

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

Floor Debate  
March 17, 2010

---

[LB836]

CLERK: Mr. President, the next bill, LB836. Senator, I have Enrollment and Review amendments, first of all. (ER8190, Legislative Journal page 892.) [LB836]

SENATOR CARLSON: Senator Nordquist for a motion. [LB836]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB836. [LB836]

SENATOR CARLSON: You've heard the motion. All in favor indicate by saying aye. All opposed, nay. Motion carried. [LB836]

CLERK: Mr. President, the first amendment to the bill, Senator Hansen, AM2191. (Legislative Journal page 883.) [LB836]

SENATOR CARLSON: Senator Hansen, you're recognized to open on your amendment. [LB836]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. The reason that I had a problem with the distance that hunting was allowed from anyone's home or business feedlot, that's the...what got my attention was that even at 200 yards if we go back to the original language, the 200 yards is not a very far...is not much of a distance. It's not far enough for safety of children. It's not enough for the safety of livestock. With the explosion of a gun, it doesn't take much to scare cattle, especially cattle...even in the regular deer season is probably the worst time that we've had experiences with guns being discharged closer than 200 yards, or even up to a quarter of a mile that I suggest, that scares cattle. I mean, they're frightened anyway. Horses don't take well to guns going off. And I think that the quarter of a mile would be a minimum distance. I understand from Senator McCoy and Senator Lautenbaugh both

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

Floor Debate  
March 17, 2010

---

that a quarter of a mile is way too far because the houses are too close together and you can't get a quarter of a mile away from a house to shoot a deer. Maybe...and I would be acceptable to even amending this to include a quarter of a mile with high-powered rifles. If it's less than a quarter of a mile, then arrows and shotgun would suffice for me. But if we're going to use the high-powered rifles, I think it needs to be at least a quarter of a mile or 440 yards. Thank you, Mr. President. [LB836]

SENATOR CARLSON: Thank you, Senator Hansen. You've heard the opening on AM2191. The floor is now open for debate. Senator Lautenbaugh, you're recognized. [LB836]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I do rise in opposition to this amendment and let me say why. This bill, as I indicated on General File, is actually an important bill, but it has various components for various interests in it. And the most prohunter portion of this bill was the provision that lowered that 200-yard limit down to 100 yards. And I indicated on General File that I understood the concern regarding rifles and that I would bring an amendment that would put the rifles back at 200 yards but leave everything else at 100 yards. And there was some agreement to that and we moved on. Senator Hansen was not a party to that, but to increase the yards around feedlots would dramatically limit the areas available for hunting. And throughout the life of LB836, I had explained I'd been, you know, defending against the charge that this was an antihunting bill. And I said, oh, far from it. As amended especially, it's designed to give Game and Parks the tools they need to further regulate the deer herd and actually reduce it in the areas where they need to. But as I said on General File, the best solution would be to have more hunters hunting. So with that sentiment, the absolute worst thing we could do is to increase the number of areas that are off limits to hunters. We have a tremendous problem in this state of access, and the 100 yards isn't something I picked out of the air. When we were discussing the amendments to this bill with the committee and with Game and Parks, I suggested 75 yards for bow hunters--75 yards because there's really not a 200-yard

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

Floor Debate  
March 17, 2010

---

danger from bows. And the advice I was given, and it was good advice, was you should make it across the board 100 yards because there really...the danger here is dramatically overstated. If you're worried about rifles, they already can go much farther than 200 yards, so the 200-yard limit is really meaningless. You'd have to have someone intentionally firing towards the residence and 200 yards doesn't help you if someone's doing that with a rifle. That's just the honest truth of it. So Game and Parks suggested 100 yards and I agreed, and that became part of the committee amendment as the committee agreed as well, obviously. But I understood the ongoing concern regarding rifles and if that had to be pushed back up to 200 yards, which it is in existing law, that was acceptable to all involved, it seemed like. But to do this regarding feedlots and to add a dramatic quarter-mile barrier around feedlots is just, in my mind, unconscionable and we are sending the absolute worst message to hunters possible. And that is, in a bill where we're trying to do a little something to encourage access and grant you access to more lands, we're going to take a lot of land off limit. And I'll go so far as to say when I became aware of this amendment, I discussed this amendment with some representatives of the agricultural interests, some representing cattle, some representing farms. You can probably tell which is which. I said, are you with this? Do you want this? And the response was, no. This isn't needed. We're fine with the 100 yards. We're fine with the 200 yards for rifles, 100 yards for everything else. This is going the wrong way. And this bill exposed a lot of acrimony and bad feelings between some in the ag community and some in the hunting community. And it has been a careful compromise to try to address the legitimate concerns of farmers regarding deer overpopulation and to provide additional access for hunters. [LB836]

