

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**BOSTELMAN:** All right. Good morning, everyone. Welcome to the Natural Resource Committee. I'm Senator Bruce Bostelman from Brainard representing the 23rd Legislative District, and I serve as Chair of the committee. The committee will take up the bills in the order posted. This public hearing today is your opportunity to be a part of the legislative process and to express your position on the proposed legislation before us. If you are planning to testify today, please fill out one of the green testifier sheets that are on the table at the back of the room. Be sure to print clearly and fill out-- fill it out completely. When it is your turn to come forward to testify, give the testifier sheet to the page or to the committee clerk. If you do not wish to testify, but would like to indicate your position on a bill, there are also white sign-in sheets back on the table. These sheets will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly and loudly into the microphone. Tell us your name and spell your first and last name to ensure we get an accurate record. We will begin each bill hearing today with the introducer's opening statement, followed by proponents of the bill, then opponents, and finally by anyone speaking in the neutral capacity. We will finish with a closing statement by the introducer, if they wish to give one. We will be using the five-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you have one minute remaining. And the red light indicates you need to wrap up your final thought and stop. Questions from the committee may follow. Also, committee members may come and go during the hearing. This is-- this has nothing to do with the importance of the bills being heard. It is just part of the process as senators have-- may have bills to introduce in other committees. A few final items to facilitate today's hearing: If you have handouts or copies of your testimony, please bring it up. Bring up at least ten copies and give them to the page. Please silence or turn off your cell phones. Verbal outbursts or applause are not permitted in the hearing room. Such behavior may be cause for you to be asked to leave the hearing. Finally, committee procedures for all committees states that written position letters to be included in the record must be submitted by 12 noon the last business day before the scheduled hearing on that particular bill. The only acceptable method of submission is via the Legislature's Website at [NebraskaLegislature.gov](http://NebraskaLegislature.gov). You may submit a written letter for the record or testify in person at the hearing. You cannot do both. Written position letters will be included in the official hearing record, but only those testifying in person before the committee will be included on the committee statement. I will now

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

have the committee members with us today introduce themselves, starting on my far left. Senator Fredrickson.

**FREDRICKSON:** Switched it up today. I'm John Fredrickson. I represent the 20th District, which is in central-west Omaha.

**SLAMA:** Julie Slama, District 1: Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties.

**HUGHES:** Jana Hughes, District 24: Seward, York, Polk, and a little bit of Butler County.

**BOSTELMAN:** And to my far right.

**BRANDT:** Senator Tom Brandt, District 32: Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster Counties.

**JACOBSON:** Hi there. Senator Mike Jacobson. I represent Lincoln, Hooker, Thomas, McPherson, Logan, and three quarters of Perkins County in west-central Nebraska.

**J. CAVANAUGH:** John Cavanaugh, District 9, midtown Omaha.

**MOSER:** Mike Moser, District 22: Platte County and most of Stanton County.

**BOSTELMAN:** Senator Moser also serves as Vice Chair of the committee. Also assisting the committee today to my left is our legal counsel, Cyndi Lamm. To my far right is our committee clerk, Laurie Vollertsen. Our pages for the committee today this morning is John Vannes and Ethan Dunn. Thank you for both being here this morning. Appreciate that. And with that, we'll begin today's hearings with LB397. Welcome, Senator Erdman.

**ERDMAN:** Thank you, Senator Bostelman. I'm Steve Erdman. I represent District 47 and District 47 borders three states: Wyoming, Colorado and South Dakota. Spell my name, S-t-e-v-e E-r-d-m-a-n. I'm here today to present to you LB397. For those of you that are new to the Natural Resources Committee, you've not heard this presentation before, but some of you have before. And so I'm calling this "preserve the 3rd." OK? We're going to preserve the 3rd District. And I didn't come up with that name. Senator Wayne and I were visiting the other evening and he said, thought maybe you need to do some things in your 3rd District like we tried to do in Omaha. And I said, what would that be? And he said, the economic advantage from all the money they received was beneficial. So he said, you need to start preserving your 3rd

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

District so here we go. So today I bring you a bill that the intent is to move Game and Parks's location from their current location in Lincoln to the city of Sidney. And you have heard in the past, if you haven't, it's been said that you can't do this. It's unconstitutional. I don't find anyplace in the constitution that says where Game and Parks is to be located. But I do find in statute it says that Game and Parks Commission is authorized to enter into an agreement with the city of Lincoln, providing for the supplying by the city of the state of Nebraska for the commission headquarters, the office building, related to the buildings and facilities therefore, including parking motor vehicles to be located to the real estate, which is in North Holdrege Street, east of 33 Street-- 33rd Street in Lincoln. So what we're trying to do today is we're trying to change the location of the Game and Parks headquarters. And there are several reasons today to bring that to your attention. And my intention will be more clearly described as I go through what I'm trying to do, in my opinion, I think there are other agencies of the state that should be located outside of the city limits. And the reason I say that is because when you drive into Lincoln and you get to the city limits, if you roll your window down, you can smell taxes. And if you don't believe me, just try it sometime. So here in my point, I have another document here I'd like to pass out that proves that point. These-- this document here is one that I took off the Internet. Of course, everything on the Internet is true, right? So anyway, I think I've given you all those. Can I have one of those back? I have one here? OK. I'm sorry. Go ahead. Anyway, I want to-- I want to draw your attention to a couple of things in that document. The-- and I highlighted on-- on the back page under number 8, you will see that is the amount of salary and benefits that are attributed to Game and Parks. And so when you look at that total list and you look on the second page at the bottom, the total list of salaries and benefits for the state of Nebraska, there's \$2,719,000,000. So in the city of Lincoln, most of the state agencies are located here, so they get an economic advantage over everyone else because of the tax dollars that come here. So if you just took-- if you just took in-- into consideration Game and Parks, which is line number 8 or highlighted that as line number 8, their annual wages, salaries and benefits is \$43,850,000. So let's make an assumption that one half of those people are in Lincoln, that's \$22 million if that's the case. And some will say that a dollar will turn over in the economy seven times. If you do the math, that's \$154 million. And even if I missed it by double, missed it by-- by 50 percent and it's only half of that, that's still \$75 million. I can't imagine what difference it would make in Sidney, Nebraska, to have \$75 million of economic advantage. So it is

