

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

Floor Debate
March 11, 2010

[LB836]

PRESIDENT SHEEHY: Mr. Clerk, we will move to the first item under General File, 2010 Speaker priority bills, Lautenbaugh division, LB836. [LB836]

CLERK: Mr. President, LB836 is a bill originally introduced by Senator Lautenbaugh. (Read title.) Introduced on January 8 of this year, at that time referred to the Natural Resources Committee. The bill was advanced to General File. There are committee amendments, Mr. President. (AM1864, Legislative Journal page 761.) [LB836]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Lautenbaugh, you're recognized to open on LB836. [LB836]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I feel like this discussion has been a long time coming and I've even alluded to it a time or two already this session. When I first came to the Legislature, I think I had been in office about five minutes before I was contacted by some gentlemen who live around Fort Calhoun who were telling me about the problem they were having with the deer. And this was in 2007 and the problem has only increased, the herd has only gotten bigger. And we...I threw in a few bills the first year, one of which passed, two of which did not, but they were designed to address the problem or at least call attention to the problem and start addressing the problem. The only one that failed...the only one that passed, I should say, took out the floor from what Game and Parks could charge for permits. There used to be a floor in our law. That hasn't done it. We have more permits than we can use and the population continues to grow. There are a lot of factors at work here, but that doesn't change the fact that we still need to deal with the problem. It's costing our agricultural producers millions. It's a hazard to our motorists. It's a hazard to all of us. So I brought LB836. In its original form, LB836 was admittedly extreme. It basically allowed landowners to get rid of deer on their property. Provided for spotlighting, provided a tax credit for smaller landowners who allow access for deer to be taken on

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

Floor Debate
March 11, 2010

their property, and it was fairly controversial. I think all of you have received lots of e-mails on LB836. And as late as today, I know someone in the body was telling me that they had received an e-mail on LB836 specifically complaining about provisions in the original bill. Please understand, none of those provisions are in the final bill. I've spent the last few weeks dealing with people who are concerned about this. The Natural Resources Committee has done a great job working on this. Game and Parks has been providing great information, they're very cooperative on this. And understand, Game and Parks was working to address this problem as well. They had a series of measures that they could pursue under existing law and they were looking to pursue those this year. This bill has become a vehicle to provide them with even greater tools to more effectively reduce, not manage, not control, reduce the size of the deer herd. What is it as amended? I told Senator Langemeier I would just go ahead and start talking about the amendment because that's really what's relevant. It gives Game and Parks the ability to extend deer seasons, specifies species, bag limits, dates for depredation, and hunting seasons, beginning and ending dates for depredation and hunting seasons. It allows the use of any weapon that would otherwise be allowed during a deer season to be used during these special depredation seasons, and it provides for the income from depredation permits to go towards damage abatement to help reduce the damage that our farmers are seeing from the deer. It also provides for property owners unlimited antlerless permits for farmers or ranchers with more than 20 acres. This would only work when Game and Parks declares there to be a special depredation permit season within a specified area. Game and Parks has identified areas now where they are seeking a reduction in the herd of up to 25 percent. No, I misspoke. A reduction of 25 percent, not up to 25 percent, and it's warranted. The bill, as written, also...excuse me, the bill as it will be amended also provides for hunting within 100 yards rather than 200 yards of an occupied dwelling. But I know that some of you have issue with that and I've heard feedback on that as well, and I've pledged--in case there are any other issues--to address that on Select, possibly with limiting it so that bow hunting would be 100 yards, everything else would be 200, but some measure to provide comfort for those of you who have heard concerns on that. I've also agreed to accept an amendment by Senator

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

Floor Debate
March 11, 2010

Louden to add his cougar bill on here that he'll be discussing as well. And I believe together these are two needed pieces of legislation that will help us...(laugh) one of our members just provided a clarification on the particular species we're talking about and I'll let her address that if she'd like. But in any event, I think this bill is important, both of them together should go forward. I ask for your support and I'll be happy to take any questions you might have. [LB836]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. You've heard the opening to LB836. As was noted, we do have a Natural Resources Committee amendment, AM1864. Senator Langemeier, you're recognized to open. [LB836]