SENATOR CARLSON: One minute. [LB836]

SENATOR LAUTENBAUGH: And with this amendment, we are sending a disastrous message to hunters that everything we said in the negotiations to get to the committee amendment we just plain didn't mean. Hunters, we don't want you. Go to another state. And I don't think anyone wants to say that. And I urge you to vote against this

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

Floor Debate  
March 17, 2010

---

amendment. Thank you, Mr. President. [LB836]

SENATOR CARLSON: Thank you, Senator Lautenbaugh. Those wishing to speak, Senators Karpisek, Hansen, Langemeier, and Fulton. Senator Karpisek, you're recognized. [LB836]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. Would Senator Hansen answer some questions, please? [LB836]

SENATOR CARLSON: Senator Hansen, would you yield? [LB836]

SENATOR HANSEN: Yes. [LB836]

SENATOR KARPISEK: Thank you, Senator Hansen. How many...what's the definition of a feedyard, a feedlot? I mean, is there a definition? I mean, maybe we're thinking about cattle on stocks. That's not what you're talking about, is it? [LB836]

SENATOR HANSEN: No. I was more concerned with confined animals. At weening time, like we confine calves, freshly weened calves, around a barn. And that's what we have problems with is we have hunters and during deer season, you know, firing off rifles, firing off shotguns close to those calves. And then also in our regular feedlot, in a CAFO, confined animal feeding operation, people discharging rifles, shotguns too close to that too. I think it's unconscionable to explode a shell that close to a confined animal. And it has nothing...if I could take just a moment? [LB836]

SENATOR KARPISEK: Go ahead. [LB836]

SENATOR HANSEN: I have nothing against hunters. Senator Lautenbaugh and I are certainly on the same page. We have too many deer. We need more hunters. We really do, but in the western part of the state where we have a lot of livestock, we don't want

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

Floor Debate  
March 17, 2010

---

people shooting close to those animals. [LB836]

SENATOR KARPISEK: Okay. Well, thank you, Senator Hansen. I think that's a little bit of how much land does this really take out, especially in the western part? Probably not all that much because you have cattle out in pastures more or so you have them on your yard or an abandoned yard. The 400 yards on the eastern side of the state I can see being away from a residence could take up a whole lot of land. I live in town now, but I did live out on the farm for a while after we got married and I was concerned about the hunting being fairly close. I don't know that they were any 200 yards away. I think they were more like 50 yards away usually it felt like they were shooting at the house, but I am concerned about how close they are to the house or the yard. But I also think that the 400 might really take out a big chunk around those. So I will keep listening. Senator Hansen, I was going to give you some time if you want it. I know your light is up next. Mr. President, I'd yield my time to Senator Hansen if he would like. [LB836]

SENATOR CARLSON: Thank you, Senator Karpisek. Senator Hansen, 2 minutes. [LB836]

SENATOR HANSEN: Thank you, Senator Karpisek. I appreciate that. I want to be clear that I don't live in the eastern part of the state. I don't live in Washington County. I think that part of the problem is the urban sprawl from our cities out to the country. People continue buying 20-acre plots, building a house, a nice yard, big yard, a couple of horses. And if you can't get more than 100 yards away from your property to shoot a deer, there may be too many houses out there. It's kind of late now, but I've heard that deer really like impatiens, the little flower. So I'm sure there's impatiens growing in all these housing units that, you know, the pretty flowers, here come the deer. Well, we have more deer now close to the house than we've ever had before. We have more houses than we had...has ever been close to the deer. So it's kind of a, what do we do? Which came first, the deer or the house? But I think it is a problem and I think it continues to be. Thank you. [LB836]