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

important to us to understand what it is we could do by moving the department head of the agency to Sidney. Now, those are interesting figures. I think you'll find those interesting as you go through the whole list there. But it's kind of interesting that Game and Parks is number eight. Number eight, I didn't think it would be that high, but that's where they are. And so consequently, there are some other reasons why we should move Game and Parks. And one of them is the rent in Sidney would be significantly less than it would be in Lincoln. These buildings are modern. If you've seen that flier that I gave you and the folks from Sidney have taken time out of a busy schedule to come. They're going to testify next. But they're going to tell you about the facilities that are available. And that pamphlet kind of describes where they're at and the condition they're in. These are very modern facilities that were occupied by-- by Cabela's, and then their predecessor came after them. So those facilities are available and you'll find out more about that. So the financial advantage of moving it to Sidney is one thing. The other advantage is we could free up the space where Game and Parks currently is because in Appropriations we see information from agencies that want to move to some other location in Lincoln that there's no space available. And consequently, if we had Game and Parks move to Sidney, we'd have an opportunity to use that for other state agencies. So it would also benefit the state of Nebraska. We did a very similar thing 20 years ago almost now, when they moved the State Fair from Lincoln to Grand Island. They freed up that space where the Innovation Campus is and that would have never happened had we not moved the State Fair. So I think there are some other advantages to moving Game and Parks to Sidney besides just the benefit of Sidney itself. So Game and Parks would be closer to the issues they have with the wildlife, because in my district, Senator Brewer and Senator Hughes's district, Dan Hughes's district. So it'd be Senator Ibach's district now, the wildlife is a big issue. And I think it's important that the Game and Parks headquarters be located in that area and those facilities that they look after in the eastern part of the state are generally mostly the recreational facilities. And it's not as urgent that they'd be close to those as they are in some of those areas. But I think that the issue is then we move this, we move Game and Parks there, and then who do we move next? And so that is my intention. My intention is to do this in a manner that benefits not only Sidney, but it also benefits the people that live in Lincoln. And you will hear Game and Parks, and it's kind of peculiar that Game and Parks comes in and testifies against bills because all the other agencies I hear testify always come in neutral. And Game and Parks has taken the opinion that they should come in in opposition and they will; and they'll tell you

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

that they don't want-- their people don't want to move to Sidney. And it's out where we haven't captured all the whatever it is. We're wild and crazy out there and you could be in trouble. We do have law enforcement and we do have other facilities. We're close to a lot of other things, but they'll tell you that. So here's the issue. I don't care if those people move from Lincoln. There are people in Sidney, there are people in that area that will take those jobs. And they'll say, well, we have a lot of people and you won't find those people. I want to tell you that Game-- that Cabela's employed 2,200 people there at one time, 2,200. And I can guarantee you Game and Parks don't have 2,200 employees. So all of those issues they're going to bring up today. I've heard those. I've heard those many times. And I was asked this morning, how are you going to move Game and Parks to Sidney? And I said, have you ever heard of U-Haul? That's not my job to see how to move them. My job is to figure out where to put them. What's best served for the state of Nebraska and also my 3rd District, which preserves our district. So that is the information I'd like to present to you today. You'll hear more information from those people who live in Sidney of the advantages to be there. And I thought it was kind of interesting. I got the fiscal note yesterday and the last time I did this, the fiscal vote was like \$10 million. And so the Fiscal Office has changed their attitude. I think this one is \$2 million. And so I'm gaining ground with those people as well. So I don't know what it's exactly going to cost. We'll find out. But the point is we need to make that decision. And I'll just say this: We don't get this this year, it ain't over. It's not over. All right. And we need to have a complete discussion about where the agencies in the state are housed. And they will tell you, well, we got to be in Lincoln. We got to be in Lincoln. I'll tell you, ask them how many of their-- how many of their employees worked from home for a year and a half when COVID was on. With the Internet, they can work from anywhere. And this facility that we're talking about in Sidney is completely adaptable to any need they might need as far as Internet or any of those other services. So I think it's a perfect fit. It's an opportunity for us to be innovative in the way we deliver gov-- governor-- government, governance in the state, and it's an opportunity for us to save some money as far as living in Sidney is far less expensive than living in Lincoln. So with that, I'll try to answer any questions you may have. And the hard questions I'll leave to the people from Sidney. So thank you for your time.

**BOSTELMAN:** Thank you for your opening. Questions from committee members? Senator Moser.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**MOSER:** So if your bill goes through, what would keep the Department of Game and Parks from having a satellite office in Sidney and calling it their headquarters and it's still operating from Lincoln?

**ERDMAN:** I don't know. Senator, I would assume that if we pass this and we ask their headquarters--

**MOSER:** Because even if your bill passes, their heart's not going to be in this.

**ERDMAN:** I don't know if that's our job, to get their heart into it. If they're not, we change them and we get somebody who is. That's-- that's our problem in government. We have-- we need to change our culture. We need to change our attitude how government deliver services. And if the people we have in that position don't want to do it in a way that-- that is conducive to that, then we change the people. That's very simple. If they don't want to be in Sidney, don't be in Sidney. Stay in Lincoln, we'll find somebody else.

**MOSER:** I just--- saying it's going to happen isn't necessarily providing the framework to ensure that it happens the way you'd like to see it happen. That's all I'm saying.

**ERDMAN:** Understand.

**MOSER:** OK.

**BOSTELMAN:** Senator Hughes.

**HUGHES:** Thank you, Chairman. Thank you, Senator Erdman. So I'm new to all this. I am reading that the Game and Parks does not pay rent right now. Is that correct? The fish and gaming federal pays-- covers the cost of that building.

**ERDMAN:** You'll have to ask them.

**HUGHES:** Is that how we interpret it? I think it reads that we don't pay rent now. So then I'm like, why would we pay rent of \$1,000,000 out there if that's the case? My second question is Sidney is 6,000 people. It's like Seward. I think they should come to Seward, but that's me. How many people work at the Game and Parks? And how on earth, I'm guessing-- I guess I'll ask the Game and Parks this, but I don't understand how Sidney could absorb that many people right away. That would be a huge influx, I would imagine so housing issues, etcetera, etcetera.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**ERDMAN:** Right.

**HUGHES:** And then third, you say cost is less out there, clearly. So will we drop the employees' pay to reflect that?

**ERDMAN:** OK, let me try to go through those. First of all, on not paying rent now. If we move Game and Parks out of that facility, the-- there are state agencies that are paying significant rent.

**HUGHES:** But--

**ERDMAN:** We could move other locations into that-- into that property and save the rent we pay on the buildings that they currently rent that they're in in Lincoln now.