SENATOR LANGEMEIER: Mr. President and members of the body, Senator Lautenbaugh has done a good job about talking about the amendment. And, again, the bill is stripped out, all the things that were in the bill that got you a lot of phone calls and a lot of correspondence, and one of my colleagues said that this is the most responded to by e-mail bill they've had this year. And I got to say as being Chair of Natural Resources, we go the mother lode of them too. We worked with Game and Parks in the discussion to come up with some tools. In most of the responses we got from people out in our constituency, as we saw them on the streets, they said, hey, we've got too many deer, let's do something with them. The e-mails you all got were from the hunters, the other side of the story. And they were pretty concerned that Game and Parks should be the monitor. And so with this amendment, as Senator Lautenbaugh described it, it deals with depredation permits. It allows Game and Parks some freedom to put in a depredation season where needed, where there's high populations of deer. Nebraska has a lot of deer in Washington County, Douglas County, and along the Platte River versus a lack of white tail to the western end of the state as well as the loss of mule deer at the western end of the state. So this allows them to go within their regions as they deem areas overpopulated and to deal with those and give them a little more freedom. And I'm going to move on now to Senator Loudon's mountain lion bill that came out of committee unanimous. They've taken the opportunity to offer it as an

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

Floor Debate
March 11, 2010

amendment to LB836. Senator Louden will do the introduction on that, but I just wanted to state that there were concerns offered by individuals at the hearing. I think we've addressed those in his amendment. And so I would ask for your adoption of AM1864 as well as Senator Louden's amendment to follow. Thank you. [LB836]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You've heard the opening of the Natural Resources Committee amendment, AM1864. Mr. Clerk, you have an amendment to committee amendment. [LB836]

CLERK: Senator Louden would move to amend the committee amendments with AM2115. (Legislative Journal page 761.) [LB836]

PRESIDENT SHEEHY: Senator Louden, you're recognized to open on AM2115. [LB836]

SENATOR LOUDEN: Thank you, Lieutenant Governor and members of the body. AM2115 is the amended version of LB747 as it was amended by the Natural Resources Committee. LB747 in the amended version directs the Nebraska Game and parks Commission to allow for a 30-day hunting season on mountain lions that are depredating livestock and poultry. The commission may issue a permit for the killing of one or more mountain lions which are preying on livestock or poultry. The permit shall be valid for up to 30 days and shall require the commission to be notified immediately by the permit holder after the killing of a mountain lion and shall require that the carcass be transferred to the commission. The reason for that, as some of you saw in the paper where there was articles about that "shot, shovel, and shut up," and that's what's been going on up at this point with some of these mountain lions. In fact, where I live within the vicinity where I live, I know there's been somewhere around six of them shot here in the last two years. And, of course, that doesn't allow the Game and Parks Commission to have any kind of research done on these animals to see how many we have to get a handle on, what we have going on. And to be eligible for a permit under this section, a

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

Floor Debate
March 11, 2010

former rancher owning or operating a farm or ranch shall contact the commission to confirm that livestock or poultry on his or her property under his or her control has been subject to depredation by a mountain lion. The commission shall confirm that the damage was caused by a mountain lion prior to issuing the permit. The farmer or rancher shall be allowed up to 30 days as designated by the commission to kill the mountain lion on such property and shall notify the commission immediately after the killing of a mountain lion and arrange with the commission to transfer the mountain lion to the commission. LB747 and as amended by AM2115 clarifies how a person can defend themselves, their property without being subjected to a penalty. Up to now, there has never been any clarification on how you can defend yourselves other than the...more or less, the regulations that the Game and Parks has put out that stated that you could defend yourself if you were being stalked or attacked by a mountain lion, but it has never been clarified what you can do about a mountain lion on your property that was stalking or attempting to depredate livestock or your poultry. And so this is something we worked with. with the Game and Parks Commission to get this...bring this about because of the issue of the number of mountain lions that are showing up, especially in western Nebraska and there have been some down here farther eastern Nebraska from time to time. So this is something that we're working with the Game and Parks. It gives them another avenue or a tool to take care of what was considered a big game animal. And that was a problem several years ago. When the laws were passed with mountain lions, they were declared a big game animal but they didn't give the Game and Parks any authority on how to handle them or what to do with them, so this is another step forwards. And I also want to point out that I certainly support Senator Lautenbaugh's LB836. I have people in my district that have asked about that hoping that something like that would go through. One of the neighbors I talked to here, oh, about six weeks ago, mentioned to me that any morning that he wakes up, he looks out the window there and he can count at least 65-head of deer just out there just beyond his house out there in some of the alfalfa and the hay that he has growing there. And he said it's actually too many deer. We have deer hunters out there, but they don't begin to have any control on them. So I support LB836 as amended and I also would ask for

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

Floor Debate
March 11, 2010

your support of AM2115. Thank you, Mr. President. [LB836 LB747]

PRESIDENT SHEEHY: Thank you, Senator Louden. You've heard the opening of AM2115 to AM1864. Members requesting to speak are, Senator White, followed by Senator Campbell, Senator Christensen, Senator Stuthman, Senator Dierks, and others. Senator White, you're recognized. [LB836]