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

Floor Debate  
March 17, 2010

---

SENATOR ROBERT PRESIDING

SENATOR ROBERT: Thank you, Senator Hansen. Senator Fulton, you're recognized.  
[LB836]

SENATOR FULTON: Thank you, Mr. President, members of the body. I do want to comment on the amendment. I stand opposed to AM2191 with respect to my colleague and friend Senator Hansen. I've heard from some members in the sportsmen's group that there was an accord struck to get to 200 feet (sic) per Senator Lautenbaugh's bill, and that's what we've had on General File. And so that was expressed to me, I felt it was appropriate to make that expression here. That's why I'm being opposed to AM2191. I will yield any remaining time to Senator Lautenbaugh if he would so choose to use it. [LB836]

SENATOR ROBERT: Senator Lautenbaugh, 4 minutes, 20 seconds. [LB836]

SENATOR LAUTENBAUGH: Thank you, Mr. President and briefly. I appreciate Senator Fulton's comments. I appreciate Senator Hansen's comments. I just think this would be an extreme reaction. If there is a problem in the western part of the state with shooting near feedlots, that's maybe something that should be addressed by the Natural Resources Committee next year after hearing with proper input, but we heard nothing at all in committee on this bill, when I was in their committee, about the limit being too small. Quite the opposite. And so I would urge you to vote against this amendment and I would yield the rest of my time Senator Langemeier. [LB836]

SENATOR LANGEMEIER: Can't do that. [LB836]

SENATOR ROBERT: Can't do that, Senator Lautenbaugh. One yield only. Senator Hansen, you are recognized. [LB836]

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

Floor Debate  
March 17, 2010

---

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. Would Senator Lautenbaugh yield to a summary? [LB836]

SENATOR ROBERT: Senator Lautenbaugh, will you yield to a question? [LB836]

SENATOR LAUTENBAUGH: Yes, I will. [LB836]

SENATOR HANSEN: Thank you, Senator Lautenbaugh. Could you describe the countryside where all these deer are in your county and around Blair and Washington County, and how close are those houses and if you were 100 yards, 200 yards away, how close would you be to the next house? Can you give me a visualization of that? [LB836]

SENATOR LAUTENBAUGH: Absolutely, Senator. Although I don't know that it will be terribly helpful because as I describe my district in particular, I say it's a microcosm of the state. I have part of the city of Omaha where the houses are very close together. I have my area which is now part of the city of Omaha. There's neighborhoods around mine where the houses become farther apart. Then we have open farm ground. As we go north through northwest Douglas County and up into Washington County, and then we get into acreages and rolling hills as you get close to the river and as you go west, back west in Douglas County...I'm sorry, Washington County, there's more traditional ag land. And then there's the city of Blair, city of Fort Calhoun. There's no real way to answer that question as we have every possible combination you could imagine. [LB836]

SENATOR HANSEN: In the area where the deer...I don't know if they're concentrated or if they're spread out, but in the areas where they have the acreages, if you were 200 yards away from your home and away from business, how close would you be to the next house? [LB836]

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

Floor Debate  
March 17, 2010

---

SENATOR LAUTENBAUGH: Again, Senator, that's really unanswerable... [LB836]

SENATOR HANSEN: Yeah. [LB836]

SENATOR LAUTENBAUGH: ...because it would depend. Sometimes it would be 50 yards, sometimes it would be inside the next house, sometimes...there's just no way to answer that. [LB836]

SENATOR HANSEN: I think that's the problem I have is why set a distance that is so short? I mean, especially if we're shooting toward, you know, 100 yards away or 200 yards away, whatever it is, are you're just pushing people, pushing hunters closer to another person's home? [LB836]

SENATOR LAUTENBAUGH: Well, Senator, I would tell you the reason for the 100 yards and why we picked it, again, it was not something that we picked out of the blue. It was a number recommended to us by Game and Parks who, I think, who all concede they're the experts in this area. And in dealing them in committee, they said 100 yards was ample for the safety concerns involved. They don't have a history of injuries related to the 200-yard limit versus the 100-yard limit, and they said this is the way to go. So, I mean, if everything we do is drawing lines and that was where the common sense line was recommended to be drawn based upon their expertise. [LB836]

SENATOR HANSEN: Okay. Thank you, Senator Lautenbaugh. I still have a problem with discharging rifles, shotguns, anything but bow and arrows and slingshots closer than a mile and quarter shooting deer. And I know we have to do something with the deer population and certainly chasing them down with a car is not a good option. So the deer hunters have to help, have to help out with this problem. But I still think that the distance is a problem. And the reason I think the distance is a problem is because of the percussion when the rifle is shot and then closeness to someone's else's property.