**HUGHES:** But if how I am and maybe I'm reading it wrong, but I feel like the federal-- the U.S. Fish and Wildlife is paying for it. They're not going to keep paying for it if the Game and Parks isn't in it. They're not going to pay rent for that.

**ERDMAN:** But what I'm saying is this. We currently pay rent for other facilities.

**HUGHES:** Right.

**ERDMAN:** And we can move the people in other agencies into that building and the rent in that building would be far cheaper than what we're paying in some of these other facilities.

**HUGHES:** For sure?

**ERDMAN:** Oh, you should see some of the rents we're paying.

**HUGHES:** All right.

**ERDMAN:** So and the other question was, is the pay is going to be less in Sidney? Was that what you're-- you said?

**HUGHES:** Yeah. Yeah. Because cost of living is less there. So do we-- you're saying we're going to save money so then I'm assuming we're going to cut salaries when they move out there because cost of living is less. No?

**ERDMAN:** Well, cost of living is less, correct.

**HUGHES:** Right?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**ERDMAN:** Yes. Yeah. And so we may pay less for salaries. I don't know. I don't know if we'll be able to do that or not. But I can tell you this. When Cabela's was there, they had high-paying jobs. Those jobs that Cabela's had there, the 2,200 employees, they weren't \$15 an hour jobs. So that community understands what paying people the necessary wage to keep them there is. And we had a significant number of people leave that community when Cabela's closed. And so what happens when private business close, people lose their job. I've never heard of the government laying anybody off. Once you get a job with the government, unless you really screw up, you're going to continue with the government. So when the economy turns down, do people in Lincoln lose their job that work for the government? No. They just raise taxes on people so they can keep doing what they've always done. So living in Sidney will be cheaper for them. It'll be less cost of living there. Whether it will be less income, I don't know. But the net income could far be better than here. Taxes may be cheaper; cost of living is cheaper. So all of those issues will have to be worked through. But I can't answer those specifically, but maybe the people from Sidney can speak about what the wages are there.

**HUGHES:** Sounds good.

**BOSTELMAN:** Senator Fred, excuse me, Senator Fredrickson.

**FREDRICKSON:** Thank you, Senator Bostelman Thank you, Senator Erdman, for bringing this bill and walking through this. So Senator Hughes's question actually kind of had me thinking as well a little bit in terms of if we were to relocate, have we considered would the state be paying for costs of relocation for employees that might be based in Lincoln to Sidney so moving expenses for them?

**ERDMAN:** That would-- that could be a-- that was a decision to be made by Game and Parks how to move those people.

**FREDRICKSON:** OK.

**ERDMAN:** The state could. It's going to cost some money. The fiscal note says \$2.4 million and you'll see that they pay almost \$50 million in wages a year so their budget is significant. And so I don't know if \$2.4 million is a big drag for them.

**FREDRICKSON:** My other concern, too, was, you know, I appreciate you bringing up the workforce issue. And you know, with Cabela's, it sounds like there's, you know, to your point, it sounds like there's a, you know, people who are out there who-- who may be seeking



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

employment. My question is whether or not, you know, it's one thing to have the people to fill jobs. It's another thing to have the skill sets that might be needed for the specific jobs there. And so can you maybe elaborate a little bit on that or--

**ERDMAN:** So you're looking for, like, housing and those kind of opportunities?

**FREDRICKSON:** Well, I'm just thinking like if, you know, with the department, if there's sort of special qualifications that might be needed, you know, whether or not, you know, the actual skills are there for-- for the--

**ERDMAN:** I think that's a question for Director McCoy when he gets here. I know this that near the hospital in Sidney, west of the hospital they've platted that property there. There's a big significant opportunity there to build houses there. So you got the streets in and all of those things are already there. So there's an opportunity for people to, if they want to move there and build a home, there's plenty of room to do that. And so when those 2,200 people evacuated Sidney and you'll be able to talk to those people from Sidney about that, that was-- that was a devastation to the city. And what better stable business or opportunity is you have a government agency in your town? Because as I said, I don't know if a government agency ever laid anybody off. They just don't do it. And so when Sidney was vacant, when they vacated Sidney, some other businesses have come in that hire 20, 30, 40, 50 people. That's a very stable workforce. And when a business that hires 50 leave, it's not near like if 2,200 walk up and leave. So I think it's an opportunity for Sidney. I really do. I'm not-- I'm not doing this just because I don't like the way Game and Parks is managed. I mean, that's a-- that's a fact. Everybody knows that. So does Tim, Director McCoy. But this is a logistical, logical situation where we move those people there. Not only does it help the state, but it makes sense and it helps the 3rd District. And I presented a bill in front of Transportation a couple of weeks ago asking for \$10 million for CDL training. And I said to Chair Geist, I said, this is only the second time in my life I've ever asked for money in a bill that I introduced. And so I think it's an opportunity for us to help our district. And we-- we have been always in a position that we're kind of forgotten because we're so far from Lincoln. I think this is an opportunity also for us to bring government to us where we live.

**FREDRICKSON:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**BOSTELMAN:** Senator Brandt.

**BRANDT:** Thank you, Chairman Bostelman. Thank you for bringing this bill, Senator Erdman.

**ERDMAN:** Thank you.

**BRANDT:** In a sense, I have a reverse situation in my district. We had a YRTC in Geneva. The state is currently trying to sell it. We managed-- we lost 76 really good state jobs. They put in 30 for Medicaid expansion. These people are in a campus the state owns and now the state is selling the campus. How insane is this? We own the facility. It's probably one of the few facilities we don't pay a third party like we do here in Lincoln. I'm not going to name names. I'd really like to see how much-- we pay a tremendous amount of rent in this city to third parties.

**ERDMAN:** Correct.

**BRANDT:** So now the state has got RFPs out there and they aren't even-- they're only keeping 12 of these jobs in the city of Geneva. And to preserve the 3rd, I'm-- I'm with you on this, maybe not entirely on your bill, but part of this. So how do you put that in perspective is when you take a town of 2,100 people and divide it by those 76 jobs, has twice the impact than if you take the city of Lincoln and you take out the University of Nebraska. OK?

**ERDMAN:** That's right.

**BRANDT:** And I don't think people realize these state jobs are gold out there in farm country because they're good benefits.

**ERDMAN:** Right.

**BRANDT:** And-- and quite often a spouse can do that. So I guess my first question is I see two fiscal notes here. Was the second one compiled by Game and Parks? It's twice what the first one is. Is that what that is? The first one's for, like, \$2 million. The second one's for \$4 million.