SENATOR WHITE: Thank you, Mr. President. I listened with interest to Senator Lautenbaugh's opening about how he wrote this bill five minutes after being appointed, and I think that explains the original content. (Laughter) This bill became known in my district as "bounties for Bambis," and the horrifying thing about it, despite what I think are some things that Senator Lautenbaugh wisely is cooperated and correcting, it's a real problem. Every year I ride a horse. I ride a horse in the Ponca Hills in a big preserve. And in the spring, especially this spring after a winter like we had, I will see dozens of starving deer, deer that are suffering from bluetongue and other predatory illnesses caused by overpopulation and lack of suitable food and habitat. I know that many people are concerned that this bill is cruel, that shooting or hunting isn't what we should do. But, honestly, if you are, as Senator Cornett is, familiar with Fontenelle Forest, you will recognize the extreme damage overpopulation of deer are doing to some of our really treasured natural areas. They are also hurting themselves. You will see...if you spend time in the woods, you will see a lot of animals needlessly suffering. You will also see what Senator Louden just alluded to, that nature will find its own balance. The population of white-tailed deer is a lot higher now than it was, they think, when the pilgrims first landed on Plymouth Rock, at Plymouth Rock, because the rise of agriculture, because of the rise of corn farming and other grain crops that do produce deer or allowed deer to reproduce themselves in an overabundance. That certainly, I'm sure, causes heartache for farmers. But for those of you who are really concerned about the well-being of animals and the well-being of whether or not hunting and this kind of activity is really an appropriate response, all I can honestly tell you is, spend some time in the woods in the spring. Watch the conditions of these animals. It's devastating. So

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

Floor Debate
March 11, 2010

as hard as hunting may seem, it is far kinder, far, far kinder and more compassionate than not doing...than the consequences of not doing anything. And that has an impact on our public spaces, on our parks, on our farmers, and it also brings to level the rise of the cougar coming back, which I'm sure is a deep concern to the farmers and ranchers in the community, but that is nature reasserting a balance. Cougars prey on the weak and the ailing and certainly our woods will be full of them this spring. Thank you, Mr. President. [LB836]

PRESIDENT SHEEHY: Thank you, Senator White. Senator Campbell, you're recognized. [LB836]

SENATOR CAMPBELL: Thank you, Mr. President. I come forward to support both the amendments and the underlying bill, and perhaps for a different reason and want to make my colleagues conscious of what that might be. I took an interest in this bill initially when a news story came out in January when it was first introduced. And my husband said, you ought to vote for that bill. And, you know, like most spouses that all of us deal with, they make comments on the bills that come before us, but not with as much adamant nature to this. And so quickly I learned why, because over this winter deer were killing 60 trees a night at our nursery. Now, I realize that a lot of you are going to hear about cash crops today and corn and wheat and I'm very sympathetic to those traditional crops. But for a nursery owner, some of those trees are a seven-year crop; we need to grow them that long before we put them in our customer's yards. So this was a very serious problem for our industry and I thank Senator Lautenbaugh for bringing it forward. I certainly do understand the amendments that have been made to the bill. Every year we get calls from our customers in urban areas who have receive damage from deer. So this is a problem for not only traditional agriculture but what we might think of as urban, horticulture. Thank you very much, Mr. President. [LB836]

PRESIDENT SHEEHY: Thank you, Senator Campbell. Senator Christensen, you're recognized. [LB836]

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

Floor Debate
March 11, 2010

SENATOR CHRISTENSEN: Thank you, Mr. President. I stand in agreement with both amendments to this bill. And, you know, this is an issue that has got problems from east to west. I don't care where I'm travelling, I run into...see a number of deer problems. You know, I hit a deer a week ago coming down here and messed up the front end of my car. I would have...I'd hate to guess how many that has been in my lifetime. I know my family with seven drivers hit 32 in one calendar year. That's how thick they are on the Republican. I have fields I can take you down and you can count 600 to 1,000 in one field. So I'm telling you this is a severe problem. This is something that Game and Parks has not been able to get their hands on, have not been able to control, and there's not a lot of options for us to take care of this situation. And I don't know how high of fence it would take, but it's gotten so bad that it's going to get cost-effective after a while. We got some pivots that we'll plant 32 rows around the outside of the pivot and we'll be lucky to get 100 bushel off of that, and we ought to take semiloads off of them 32 rows. That's how much damage we're having out there. So I do encourage you to vote green for this bill, move it forward. I read the original bill and I think they need a wake-up call. I think this is a compromise for the present time with Game and Parks to see if they can get things moving the right direction. I sat on Natural Resources my first two years down here and I think it was a joke to them. We told them they had to do something or get a depredation permit. It didn't seem to work very well. They've always had a depredation permit that we've utilized and I'll tell you, anybody that wants to...a deer to process, let us know. We'll get it killed for you. We'll get the permit. We can get all kinds of permits on landowners, but they have to be processed, so that limits the number we can do. They do have the permits for that, but where we don't have the ability to get rid of meat and I don't want to have to process all the meat and pay for it myself, it gets to be very difficult. This should be an improvement. There is additional measures maybe we can get them to look at in the future, but there is a severe problem out there and I encourage your green vote on this to move forward. Thank you. [LB836]