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

Floor Debate  
March 17, 2010

---

When anyone comes up to our place and says, can I hunt deer? We always say: Yeah, sure. Go ahead. Stay at least a quarter of a mile away from the house. It's no big deal. The deer are out there too. So I think the mile and a quarter is reasonable and I think that anything closer with a shotgun or a rifle is too close. Thank you, Mr. President.

[LB836]

SENATOR ROBERT: Thank you, Senator Hansen. Senator Langemeier, you're recognized. [LB836]

SENATOR LANGEMEIER: Mr. President, members of the body, I rise in opposition to AM2191. The law has been the law for years and years and years and years, set by this Legislature at 200 yards. This bill with LB836 wants to make it 100 yards. Senator Stuthman would like it to go back to 200 yards. I'm going to support Senator Lautenbaugh's, which will be the third amendment we get to, if it's not 4:30 by then, that would take it back to 200 yards but allow 100 yards for bow and arrow. A hundred yards with a bow and arrow is about the capacity of it. So I rise in opposition to AM2191. The 200 yards has been there a long time. We haven't heard complaints. I talked to Game and Parks. That hasn't been an issue to increase it, but we would like to take it back to the 200 and 100 for bow and arrow. And with that, I'm going to wait to support Senator Lautenbaugh's which is the third amendment up and ask you not to vote for AM2191. Thank you. [LB836]

SENATOR ROBERT: Thank you, Senator Langemeier. Seeing no other lights on, Senator Hansen, you're recognized to close on your amendment. [LB836]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. I just want to bring some sensibility to distances and rangers, proximity to houses, proximity to animals in a confinement situation, horses running in a field. Let's just use some common sense and stay away from livestock. That's the main idea of this amendment. I would urge you to vote for this. If not, we have some other alternatives there. Just so we

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

Floor Debate  
March 17, 2010

---

don't create a war zone in Washington County. Thank you, Mr. President. [LB836]

SENATOR ROBERT: Thank you, Senator Hansen. Members, you have heard the closing to AM2191, the amendments to the committee amendments. The question before the body is, shall the amendment be adopted? All those in favor vote yea; opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB836]

CLERK: 4 ayes, 24 nays, Mr. President, on the amendment. [LB836]

SENATOR ROBERT: AM2191 is not adopted. [LB836]

CLERK: Mr. President, Senator Stuthman would move to amendment with AM2111. (Legislative Journal page 955) [LB836]

SENATOR ROBERT: Senator Stuthman, you're recognized to open on AM2111. [LB836]

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. My amendment would take out the portions of the committee amendment that deals with the 100 yards and go back to the original statute of 200 yards. My reason for that is the fact that I think we should keep it simple. We should keep it the same for both. Even the 200 yards, you know, I can accept that. And that's what we have in statute right now. And I have the personal privilege...maybe it's not a privilege, but the experience of what happens, you know, within the 200 yards or at 200 yards. We have had people shoot at like 200 yards from our cattle feedyard. And maybe I should give you people, you know, what my experience is, what I have. I have a farm place, a cattle feedyard. We have land, a very wooded area, for about a mile and a half with a lot of deer. And this really effects me if we change this in any way. The 200 yards, we had an individual shoot, you know, it was within the 200 yards, it was about 195 yards because we did measure it off from the feedyard to where he shot because the experience that we had with the