**ERDMAN:** Yeah. That is correct.

**BRANDT:** So that's their estimate of, OK.

**ERDMAN:** The second one is they asked Game and Parks what it would cost.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**BRANDT:** All right. So I think--

**ERDMAN:** I think it was \$10 million last time.

**BRANDT:** OK, great. But I guess my-- my question is, it's a very large agency. You know, my opinion might be different than yours. I think they do a decent job with what they've got. But it is a rural agency. It's like the Brand Commission. It's like things that happen in rural Nebraska. Is there, in your past discussions with them, is there a possibility we could get a regional-- do they have regional offices where they have maybe 20 or 30 jobs, something of that nature or a western-- western office or something? I mean, this because of the issues that you've brought up in the past with wildlife depredation and some of these other things, I see a lot of need out there for this. But I don't know how many jobs-- do you know how many jobs they have in western Nebraska now?

**ERDMAN:** I-- I don't know the exact number in western Nebraska, but they do have locations all across the state. They have people stationed out there. It's not like they're void of not being there.

**BRANDT:** Are you talking just about the game wardens or they actually have an office you can walk into?

**ERDMAN:** Well, you'll have to ask Director McCoy about that.

**BRANDT:** OK.

**ERDMAN:** But-- but the facilities that they have in the eastern part of the state are mostly recreational. I have never gotten a call from anybody from the eastern part of the state have wildlife damage. It's always-- it's always--

**BRANDT:** I can arrange that.

**ERDMAN:** Huh?

**BRANDT:** I can arrange that.

**ERDMAN:** You can arrange that.

**BRANDT:** It looks different than yours, but yes.

**ERDMAN:** OK.

**BRANDT:** OK.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**ERDMAN:** So anyway. But-- but no. That-- that would be-- but my intent is to move the headquarters there and-- and whatever the economic advantage would be for Sidney or the rural part. You see, if they come to Sidney, if they come to Sidney, that will not only just be an advantage for Sidney. It'll be an advantage for the whole Panhandle. And so, you know, we're talking about a region that has been so far removed from Lincoln and the-- the understanding of the rest of the state that we're even out there. If you ask most of the people that live in Lincoln, the state ends at North Platte. And so it's an opportunity for us to have an opportunity to have an advantage to have government there.

**BRANDT:** All right. Thank you.

**BOSTELMAN:** So do you feel that decentralized government is the way to go?

**ERDMAN:** Decentralized, you mean?

**BOSTELMAN:** Well, move-- you said move everybody out of Lincoln, all the-- all the directors, agencies out of Lincoln. So DOT, we move DOT to O'Neill.

**ERDMAN:** They'll still have a facility here, Senator Bostelman. They'll have to have some people here. They can't move everybody to Sidney, just like they can't have everybody in Lincoln now. They have people in the west.

**BOSTELMAN:** No, my-- my question isn't-- my question is, is do you feel that decentralized government is a benefit to us and does it cost less? If we're going to move ten people from Game and Parks to Sidney, we move 200 people from DOT to O'Neill, we move 50 people from HHS to Superior. We start decentralizing government. What I'm hearing you say is you feel that's better for the state to do that than have them centralized where they can work together and be, I would say, more efficient. So if that's the case, why don't we do that for our county seats? So a county seat, take the clerk's office and put it in one town, put the sheriff's office in another town. Take and put, you know, a driver's license division in another town; treasurer in another town because then that would decentralize that. Don't we have our county seats and our state government more centralized for more efficiencies? And I guess that's-- that's my question. That's my concern.

**ERDMAN:** So then--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**BOSTELMAN:** If we decentralize, we're going to be less efficient and we're going to cost more money. That-- I just wonder what your thought is.

**ERDMAN:** So in your example there, are you insinuating we merge counties? Is that what you're saying?

**BOSTELMAN:** Say it again.

**ERDMAN:** Are you saying we merge the counties?

**BOSTELMAN:** So if you-- if you-- no. If you-- if you took a county seat, wherever it is and take-- pick a county, and instead of having a county seat located in one town, you take that county seat and you take the clerk's office and you move it to another town in that county; take the treasurer's office, move it to a different town in that county. You take the sheriff's office, say, or the-- or the-- the judges, move that to a different town; judiciary portion, a different town. Would that kind of have the same effect where we're decentralizing government and moving those offices out in those other communities to provide them a financial incentive or gain, economic gain?

**ERDMAN:** I have several counties, Senator Bostelman, that only have one town.

**BOSTELMAN:** OK.

**ERDMAN:** So it'd be pretty difficult to move them to a different location in that-- in that county.

**BOSTELMAN:** But aren't we doing the same thing with Game and Parks?

**ERDMAN:** No, I don't think we are.

**BOSTELMAN:** Because we have people come to the office of Game and Parks to meet with different people. And I'm not-- I'm not-- I'm-- I guess I'm trying to understand. The point is, is that people come to Lincoln to Game and Parks for certain reasons: permits, meetings, whatever it is. Same thing that they would go to a county seat for certain permits, whatever they have to pay--

**ERDMAN:** Right.

**BOSTELMAN:** --those type of things. So if we disperse the county seat would be no different than any of our directors, any of our agencies

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

in state government. If we disperse it, then people have to travel further to those areas. And does that create inefficiencies within what we do?

**ERDMAN:** Well, I would say as far as getting permits and those kind of things from Game and Parks, I've never been to a facility to get those. I get those online.

**BOSTELMAN:** That's true.

**ERDMAN:** All my permits I've ever gotten, fishing or whatever, I just get those online. So I don't think they need to come to the facility in Lincoln to get a permit.

**BOSTELMAN:** But--

**ERDMAN:** I don't think the interaction with the general public for the agency's headquarters is-- is significant. I think that agency headquarters could be anywhere. Most of the business is done as far as permitting is done over-- over the Internet. So that could happen from anywhere.

**BOSTELMAN:** True. But there are people that come to Lincoln to the Game and Parks office to pick up information, to permits, whatever it might be. I mean, that does happen similar to the thing where you can do that in a county seat, same thing and get the information online.

**ERDMAN:** And I would assume that those locations out in western Nebraska, like at some of those lakes I go there to get a fishing-- you can get fishing permits there. So there'll be facilities here where they can still walk in and get something. That doesn't-- we're not going to vacate this. I don't think they can send all their people to Sidney. They're going to have people here to manage Mahoney and all those other state recreational areas.