PRESIDENT SHEEHY: Thank you, Senator Christensen. Senator Stuthman, you're

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

Floor Debate
March 11, 2010

recognized. [LB836]

SENATOR STUTHMAN: Thank you, Lieutenant Governor and members of the body. I do realize that there is a major problem with too many deer in the area. In my area, in the section of ground where we have our dwellings and our feedyard and stuff like that, we've counted over 200 deer in an evening there. It used to be 100, but now it's around that 200 head of deer. But the biggest issue that I have with this is the fact of that it was changed from 200 yards down to 100 yards, and I would like to ask a couple of questions of Senator Lautenbaugh. [LB836]

PRESIDENT SHEEHY: Senator Lautenbaugh, will you yield to Senator Stuthman? [LB836]

SENATOR LAUTENBAUGH: Yes. [LB836]

SENATOR STUTHMAN: Senator Lautenbaugh, explain to me the rules and regulations as far as the 100 yards from a residence. What does that really mean? [LB836]

SENATOR LAUTENBAUGH: Well, it was a limit taking some of the lands off...and I'm answering your question probably in a different way. Right now, the limit is 200 yards. This bill would take it down to 100 yards. As I indicated in my opening, there have been some concerns, especially regarding rifles, that 100 yards would be too close. It was my desire to make sure that we had a clear airing of what everyone's concerns were and then try to address that with an amendment on Select possibly limiting it so that it just applies...the 100 yards would just apply to bow hunting not rifles or shotguns. [LB836]

SENATOR STUTHMAN: Okay, but this 100 yards or the existing 200 yards that was in the...was with the Game and Parks originally. Tell me what that really means? Can I be within 200 yards of a feedyard and still shoot? Can I shoot something out of that 200 yards and be in the 200 yards when I shoot? [LB836]

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

Floor Debate
March 11, 2010

SENATOR LAUTENBAUGH: If you want to know if you can shoot outside the 200 yards and be inside the 200 yards, I'm going to say no because that would be an impossibility. [LB836]

SENATOR STUTHMAN: And the way I understand it is that you can't be within that 200 yards standing in that 200 yards and shoot. You can be at 201 or you have made it now to 100 yards, 101 yards you can stand there and you can shoot a deer that's 102 yards away from there too. You can't shoot in that 100 yards or in that 200 yards as it was originally and you can't even be in that as a person to shoot the deer. [LB836]

SENATOR LAUTENBAUGH: To make this as simple as possible, as written currently, whatever your current understanding is for 200 yards, substitute the 100 and all of the rule would still apply. [LB836]

SENATOR STUTHMAN: Yes, yes, I realize that. And the reason I want to go back to the 200 yards is because 100 yards is fairly close to a residence, to a feedlot, to an operation. I think that's very close. I've kind of stepped it off. I haven't measured it exactly yet, but from my office door just down the steps to the north wall is over 100 yards. That's fairly close, you know, that's 300 feet. I just feel that if everyone shot, you know, away from that it probably wouldn't bother as much. But what's going to happen, you know, when they shoot in line with it or happen to turn and shoot within that 100 yards? I still...and I'm going to be putting in an amendment if it isn't addressed sooner, you know, to get it back to that 200 yards. I do realize there's a lot of damage done by the deer. You know, we personally have that experience. There's 12 to 14 rows around the outside of the cornfields, there's nothing there. I just feel that we need to do something but I also feel the fact that the Game and Parks is the one that should be doing the regulations on it. And in the... [LB836]

PRESIDENT SHEEHY: One minute. [LB836]