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

Floor Debate  
March 17, 2010

---

shooting at that point. Shooting these deer rifles, these large deer rifles is like a canon going off. And especially in the fall when we ween calves and have a pen of calves that are weened and you shot a canon off, you know where those cattle are ending up at. They're another mile down the road through the fences, through the bunks, through the waterers. They bust everything up. The cattle that are in the yards at a longer period of time, the circle. They just continual circle because they're so scared. And this is the reason that I wanted to keep it at the 200 yards. Now, I know Senator Lautenbaugh, you know, wants 100 yards for the bow. I don't agree with that. If it is just the bow, the shooting of the bow, there is not a lot of sound. No, there isn't. But the fact is, if that deer is shot with a bow, and most generally when you shot the deer with the bow, they could be crippled, they could be wounded, they're not instantly dead. What are you going to do if you have shot that deer at 110 yards from my feedyard or 110 yards from the house, from a residence? You can't shoot that deer, that crippled deer. You have to drag that deer another 90 yards to be out of that 100-yard distance. You have to be 200 yards away from a residence to shoot that deer. I think that just compounds the issue that we have and it, in my opinion, I don't know what's wrong with leaving it the way we have it right now at the 200 yards. We surely don't want to have it come closer. And Senator Lautenbaugh has agreed, the rifle, we don't want to have that come closer than the 200 yards. Originally he had it moving to 100 yards. You know, that's very close. A hundred yards and a high-powered rifle, if you stood by my office door, 100 yards is the north wall of the hall. That's pretty close for 100 yards. So I think we need to go back to the way we have had it, 200 yards and leave it at that. I know there's a lot of issues of, you know, we need to allow more access to deer hunters. Well, I'm going to tell you, we do allow people to come in to our area to hunt, but we have seen far too many irresponsible deer hunters in our wooded area and we don't appreciate that. It takes one good shot to kill a deer. We have heard time and time again as much as 12 to 15 shots. I mean, if they're shooting at a flock of geese with these high-powered rifles, but you know those bullets end up somewhere. And we've got houses in the area. We do have people come in that do hunt in our wooded areas. Our area right now at the present time, we have seen as many as, you know, 120 to 150 deer. But they scatter out

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

Floor Debate  
March 17, 2010

---

through the summer when they have their little ones. But in the wintertime they congregate and come back to the area. We have the deer come as close as right up to the cattle feedyard, but I really think that the issue if it was to be changed, why didn't the Game and Parks want to change something that had come from the Game and Parks? I think we should leave it at the 200 yards and just leave it as is. I will say the 400 yards is probably plenty because of the fact there would be a lot of areas where you couldn't hunt. You have a farm place. And within a half mile, there's another farm place, another operation. You couldn't hunt anywhere in between there because it would be a quarter mile to a quarter mile, that would be a half mile you couldn't hunt at all. But I think we really should stay with the 200 yards and that's what I support. I want to give you a little information that I received from an individual. He's from my area and he writes about how many deer that Wisconsin has and kind of how many deer per square mile and how many deer they harvest. You know, Nebraska has 77,000 square miles of land, has a deer population of about estimated at 380,000. Wisconsin has 56,000 square miles or about 72 percent of the size of Nebraska. Wisconsin hunters killed 329,000 deer in 2009. The remaining herd is estimated at 990,000 deer. Wisconsin farmers deal with 23.5 deer per square mile, and Nebraska has about 5 deer per square mile. So the deer, yes, they are maybe overpopulated in Nebraska, but it's really not all that bad and they do some damage, that they do. But I really think, I really think that we should leave this as it is for the 200 yards because when we have the 200 yards that we're used to and what we're accustomed to and now if Senator Lautenbaugh's amendment passes with 100 for the bow and the 200 for the rifle, it just compounds the problem of: were you this far or weren't you that far, and where was the deer when you hit it with the bow and, you know, did you shoot it with the rifle to kill it within that 100 yards or were you out in that 200 yards? So I really think, in my opinion, let's leave it as it is. It's a good distance but, you know, I would never allow, you know, it to be any closer than that 200 yards. With that, I ask for your support on this amendment. Thank you, Mr. President.  
[LB836]

SENATOR ROBERT: Thank you, Senator Stuthman. Members, you've heard the

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

Floor Debate  
March 17, 2010

---

opening to AM2111, the amendment to the committee amendments. Those wishing to speak, Senators Lautenbaugh and White. Senator Lautenbaugh, you're recognized.