**BOSTELMAN:** Sure.

**ERDMAN:** So it's not the whole-- not every employee is going to be in Sidney.

**BOSTELMAN:** So kind of to the point of what Senator Moser was making that moving it may only be a smaller number of people than the whole office, I think what Senator Moser was getting at. The bill may not cause everybody to move. It may only be a small portion of those.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**ERDMAN:** But-- but here's the other issue. The other issue, unless we get serious about doing this, we're never going to find out that information. So we've got to figure out a way to understand what exactly this all does and how we do this and that-- that is for discussion. And I'm not coming here representing to you I know all the answers how to do this. What I'm saying is this is what I'd like to see happen.

**BOSTELMAN:** Sure. Understand. Other questions? Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chairman Bostelman. Thank you, Senator Erdman, for bringing this bill. You mentioned moving the State Fair to Grand Island.

**ERDMAN:** Correct.

**J. CAVANAUGH:** Do you recall how it-- did we-- did the Legislature pass a bill specifically to say move it from the grounds in Lincoln to the grounds in Grand Island, or how did that come about?

**ERDMAN:** They-- they did an analysis, a study, an interim study on that LR. And they had-- they take-- they took bids from other communities and they got four bids. And once they got those bids, they tried to analyze which one would be the most advantageous to do. And Grand Island was selected as the one place to put it. And so it was a process over a couple of years to analyze how they do it and what they do and which city was going to step up and build the buildings they needed. And it came to fruition that Grand Island was the choice. And so it was a process that they made.

**J. CAVANAUGH:** So it wasn't the Legislature specifically just saying we want it in Grand Island so let's put it in Grand Island.

**ERDMAN:** It was initiated in the Ag Committee. The Ag Committee is the one that moved the Fair to Grand Island. And the issue came up that the university wanted the location where the State Fair was. And so then it was an opportunity to try to either relocate the State Fair here in Lincoln and improve it because it was-- it was run down or move it somewhere else. And so when they got all said and done, the best place was Grand Island so that's the decision was made.

**J. CAVANAUGH:** OK. But I guess my-- point of my question is they went through a process that was outside of the Legislature just picking a spot and passing a bill. They did that kind of RFP process and had a couple of places put in bids and had a conversation about it. I have-- aside from, I mean, I generally I kind of like your idea of

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

decentralization to the extent that we can. But I have a great amount of discomfort with the idea of us just picking places because I look down this list of things and I think, oh, well, maybe the insurance commissioner should be in my district. I got a bunch of insurance companies there, bring in \$8 million in salary. We should-- I should bring a bill and move the department.

**ERDMAN:** So we'd call it "preserve the 2nd."

**J. CAVANAUGH:** Just the 9th District and the 2nd, right? But I think that that's-- you get into that becomes a dangerous process, where then if we start doing that sort of thing, we're saying, well, this would-- I'd like to have this thing here. Let's pass a bill to move it. It becomes very, you know, political and parochial and-- and not necessarily in the best interest, like maybe Sidney is the best spot for this.

**ERDMAN:** Yeah. Maybe we write it like saying a city of the first class within 50 miles of the Colorado border.

**MOSER:** And there's only one.

**ERDMAN:** Yeah.

**J. CAVANAUGH:** I don't know how you write it.

**ERDMAN:** Well--

**J. CAVANAUGH:** But I'm saying that maybe there's a more objective

**ERDMAN:** Yeah.

**J. CAVANAUGH:** --metrics that we could measure rather than-- because we're going to hear about how-- I did this hearing last year. I remember Sidney sounds great, and I apologize for not making the visit in the last year, but.

**ERDMAN:** Yeah, well, it's still open. You can come.

**J. CAVANAUGH:** Thank you.

**ERDMAN:** But let me-- let me speak to that a second, if you would. As I read the statute, it says in the statute where Game and Parks should be located now. Somebody put that in the statute. I don't know how they did it. I didn't go back and research to see whether it was a process or whether they had a study done and said this is the best



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

place. But it specifically says that Game and Parks should be located north of Holdrege Street and east of 33rd Street. So at some point in time, somebody passed a statute said it's going to be right here. So my thought was, if the statute once said this is where it needs to be, the statute can be amended to say this is where it should be. So that was my thought process. I sent this up to the Attorney General for an Opinion a couple of weeks ago to ask if we could-- if this is permissible, and I haven't received the response back. So but-- but I did ask, you know, so I hope to get that. But-- but-- so I was basing it and I'm not a lawyer and you could probably explain it better than I can. But when I read that, it said it shall be specifically north of Holdrege Street and east of 33rd, I assume that I can say it's going to be in Sidney. I'm changing the statute and it's in the statute. It's not in the constitution. So I thought it was permissible so that's what I tried to do.

**J. CAVANAUGH:** OK. Well, I look forward to seeing that Opinion. Thank you.

**ERDMAN:** Thank you.

**BOSTELMAN:** Other questions? Seeing none, stay for closing?

**ERDMAN:** Thank you.

**BOSTELMAN:** All right. Ask for anyone who would like to testify as a proponent for LB397, please step forward. Good morning.

**BRAD SHERMAN:** Good morning. Thank you for your time. I am Brad Sherman, B-r-a-d S-h-e-r-m-a-n, the city of Sidney's mayor. With the recent events of the last five years, we have seen families moving from larger cities to smaller communities for good reason. I moved with my wife and three kids from Lincoln 16 years ago. In that time our family has added four grandchildren and all of us still live in Sidney. I mention this because some people assume that a small community isn't for them. I promise after we're done talking, it will be for you. We also welcome anybody to come out and check us out. My phone number is 308-249-2321. Give me a call. We'll make sure your visit is-- is very pleasurable. So while Sidney stands ready with much to offer in the way of available office space, housing, transportation, community infrastructure, and talented workforce, we understand the enormity of such an undertaking and the challenges it would present. That said, we would-- we would not be deterred by the challenges and are more capable to do what it takes to make a facility a success. With that, I'd like to let you know a little bit more about