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

Floor Debate
March 11, 2010

SENATOR STUTHMAN: ...in the hearing, at the hearing process that time, you know, the opponents, you know, the majority of the opponents were like organizations. The Council of Sportsmen's Club, Game and Parks, the Division of Izaak Walton League, Bowhunters, Game and Parks, Rocky Mountain Elk Foundation, those are the ones that were in opposition to this bill. And I think that's probably because of the original bill, but since we have the amendment, maybe there wouldn't be that much of an opposition. But I really think something needs to be done. I know there's neighbors of mine that have got those depredation permits and they have, you know, harvested quite a number of deer already. But I just want to make sure that we don't get into a situation where we're shooting, you know, into residences, having too many people out there shooting. And if there's anything that really upsets me is the fact that we've got a very big wooded area if you have... [LB836]

PRESIDENT SHEEHY: Time, Senator. [LB836]

SENATOR STUTHMAN: Thank you, Mr. President. [LB836]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Members requesting to speak on AM2115, we have Senator Dierks, followed by Senator Sullivan, Senator Wightman, Senator Lautenbaugh, Senator Hadley, and Senator Pankonin. Senator Dierks, you're recognized. [LB836]

SENATOR DIERKS: Thank you, Mr. President, members of the Legislature. I am supporting both the amendment and the bill. I think that Senator White struck a note with me when he talked about the problem of the deer overpopulation and how it affects their own health with...he mentioned bluetongue, for instance, which is a viral condition that deer, cattle get it, sheep can get it. When we send cows into some states, they have to be tested for bluetongue before they can move in there and deer are the natural carrier. They're also natural carriers of leptospirosis and if they have...if a deer has...I

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

Floor Debate
March 11, 2010

saw a leptospirosis problem sweep through one of my river valleys when I first started veterinary practice that the deer caused, and so there's many other things in this thing that we deal with here. And I think that when I think about the problems that deer have with overpopulation on their own health, it reminds me of the same problem we have with horses today and the fact that we have nothing to do...no way to take care of these horses. The United States Humane Society has seen to it that we cannot slaughter horses anymore, and that is probably more cruel than any slaughter plant that takes place. We have horses that are starving to death. The sheriffs are telling us now they're picking up three and four times as many horses for being abandoned in this state than were last year and the year before. It's become a tremendous problem. We need to find some way to get around that. We need to find some way to get some humane horse slaughter plants established. I just thought this was an opportunity for me to talk about that. I know it's a problem. We hear it all over the country. We're hearing it from other states. Wyoming is trying to provide something, Montana is, Illinois has passed some legislation trying to do this. I think what we're looking at now is a matter of state's rights, the sovereignty that we're supposed to have in our own existence. Along the same line with the legislation and the amendment that Senator Louden has, the mountain lion has become a problem. There are more of them in my district. We see them very often. One of them crawled out of the ditch there at the ranch one day when we were baling hay and just sat up on his haunches there and watched the boys bale hay. I had seen a couple of mountain lions going across the ranch about six months before that and I got my binoculars out and I saw for sure that's what it was, and so I went into the yard and I told my son, I said, I just saw two mountain lions out there, and he said, oh, those are coyotes, Dad. I said, well, I don't think so because I had the binoculars on them and I think I know when I see a coyote or a mountain lion, and so they still thought that I saw coyotes. Well, then that was the next spring...the next summer that this mountain lion came out in a hay meadow and watched them bale hay, so it kind of changed their mind a little bit. But we know they're there. They run across the road in front of us in some of the hill country up around Niobrara and so I think that Senator Louden has a point. I'm willing to support that. I wonder, I guess with all of this, how much influence Game and

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

Floor Debate
March 11, 2010

Parks is going to have with conducting the policing action on that. [LB836]

PRESIDENT SHEEHY: One minute. [LB836]

SENATOR DIERKS: Thank you, Mr. President. [LB836]

PRESIDENT SHEEHY: Thank you, Senator Dierks. Senator Sullivan, you're recognized. [LB836]

SENATOR SULLIVAN: Thank you, Lieutenant Governor. I rise in support of AM2115, but I also wonder if Senator Louden would yield for a few questions. [LB836]

PRESIDENT SHEEHY: Senator Louden, would you yield to Senator Sullivan? [LB836]

SENATOR LOUDEN: Yes, I would. [LB836]

SENATOR SULLIVAN: Thank you, Senator. Just a few clarifications about your amendment. First of all, I noticed that...as far as the definition of predator, wolf wasn't mentioned. I know I've had at least one constituent tell me that he's sure that he has seen one on his property, in fact carries a gun with him now to check his cattle. But also, as I understand it, that is...a wolf is on the endangered species list in our state. Is that correct? [LB836]