[LB836]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I'm going to do something that I think is important here and that is keep my word. We had concerns voiced on General File and I gave my word to people, including Senator Stuthman, that I would change it so that the 200 yards applies still to rifles, 100 for the rest. I have an amendment that's up next to do that. I'd urge you to support it. I would urge you to vote against this one as it's not consistent with what we agreed on General File. It is consistent with what Game and Parks recommends or this amendment is inconsistent with what Game and Parks recommended. It's inconsistent with the committee testimony we heard. It's inconsistent with basically the spirit of the bill as we explained it on General File. And I would urge you to vote no on this amendment.

[LB836]

SENATOR ROBERT: Thank you, Senator Lautenbaugh. Senator White, you are recognized. Senator Stuthman, you are the next light on and the only light on. [LB836]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I will use this also as my closing, since there are no other lights, in the essence of time. But the fact is as Senator Lautenbaugh said, yes, he was a man of his word and he said he would change that. Yes, I agree with him there, but I did not agree with the fact that, you know, that I was going to go along with that 100 yards for the bow and I will not go along with that, in my opinion. I just truly think that we should keep it at the 200 yards whether it's bow or whether it's with the rifle. I just think let's leave it as it is and concentrate on that. I don't like to see the changes and I think it's going to create some problems with people that are allowed to hunt in certain areas and the fact of, you know, were you at 100 yards or were you at 200 yards and did the animal run to...when you shot it within...with just over 100 yards with a bow and it isn't dead, are you going to drag it

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

Floor Debate  
March 17, 2010

---

over 200 yards so that you can shoot it with a rifle? Are they going to do that? I don't think they are. I think they're going to shoot it on the spot. They're not going to the trouble to drag it the 200 yards to the 200-yard spot. So with that, I would ask your support for this because it just leaves it as it is and, yes, we have a lot of deer but I don't think they're a major problem in our area. And I would just like to ask for your support on this amendment. Thank you, Mr. President. [LB836]

SENATOR ROBERT: Thank you, Senator Stuthman. Members, you've heard the closing to AM2111, the amendment to the committee amendments. The question before the body is, shall the amendment be adopted? All those in favor vote yea; opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB836]

CLERK: 4 ayes, 22 nays, Mr. President, on the amendment. [LB836]

SENATOR ROBERT: AM2111 is not adopted. [LB836]

CLERK: Mr. President, the next amendment I have, Senator Lautenbaugh, AM2253. (Legislative Journal page 956.) [LB836]

SENATOR ROBERT: Senator Lautenbaugh, you're recognized to open on AM2253. [LB836]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of body. This is the amendment that I was referring to earlier. I did adjust it from General File and I'd urge your support of this. Simply put, it does put the limit for rifles back at the existing limit of 200 yards and lowers the rest to 100. I urge your approval. Thank you. [LB836]

SENATOR ROBERT: Thank you, Senator Lautenbaugh. Members, you've heard the opening to AM2253. Members wishing to speak, Senator Stuthman, you're recognized. [LB836]

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

Floor Debate  
March 17, 2010

---

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I would like to ask Senator Lautenbaugh a question. [LB836]

SENATOR ROBERT: Senator Lautenbaugh, will you yield to a question from Senator Stuthman? [LB836]

SENATOR LAUTENBAUGH: Yes, I will. [LB836]

SENATOR STUTHMAN: Senator Lautenbaugh, in this extended season, is this extended only for rifle or is it for rifle and bow? [LB836]

SENATOR LAUTENBAUGH: In the extended season as provided in the amended bill, it would be any weapon. [LB836]

SENATOR STUTHMAN: So in other words, there could be rifle hunters and bow hunters in this extended season at the same time? [LB836]

SENATOR LAUTENBAUGH: It's conceivably possible. [LB836]

SENATOR STUTHMAN: What do we have at the present time? Do we have designated bow season, a designated rifle season, a designated black powder season? Do we have that now? [LB836]

SENATOR LAUTENBAUGH: We have designated seasons, there may or may not be some overlap. [LB836]

SENATOR STUTHMAN: You state that some of them do overlap so there could be rifle and bow at the same time? [LB836]