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

Sidney. When we mix a desirable business location with small town infrastructure that is both collaborative and recaptive, you get Sidney's community model: small town values, big time opportunities. Because of our history, our-- our successes and Cabela's rise into global enterprise, Sidney became a community of 6,000 to 7,000 people providing infrastructure and services for nearly 16,000 people on a daily basis. Sidney maintains a hometown feel with a unique blend of a quiet, rural lifestyle and inviting business atmosphere to make a great place for you to live, work, and play. Of specific interest to LB397 would be the former Cabela's campus, just located off Interstate 80, consisting of two buildings more than 45,000 or, excuse me, 450,000 square feet of office space sitting on 35 acres of land plus adjacent Cabela's corporate campuses, or an additional eight parcels of land totaling approximately 25 acres, and are zoned commercial with utilities on site and ready for development. Because of the size and scope of Cabela's worldwide operations for more than 50 years, the telecommunications infrastructure there would surpass anything available to the rest of the state, including Lincoln and Omaha. In addition, the Bass Pro Shops recently spent under \$720,000 in upgrades to electrical services on campus to provide even more redundancy for their servers as well to provide electrical service for two independent substations. However, with the sale of Bass Pro, thousands of Sidney jobs were eliminated or moved to Springfield, Missouri. So aside from servers, two large-- two of the largest buildings are almost entirely vacant, and other remaining Bass Pro/Cabela's offices and warehouses have been sold, bringing the number of new businesses with commercial space still available. But in short, a vast amount of top-quality office space is still available from these two state-of-the-art facilities and creates an incredible, unparalleled opportunity for Nebraska Game Parks Commission, if not the state and other companies. Sidney also benefits from other significant demographics in the logistics that are quite attractive. We are located just off Interstate 80. We reside next to Highway 385, which serves as a trade corridor from Mexico to Canada. We also access both Union Pacific and Burlington Northern Railroads. Over the last ten years, Sidney has seen \$48 million in infrastructure improvements, \$15 million in recreational developments, \$14 million in housing developments, \$175 million in business developments. But it is-- it is the work ethic and resiliency of the people that stand out. The population is well-educated, extremely talented, hardworking, and dedicated. These residents have truly built a foundation and success in Sidney with qualified labor pool of more than 25,000 people located within a 70-mile radius of Sidney. Leading employers have a great opportunity to attract employees with relocation and expansion

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

projects. We believe that we are more than capable of meeting the needs of an organization such as the Nebraska Game and Parks Commission, as well as many others. That's all I have to say. I'm ready for all the questions you may have.

**BOSTELMAN:** OK. Thank you for your testimony and traveling in today. Questions from committee members? Senator Moser.

**MOSER:** So is there enough housing available in Sidney to absorb somebody the size of Game and Parks?

**BRAD SHERMAN:** Yeah. Well, currently we have maybe 20 to 30 houses on the market. We have a development that is-- is ready. It's already got the infrastructure, streets for about 120 lots that are just sitting there waiting to be developed.

**MOSER:** Waiting to be built on you mean?

**BRAD SHERMAN:** Correct. Yeah. I'm sorry, yeah. It's developed. It's just ready to put a-- put a house on there.

**MOSER:** So you've somewhat recovered from the housing shortage when Cabela's was there.

**BRAD SHERMAN:** Yes. Yes. There's been a lot of influx of people. Something that was mentioned before, a lot of people now are working from home in Sidney. So we were able to keep people that way. There are people that moved from big cities to work at home in a smaller city and still maintain their job.

**MOSER:** So is Denver closer to you than Lincoln is?

**BRAD SHERMAN:** Yes. Denver's about a 160-mile trip and this was 343, not that I was counting.

**MOSER:** Maybe you should move Game and Parks from Colorado to Sidney.

**BRAD SHERMAN:** I'm all for it. We could even get Wyoming in there. That's only 60 miles the other way.

**MOSER:** Efficiencies of scale, you could have all three of them.

**BRAD SHERMAN:** I think you bring up an excellent point. I'll be talking to some other senators in other states.

**MOSER:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**BOSTELMAN:** Senator Brandt.

**BRANDT:** Thank you, Chairman Bostelman. Thank you for the-- for the trip here today. What does a lot cost in Sidney?

**BRAD SHERMAN:** I'm not 100 percent sure. I'd say around \$10,000 to \$15,000, but don't quote me on that.

**BRANDT:** I think that compares with about \$70,000 here in Lincoln. So, I mean--

**BRAD SHERMAN:** You will enjoy that.

**BRANDT:** --huge advantage there. When Cabela's was going, I guess the worst day of your life had to be the day that Cabela's announced that they were leaving. What was the population of the town then when Cabela's was j[INAUDIBLE]?

**BRAD SHERMAN:** Just over I think 6,276, I think is what the figure that sticks out.

**BRANDT:** So you really haven't lost a lot of population with the transfer of those jobs, have you?

**BRAD SHERMAN:** Correct. There was-- there was a population loss in those two years directly afterwards, but then it slowly came back.

**BRANDT:** So last year I had the opportunity to go out there, first time I've ever been in Sidney, we were working on a project out at the National Guard Armory, very impressed. And it does look like one of the two buildings that they had out there is filled. Is that correct? Cabela's?

**BRAD SHERMAN:** No. So they're-- there are two buildings.

**BRANDT:** Yeah.

**BRAD SHERMAN:** And both of them are entirely vacated, except for I think there's less than 100 employees in the second building.

**BRANDT:** And those employees are?

**BRAD SHERMAN:** Those are Cabela's employees.

**BRANDT:** So they do have a presence.

**BRAD SHERMAN:** They do have a footprint.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**BRANDT:** Does Cabela's own both of those buildings?

**BRAD SHERMAN:** Correct.

**BRANDT:** And-- but they are of the mind to lease that space out, is that correct?

**BRAD SHERMAN:** They're looking to sell the buildings. They want to sell the buildings altogether and have somebody else, whether somebody buys them and leases them out. But I-- I don't believe they're interested in leasing the buildings.

**BRANDT:** But they would sell the buildings and still keep those jobs in town.

**BRAD SHERMAN:** Correct.

**BRANDT:** OK. What percent of your new residents are from the state of Colorado?

**BRAD SHERMAN:** I would have to guess probably 10 to 20 percent or more.

**BRANDT:** Oh, my. I figured it would be higher than that. So given that infrastructure, which is magnificent, I mean, you're driving down I-80, it's like, well, check this out. You've probably had a lot of other opportunities look at Sidney. Would that be a correct statement?

**BRAD SHERMAN:** Yes.

**BRANDT:** I mean, especially with your proximity to Denver.

**BRAD SHERMAN:** Yeah, we have I think the chamber and the county tourism department has done an excellent job of seeking out businesses to move in to Sidney. We've had-- we've had a good share of-- of businesses taking over some of these-- these buildings. And again, obviously with the loss of occupation to those buildings, it's been available and it's a-- it's a great opportunity for somebody to come to Sidney and start a business.

**BRANDT:** All right, thank you.

**BRAD SHERMAN:** You bet.

**BOSTELMAN:** Other questions? The building that we're talking about, is the buildings that are north of the retail store or was a retail store?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**BRAD SHERMAN:** They're all in a line east to west. Yeah, they're just all basically straight north of the interstate.