SENATOR LOUDEN: Yes, that's correct. And that part in this bill is AM2115 that describes what a predator is, is when we were drawing this up, the Game and Parks, my understanding was there wasn't any place in statute that really described what a predator was so they wanted to put that in there. And the reason they left wolf out, if you notice on the second page there of this amendment, they talk about this section shall not be construed to allow anyone to shoot a nongame or endangered species from the Conservation Act and then the federal Endangered Species Act of 1973 and all those

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

Floor Debate
March 11, 2010

different acts there that are listed, and that is where the wolves are still a federal endangered species in some places. They are, I'm sure, in Nebraska. Right now Wyoming, Montana, and Idaho are trying to work out plans to take them off the endangered list and at the present time they...Idaho and Montana have been somewhat successful with the plan they have to control the population, but Wyoming hasn't been successful so they're still an endangered species in Wyoming. [LB836]

SENATOR SULLIVAN: Thank you. Another clarification with respect to the actual killing of a mountain lion, as I understand the way that your amendment is written, if there has actually been damage or they're in the process of causing damage as in killing livestock, that the landowner can actually shoot the lion without having had a prior permit. Is that correct? [LB836]

SENATOR LOUDEN: That's correct and that's new language. At the present time a mountain lion in Nebraska is declared a game animal, but when they were declared a game animal they didn't give the Game and Parks any authority on how to control them or what to do with them, where they could give...set up a hunting season or anything like that. So that's what that's set up in there for, that if they are depredating livestock or poultry, you can shoot them. But it also goes in there where you have to notify the Game Commission, bring them in, and transfer that animal to the Game and Parks Commission, and the reason for that is to get away from this shoot, shovel, and shut up proposition that's been going on for the last few years out there. Because actually it's against the law to shoot a mountain lion but usually the tolerance is zero in some of the ranch country so they were just shot and then the Game Commission has no idea how many there are or what relation they are to each other and that sort of thing. [LB836]

SENATOR SULLIVAN: But then if the landowner actually wants to ask or get a permit, do they have to establish that they have actually then have been having damage and, if so, who determines that damage? [LB836]

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

Floor Debate
March 11, 2010

SENATOR LOUDEN: Well, and that's the way it's written in the bill here, that if they have an animal killed and they suspicion it's a mountain lion kill, then the Game and Parks people come in and decide whether or not it is. And I notice in there they...let's see, I think it's in the first part there, that they have to...the Game and Parks has to decide... [LB836]

PRESIDENT SHEEHY: One minute. [LB836]

SENATOR LOUDEN: ...whether or not...confirm that it is a kill, I should say, and then they will issue the permit. They can't issue the permit until they have a confirmed the kill. [LB836]

SENATOR SULLIVAN: Okay. Thank you very much for those clarifications, Senator. Thank you. [LB836]

PRESIDENT SHEEHY: Thank you, Senator Sullivan. Senator Wightman, you're recognized. [LB836]

SENATOR WIGHTMAN: Thank you, Mr. President, colleagues. I rise in support of both LB836 and the committee amendment and Senator Louden's amendment, AM2115 as well. There's no question that we have a tremendous overpopulation of deer within the state of Nebraska. I read some figures, and maybe those were mentioned earlier, but the figures I remember were that in 1996 there was an estimated population of deer in the state of Nebraska of about 250,000. Today's population I have seen more recently was 380,000. So that's a 50 to 60 percent increase in the last 14 years. Obviously, this comes at a great cost to the state of Nebraska. I suspect everyone in here has part of that cost in paying additional automobile premiums just as a result of the number of accidents that occur on our highways. And of course, if you drive along Interstate 80, you see the results of that with the number of deer that we see every time as we travel from Lexington to Lincoln. And I'm sure that as you get near rivers and creek beds, the

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

Floor Debate
March 11, 2010

country roads see maybe an even larger number of deer. So obviously the insurance cost is a major factor. Crop damage, I have a number of constituents that have contacted me with regard to this bill. One of them has a monitor that reproduces an image with regard to the crops that he raises and you can see along the edges of those fields where sometimes there's almost no crops at all. I don't know that I've seen the numbers that Senator Christensen talks about when he talks about 800 to 1,000 in a field. I guess I know I haven't seen that number, but we certainly do see them as we travel along the interstate. So I agree that in some instances it probably causes disease and lack of sufficient food supply which causes death as well, so I think it could be said that in many instances it will be helpful to the deer population. With regard to the mountain lion, of course we're talking about predators here and we seem to have them. I quite often walk in the dark. A lot of people think I travel in the dark most of the time. But at any rate, I walk along a canal bank and I think it would be tremendous habitat for mountain lions. And then more recently I have heard that within a mile of there some of the neighbors have seen mountain lion cubs. So since I may be the prey, I may have a particular interest in this. Maybe some of my constituents would think that was not a bad idea. But at any rate, I do think we have to be careful. I think the population of mountain lion is much greater than we ever read. I had a...wasn't a constituent but a friend that lives near Oconto, Nebraska, has a little radio show on KRBN and he was telling about how he had seen a mountain lion within about 50 yards and he immediately called the Game Commission and the game officer came out and he said, usually when we get a call like this we conduct a sobriety test but, he said, in this instance we can see the tracks and so we won't conduct the sobriety test. But at any rate, I have a guest here today that lived in St. Paul, Nebraska. There was a mountain lion there that was actually shot because it was within... [LB836]

