would strike it, you know, if you feel there's something else you need to do... [LB1019]

SENATOR SCHILZ: No, I'm just asking. [LB1019]

SENATOR DAVIS: ...that's the decision of the committee, but they need to have some flexibility. [LB1019]

SENATOR SCHILZ: Okay. Thank you. Any other questions? Seeing none, thank you very much. [LB1019]

SENATOR DAVIS: Thank you. [LB1019]

SENATOR SCHILZ: That will close our hearing today. Thank you everyone for coming in. [LB1019]