**BOSTELMAN:** Retail stores that kind of I would-- since I remember being there, the retail store set here. There's a pond or lake in front of it. And then on the north side, there is a line of buildings, office structures, now those are the buildings we're talking about?

**BRAD SHERMAN:** Yes. Yeah, they're all right there next to those buildings. Yeah.

**BOSTELMAN:** OK. Thank you. Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chairman Bostelman. Thanks for being here. And I really do want to come visit Sidney. It does look beautiful. And I appreciate the handout. I am just looking at this map of the area. So we're talking a lot about the Cabela's facilities. Are there other options? Or if game-- if we move Game and Parks to Sidney, would that be the only office they could office in?

**BRAD SHERMAN:** No, there actually is a few other buildings in town that could house up to 130 employees if that's the population that the Game and Parks would move out.

**J. CAVANAUGH:** OK. So it would be like three options you're saying, or?

**BRAD SHERMAN:** I would say there's at least-- there's at least one other option besides the two Cabela's buildings.

**J. CAVANAUGH:** OK. Thank you.

**BOSTELMAN:** Other questions? Seeing none, thank you for your testimony.

**BRAD SHERMAN:** Thank you.

**BOSTELMAN:** Next proponent for LB397.

**PAUL STROMMEN:** Morning.

**BOSTELMAN:** Good morning. Welcome.

**PAUL STROMMEN:** Paul Strommen, P-a-u-l S-t-r-o-m-m-e-n. I'm one of the councilmen for the city. I work with Brad over here. I'm also a member of the-- commissioner for the Oil and Gas Commission, which is also located in Sidney. We had the pleasure of meeting you last year when I came to testify. I actually grew up in New York. I grew up about a half an hour outside of Manhattan on Long Island. So I-- I truly

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

appreciate Sidney as a small town. The idea that people may think that Sidney has less to offer because it's in the middle of nowhere is a fallacy. It actually has quite a bit to offer. It's actually, as Brad brought up and I think as you brought up, you know, we're in close proximity to a number of larger cities: Omaha, Denver, Wyoming, Cheyenne, Pierre, South Dakota, if you want to make that drive. I'm not sure why you would, but maybe you would. So I'm going to speak more on the social side of Sidney. Brad talked about the business side of it. And I'll just go through this real quick and then if you guys have any questions, feel free to ask away. Sidney exemplifies a high quality of life and maintains its small town values. The community is home to extraordinary people who have an awe-inspiring sense of community pride. Many of the residents have had the chance to relocate, but chose to stay here in Sidney because all that Sidney has to offer, often reinventing themselves and their careers in order to do so. Sidney is a safe place to live, a great place to raise a family, home to top-notch schools, beautiful neighborhoods, and an award winning healthcare facility. Our new \$17 million high school was completed in 2009 and in 2019, Sidney schools received the National Blue Ribbon Award given to the top 1 percent of schools. A new 25-bed critical care hospital was completed in 2015. Sidney Regional Medical Facility features over 20 outpatient services and features a modern top-level physical therapy department. Residents have access to the Dorwart Cancer Center, where they can receive daily treatments, eliminating the need for long-distance travel. The Sidney Housing Authority increased their offerings with the recent construction of Canterbury Estates providing affordable housing to residents with special needs. Other recreation events and activities include a new aquatic center. We have the Hillside Golf Course, which is an 18-hole championship level rated golf course nestled in Creston Butte. We have Deer Run disc golf if you like Frisbee. Cheyenne County Community Center offers a full range of fitness classes and activities, including an indoor walking track. Legion Park has a stocked fishing pond; horseshoe pits; volleyball court; tennis court; and baseball and softball fields; more than seven miles of walking, running and biking trails, connecting the interstate exchange with Western Nebraska Community College and easy access through town, extending all the way to the county fairgrounds on the western edge of town; annual Oktoberfest celebration because who doesn't like having a beer and a brat, right; Summer Downtown Sounds concert series; registered historic downtown shopping district; more than 35 restaurants, lounges, and sports bars. We don't have 35 sports bars, but you know, [INAUDIBLE] together. Sidney offers abundant and affordable housing options, with prices considerably lower than the U.S. average. The

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

median home value in Sidney currently is \$145,000, with a cost of living index of 78.2. The City of Sidney is currently executing a comprehensive housing needs assessment to identify, evaluate, and quantify the number of housing units, rental and for sale currently available. Currently there's more than 100 parcels of land platted and ready for a housing development with new streets. Hard work, dedication, and love of our community keep Sidney determined to continue to build on our reputation as the pride of the Panhandle. You can be assured we are ready to meet the needs of the Game and Parks Commission and any other opportunities that come our way. Thank you. If you have any questions, feel free to shoot.

**BOSTELMAN:** Thank you for your testimony. Senator Moser.

**MOSER:** So, what brought you from New York to Sidney, Nebraska?

**PAUL STROMMEN:** Ah, convoluted, right? Via-- so I grew up in New York, ended up in Colorado. My wife is actually from Hershey, Nebraska. We met in Denver and I became involved with a ethanol group. And we actually built the Madrid ethanol facility. And so we moved to North Platte, Nebraska, when we did that. So the company I'm with owns the-- the ethanol plant down in Madrid. My wife was a gas and oil attorney. The Gas and Oil Commission is in Sidney. And we ended up in 2013 in Sidney because it didn't make sense for her to continue to commute back and forth.

**MOSER:** So are you having withdrawal pains living in Nebraska?

**PAUL STROMMEN:** No, not at all. I love it. I think it's fantastic. I mean, we can-- I can-- if I need to be someplace, you know, we're in close proximity to all the major airports. Sidney, you know, being on I-80 makes it convenient. We have an airport that is actually rated for commercial jets. We don't have any landing there currently, but if we had to, we could. So I'm-- Sidney's located in the perfect-- the perfect place for especially raising a family or just.

**MOSER:** All right. Well, thank you, appreciate your testimony.

**BOSTELMAN:** Senator Brandt.

**BRANDT:** Thank you, Chairman Bostelman. Thank you, Mr. Strommen, for making the trip today. I always enjoy learning about different parts of the state. Do you know what the median-- median age of your housing is in the city?

**PAUL STROMMEN:** I don't, but I can get that information.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**BRANDT:** You think it's above 1960 or below 1960?