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

Floor Debate  
March 17, 2010

---

SENATOR LAUTENBAUGH: That's conceivable. [LB836]

SENATOR STUTHMAN: No. I don't think so. I will have to check the record but I don't think that is possible because you have a designated rifle season and designated bow season and then there's also a designated black powder season. So this is the question that I have, you know, are we going to have bow hunters if we have this extended season to try to get rid of some of the deer population, are we going to have a season of bow hunters, rifle hunters, hunters able to hunt close to your residence? Some can't be that close. I mean, I would like to get a clarification so I want to know for sure what is in your bill that defines whether it's rifle in the extended depredation season or if it is also bow. [LB836]

SENATOR LAUTENBAUGH: Well, I know in discussions with Game and Parks there is a contemplated overlap of possibility. We've discussed that previously. I can tell you this, that the bow hunters are going to be readily distinguishable from the rifle hunters. The first thing that comes to mind is one of them will have a bow and the other one is going to have a rifle. And regardless of what season we're in, 100 yards is 100 yards and 200 yards is 200 yards. And if you have a rifle, you need to be 200 yards away which is existing law, if you have a bow, you're going to be allowed to be closer. And I don't think there's going to be any difficulty distinguishing between the two and where they are allowed to be. [LB836]

SENATOR STUTHMAN: Well, in...this is still my time, isn't it, Mr. President? [LB836]

SENATOR ROBERT: Yes, 1:47. [LB836]

SENATOR STUTHMAN: The thing that is disturbing to me is the fact that...and I know for a fact there's going to be bow hunters carrying their bow and their arrows and also a rifle. And the reason they carry their rifle is the fact that they may have to shoot the animal to kill the animal after they hit it with a bow. The issue that I have is they're going

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

Floor Debate  
March 17, 2010

---

to be close to a residence, 100 yards, 300 feet from my door to the end of the wall with their bow. [LB836]

SENATOR LAUTENBAUGH: Yeah, I see what you're saying. I kind of messed up there. [LB836]

SENATOR STUTHMAN: And if there's one real close, they'll probably use the bow. But then if it isn't real close, then they use the rifle. I've got real concerns with what we're attempting to do here by making that distance different... [LB836]

SENATOR ROBERT: One minute. [LB836]

SENATOR STUTHMAN: ...between the two and differentiate between the bow hunters and the rifle hunters, and the fact is, is why don't we try to keep it the same or are these bow hunters going to be only bow hunters? Are they going to be close to residences in certain areas where there probably is not feedyards or anything like that and they see some deer and they're real close and they're going to just bow hunt? Is this going to allow more people to bow hunt and also carry a rifle? I just feel that we've got a lot of questions that need to be answered here yet before we continue to move this bill on, in my opinion. [LB836]

SENATOR ROBERT: Time. [LB836]

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

SENATOR ROBERT: Thank you, Senator Stuthman. Senator Langemeier, you're recognized. [LB836]

SENATOR LANGEMEIER: Mr. President, members of the body, I want to clear a couple of things up here. First of all, we have a rifle season. We also have a bow season. We

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

Floor Debate  
March 17, 2010

---

have a black powder season. The black powder and the bow do overlap. Last year, we had a three-day any form of firearm, three-day hunt in October this year which would allow for bows, black powder, or rifle. We had no problems. They all existed for three days with all weapons out there hunting deer. The purpose of LB836 is to allow Game and Parks at their discretion to extend a season. At that time, they're going to decide whether it's going to be bow season, it's going to be black powder season, it's going to be rifle season, or all weapons. That is up to Game and Parks. They set those rules now. They had a season last year in October for three days. We can continue to let them manage the deer population and determine the seasons that they see fit. And so I just wanted to make sure we got that on the record correctly. And, again, I would ask for your support of AM2253 and LB836. Thank you. [LB836]

SENATOR ROBERT: Thank you, Senator Langemeier. Senator Stuthman, you're recognized. [LB836]

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. I would like to ask a question of Senator Langemeier. [LB836]

SENATOR ROBERT: Senator Langemeier, will you yield to a question? [LB836]

SENATOR LANGEMEIER: You bet. [LB836]