PRESIDENT SHEEHY: One minute. [LB836]

SENATOR WIGHTMAN: ...a very short distance of the St. Paul school. And so I think they can pose a danger but they certainly are a danger to livestock, and so I think there

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

Floor Debate
March 11, 2010

has to be a method to at least eliminate them occasionally. And I think Senator Louden's amendment, AM2115, is a good amendment. So I would urge your support of both the bill and the amendments. Thank you, Mr. President. [LB836]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Senator Lautenbaugh, you're recognized. [LB836]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. And I do appreciate the words of support we're hearing on this. I think it's important or, obviously, I wouldn't have brought the bill in the first place. I do want to focus on something for a moment that I left out of my opening that is really the untold story here, and most of the opposition on this, especially as originally written, did come from the hunting community. And if there is one thing that I have heard a million times throughout this discussion is people complaining of the problem of access. Now understand this bill does very little to promote actual access to new hunting lands, unless we're talking about the 100-yard, 200-yard thing, which hopefully will end up being limited to bows, as I indicated on Select File, but that's really it. And I don't believe we can mandate access for hunting on private property. But I have pledged, and I'm not sure quite how to do this but maybe this is a start by just saying it right here, I've pledged, I know that some of the supporters of the original bill, the Farm Bureau and the Cattlemen have all pledged to promote access, and what that means is if you have land that's good for hunting and you can allow access, please allow hunters to hunt your land. If we had more hunters and they had more access, we wouldn't be having this conversation. And I wish we did have more hunters. But I think some get discouraged when they can't find a place to hunt. We may be able to do something with public lands that the state controls, too, to allow more access, but that is the key. We have agricultural producers who want fewer deer. They need fewer deer. We have motorists who need fewer deer. We have hunters who want to help with that and hunt the deer. So I plead with anyone who's listening or anyone who reads about this, if you take anything away from the debate today and you have lands that you can open to hunting, please do so. Please open your lands to

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

Floor Debate
March 11, 2010

hunting. Please allow hunters access. Because with that, that will help Game and Parks address this problem. And that does bring me to another point. The bill, as amended, provides additional tools for Game and Parks, using its discretion, to address this problem and that is key. As many people who were opposed to the original bill, before the amendments, said, well, wait a minute, you're taking this away from Game and Parks, voting for the amendment makes it very clear that we are vesting Game and Parks with additional tools to do what they say they want to do and do what I believe needs to be done, which is to decrease the size of the deer herd. Those are two points I felt were kind of skipped over in the opening and I did want to come back to them. I again would urge you to support Senator Louden's amendment regarding the cougars, the committee amendment, and the underlying bill. Thank you. [LB836]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. Senator Hadley, you're recognized. [LB836]

SENATOR HADLEY: I'm sorry, Mr. President, members of the body, I just wanted a couple quick things. One, I had a call from one of the business people in my district regarding deer. He has a wholesale food distributor business that has a lot of trucks on the road and he told me last year alone they had 48 accidents with deer at \$5,000 an accident. So he says it cost his company a quarter of a million dollars to fix the trucks. The second one is an anecdote, a personal experience. After the Nebraska-Oklahoma game, I lost two of my dearest friends at the Hampton exit on the way home that night. The car in front of them hit a deer, spun out, they hit that car, a semitruck hit them and killed both of them. It was an accident caused by hitting a deer. Anybody who's driven from Kearney to Grand Island along the Platte River, especially in the morning or at dusk, it literally is almost like a dodge-em type of thing. The number of deer along there is just remarkable. So I stand in support of AM2115, AM1864, and LB836. Thank you, Mr. President. [LB836]

PRESIDENT SHEEHY: Thank you, Senator Hadley. Senator Pankonin, you're

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

Floor Debate
March 11, 2010

recognized. [LB836]

SENATOR PANKONIN: Thank you, Mr. President. I don't have much to add, similar type stories. My district, District 2, is similar to Senator Lautenbaugh's along the Missouri River and the Platte River, the confluence of, particularly heavy with wooded area and a lot of habitat that deer like. We have the same type of problems with agricultural losses, losses to homeowners, as been said, for trees and shrubs and those sort of things. And personally, we've had the accidents and even like this morning, coming down here for a early event, it was 6:30 in the morning, I always have to make a decision whether to take Highway 66 or Church Road. Highway 66, if it's dark, has deer you have to be very cautious of. On the other hand, it's a state highway and I thought maybe it would be more clear this morning in the slush, three inches of it we were driving in...or I was driving in. But instead, I went on down to Church Road, took it because I was afraid it was so gloomy and whatever that I couldn't see deer. And it's just an everyday thing for me making that decision on which route to take, so it has changed things. On the other hand, we did find out, when Senator Lautenbaugh introduced his original bill, that there were a lot of people interested in that as well. And I'm glad that we've come up with...there again, the Natural Resources Committee has done a fine job of coming up with a compromise. And so I'm going to support both amendments that make this bill I think a reasonable solution for the time being, and I think it's also gotten the attention of not only our Game and Parks division but, as Senator Lautenbaugh said, hopefully landowners will realize that to help control this problem they need to be part of the solution with access and promoting hunting during the seasons and the times when it is allowed. So with that, I appreciate all the comments and, Senator Lautenbaugh, the way you started with this bill and now to have this discussion today shows that you did a good job of forming this. Thank you. [LB836]

SENATOR STUTHMAN PRESIDING

SENATOR STUTHMAN: Thank you, Senator Pankonin. Senator Wallman, you are

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

Floor Debate
March 11, 2010

recognized. [LB836]

SENATOR WALLMAN: Thank you, Mr. President. Fellow members, preaching with the choir here, this is also what was said by Senator Lautenbaugh about landowners. We have a deer stand on our place. We don't use it. Doctors use it, everybody else. It's free because we are passionate about the deer population being too high. So I would encourage all landowners to let other people hunt. And also I will support these amendments plus the bill. Thank you, Mr. President. [LB836]

SENATOR STUTHMAN: Thank you, Senator Wallman. Senator Heidemann, you are recognized. Senator Heidemann waives his opportunity to speak. Seeing no other lights on, Senator Louden, you are recognized to close on AM2115. [LB836]

SENATOR LOUDEN: Thank you, Mr. President. And I appreciate the discussion we've had this afternoon on these amendments and on the underlying bill. I think it's very important that we have this discussion and point out what we are working for and working with. Also, I certainly want to thank the Game and Parks Commission people for the help they've done with...at least on crafting my legislation and also the Natural Resources Committee for advancing it forward and the amendment that they put on with it. With that, I would ask that you would advance AM2115. [LB836]

SENATOR STUTHMAN: Thank you, Senator Louden. You have heard the closing on AM2115 to AM1864. The question before the body is, shall this amendment be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB836]

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of Senator Louden's amendment to the committee amendments. [LB836]

SENATOR STUTHMAN: AM2115 is adopted. Seeing no other senators wishing to

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

Floor Debate
March 11, 2010

speak on AM1864, Senator Langemeier, you're recognized to close on the Natural Resources Committee amendment. [LB836]

SENATOR LANGEMEIER: Mr. President, members of the body, thank you again for the discussion. And AM1864 does become the bill and we'd ask for your adoption of AM1864. Thank you. [LB836]

SENATOR STUTHMAN: Thank you, Senator Langemeier. You have heard the closing on AM1864 from the Natural Resources Committee. All those in favor vote yea; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB836]

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB836]

SENATOR STUTHMAN: Committee amendments have been adopted. Seeing no other lights, Senator Lautenbaugh, you are recognized to close on LB836. [LB836]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. We need to vote green one more time and I'll urge you to do so. I want to thank Senator Langemeier and his committee for their hard work on this. I want to thank Game and Parks for the cooperation and the information. I'd be remiss without thanking Speaker Flood for prioritizing this. And I think this is an important piece of legislation that does give additional tools to Game and Parks to utilize to address a problem that we all recognize. And I won't belabor the point. I'll just ask you to vote green one more time. Thank you. [LB836]

SENATOR STUTHMAN: Thank you, Senator Lautenbaugh. You have heard the closing on LB836. The question before the body is, shall LB836 advance? All those in favor vote yea; all those opposed vote nay. Have all those voted who care to? Mr. Clerk,

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

Floor Debate
March 11, 2010

please record. [LB836]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB836. [LB836]

SENATOR STUTHMAN: LB836 does advance. Mr. Clerk, for information to be read into the record. [LB836]