SENATOR STUTHMAN: Senator Langemeier, you stated there that the Game and Parks can set the season? [LB836]

SENATOR LANGEMEIER: Game and Parks sets all our hunting seasons now, yes. [LB836]

SENATOR STUTHMAN: Okay. Can they set the distance from a feedyard as to what can be shot? I mean, can they set the distance? [LB836]

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

Floor Debate  
March 17, 2010

---

SENATOR LANGEMEIER: No, that is statutory and that's what we're talking about right here today. [LB836]

SENATOR STUTHMAN: That's in the statute? [LB836]

SENATOR LANGEMEIER: Yup. [LB836]

SENATOR STUTHMAN: And what we're trying to do here is we're trying to change the statute from 200 yards to 100 yards... [LB836]

SENATOR LANGEMEIER: For bows only. [LB836]

SENATOR STUTHMAN: ...for the bow, for just the bow? [LB836]

SENATOR LANGEMEIER: Correct. [LB836]

SENATOR STUTHMAN: But the Game and Parks can do anything else as far as extending the season as to how many deer that you can get or anything like that? [LB836]

SENATOR LANGEMEIER: Yes. [LB836]

SENATOR STUTHMAN: Okay. Thank you. Thank you, Senator Langemeier. The issue that I have is, you know, we're trying to change the statute, but what is wrong with the statute that we have right now? Why do we have to change it from the 200 yards down to 100 yards? What group of people or what organization or what area is really promoting this? That is the concern that I have. I just feel that, you know, there must be something where there must be a housing development where they want to shoot deer with the bow and they can't because of the 200 yards. So I know I don't support this and

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

Floor Debate  
March 17, 2010

---

that's what I will continue to do. So thank you, Mr. President. [LB836]

SENATOR ROBERT: Thank you, Senator Stuthman. Seeing no other lights on, Senator Lautenbaugh, you're recognized to close on AM2253. [LB836]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I remember a lot of things my contracts professor said in law school, not enough, but one of the things he said that stuck with me was: When you hear hoof beats, don't look for zebras. You should expect horses more than likely. Sometimes the most obvious answer is the correct answer. So, no, the suggestion that there's some specific housing development where there's some problem or some specific thing that's motivating this, I think we've been pretty clear on what the motives are. We need more places for hunters to hunt. We've worked with Game and Parks. We've discussed what safety would dictate, and we brought forward the bill which as advanced lowers everything down to 100 yards. This amendment puts rifles back at 200 as I discussed out of an abundance of caution, abundance of safety for rifles, and that's why we're doing this. And if the question is, what group benefits from this, well, I would say the motoring public benefits because there will be fewer deer. I would say the hunters benefit because there will be more places for them to hunt. And for all the talk we've had on this bill and all the tools we're giving Game and Parks to manage the herd, again, it all comes back down to access and hunting is the preferred way to manage the herd. And I pled with anyone who was listening on General File, if you have land you can grant access to, please do. This amendment and this portion of the bill is part and parcel of that. Access, access, access breeds more hunting; more hunting means fewer deer. I would urge your support of the amendment and advancement of the underlying bill. Thank you, Mr. President. [LB836]

SENATOR ROBERT: Thank you, Senator Lautenbaugh. Members, you've heard the closing. The question before the body is, shall we adopt AM2253? All those in favor vote yea; opposed vote nay. Have all those voted who care to? Mr. Clerk, please

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

Floor Debate  
March 17, 2010

---

record. [LB836]

CLERK: 34 ayes, 1 nay, Mr. President, on the adoption of Senator Lautenbaugh's amendment. [LB836]

SENATOR ROBERT: The amendment is adopted. [LB836]

CLERK: I have nothing further on the bill at this time, Mr. President. [LB836]

SENATOR ROBERT: Returning to discussion on the bill, is there anybody wishing to speak? Seeing none, Senator Nordquist. [LB836]

SENATOR NORDQUIST: Mr. President, I move LB836 to E&R for engrossing. [LB836]

SENATOR ROBERT: Members, you have heard the motion. The question before the body is, shall LB836 advance to E&R for engrossing? All those in favor signify by saying aye. Opposed, nay. LB836 does advance. [LB836]