**PAUL STROMMEN:** I would say, you know, I--I-- above.

**BRANDT:** So it's a fairly modern town--

**PAUL STROMMEN:** Yeah.

**BRANDT:** --compared against most of the other towns. So on the chance that this did not happen today, what can we as a Legislature do in other areas because you are uniquely centered to pull people in from Wyoming and Colorado? And we-- we talk a lot of talk here about bringing people in from out of state, but you guys are actually doing it. What would you like to see us do to help you guys out to be more successful?

**PAUL STROMMEN:** H'mm. There's a lot. You know, I think that, as we've stated, you know, Sidney has a lot to offer. Logistically, we're centrally located. We have access to BNSF and UP, which means that we can reach pretty much the entire country from a freight perspective. We have a commercially rated airport. We're on I-80, which makes us accessible via pretty much all the truck traffic.

**BRANDT:** But I guess my question is, you have your choice of Colorado, Wyoming and Nebraska. What-- what incentive can we as a state do to incent people and businesses to locate in Sidney versus Cheyenne or whatever the closest one and Julesburg, whatever one you're close to. I mean--

**PAUL STROMMEN:** Well, I think--

**BRANDT:** -- we keep getting told that people shop states by income tax and all this other stuff which I-- I do not believe that's their sole reason for moving somewhere. So I guess what makes Nebraska more attractive than Colorado or Wyoming?

**PAUL STROMMEN:** I would say cost of living, especially in Sidney. I mean, we've, you know, shown that, you know, housing prices, cost of living is-- is much more beneficial out where we are in the state. I think that, you know, you-- especially smaller families, I think there's a safety aspect to it as well. You know, you can see-- I think we can all see what's going on in larger cities and larger communities. You know, people feel-- have-- have a sense-- people like to have a sense of community, right? They like to have a sense of safety. They like to know that the schools are good. They like to know that they have the ability to compete financially. And I think you

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

have all of those offerings in Sidney and you have all those offerings really in western Nebraska.

**BRANDT:** All right. Thank you.

**BOSTELMAN:** What's the median price for housing that's on the market now? Do you know?

**PAUL STROMMEN:** Right around 145, \$145,000.

**BOSTELMAN:** And you have the 100 lots. What are those expected to be built at?

**PAUL STROMMEN:** Well, I would say prepandemic you were looking at \$100 a square feet. Postpandemic housing costs, I think, are running-- they were up as high as \$300 a square foot. I would probably say they've come down to about \$200 a square foot. And that's simply based on building materials and building costs. The infrastructure is there already so you already have streets, gas, sewer, and electrical plumbed in. So it would just take someone to come out, contractors coming out and wanting to make that.

**BOSTELMAN:** OK. Seeing no other questions, thank you for coming in today, appreciate it.

**PAUL STROMMEN:** You're welcome. Thank you for letting us speak today, appreciate it.

**BOSTELMAN:** Sure. Other proponents for LB397, please step forward. Any other proponents? Seeing none, anyone like to testify in opposition to LB397, please step forward.

**TIMOTHY McCOY:** Good morning--

**BOSTELMAN:** Good morning.

**TIMOTHY McCOY:** --Chairman Bostelman and members of the committee. My name's Timothy McCoy, T-i-m-o-t-h-y M-c-C-o-y. I'm the director of the Nebraska Game and Parks Commission, located our headquarters office at 2200 North 33rd Street, Lincoln, Nebraska. As an agency, we have a mission that we're charged with by the Legislature to serve as stewards of the state's fish, wildlife, and park resources for all citizens of this state. This would-- move would require additional agency costs and, we believe, reduce efficiency in our coordination that we do with the Legislature, the Governor, other state offices and agencies, the University of Nebraska, and the USGS Cooperative Fish

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

Wildlife Research Unit at UNL. We work with those and a host of state agencies, including-- including DAS, state personnel, OCIO and Department of Transportation, Energy and the Departments of Energy and Environment, Department of Ag, Department of Natural Resources. We work with those entities on a myriad of issues, responses, research, and coordination to address challenges that come up regarding our natural resources budgeting, accounting, procurement of goods and services, construction design and permitting, personnel, legal, coordination of environmental reviews for all state permits issued by other state agencies and many others. We do believe moving the agency away will create-- make some of that coordination more challenging, as well as increased costs for travel within for the agency to go meet with those other agencies that are located in-- in Lincoln. This will have, you know, the biggest concern I will tell personally I have is, as-- as leader of our agency, is the potential personal costs and impacts to our employees. We have dedicated professional and passionate staff that are invested in our mission, and the potential impacts of relocating does raise concerns. Our staffs have home, families, and in most cases working spouses with jobs in the Lincoln area. This will force hard decisions about some employees, whether they consider moving or looking for employment elsewhere. It also creates challenges moving away from their-- their support network that they have with family and friends. And we're also concerned about recruitment of talented professional staff with a move such as this. In terms of our staffing, the majority of our staff do not work in our Lincoln office. When we look at our permanent employees that we have in the state, 33 percent or 155 of our permanent employees work from our headquarters. The other 311 or 67 percent work from locations across the state, including district offices, service centers, parks location, wildlife management areas, fish hatcheries, shooting ranges, and also our conservation officers who throughout the districts work from their homes. When we look at our seasonal employees, which we hire way more seasonal employees. With the nature of our work, we hire a lot of folks in our parks locations to help do work on our wildlife management areas and fish hatcheries and field offices. We will hire in-- in a typical year anywhere from about 800 to 1,300. Last year in July, when we were at our peak, we had 901 seasonal employees; 3 percent of those or 25 work out of our Lincoln office. The remainder 876 were working at those various locations around the state. So when you look at our, you know, peak activities, when we're fully staffed in those seasonal times when you combine those, 13 percent of our employees are working from our headquarters office. When we-- when we look across the state, those break down. You know, we have-- we have 254; and when we're at maximum in northeast Nebraska, 224 employees in

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

northwest Nebraska; about 521 in southeast Nebraska. Part of that is due to the prevalence of many of our park locations; in southwest Nebraska, about 188; and then our headquarters, a total of about 180 with our permanent staff and those temporary employees. We are concerned the costs will be significant additional. One of the things I would note that because of the timing of the bill, there's only in the fiscal note, only accounts for half of a year of potential rent. There are some other costs that would obviously come in with that. I do want to provide a little information on our building. Our building is owned. It was built by the agency on the land provided by the city of Lincoln. And there's actually some of the land where we have parking is-- was provided through-- by the University of Nebraska. And those buildings are interconnected. We bought one of those-- we built one of those buildings for fisheries and wildlife work using Pittman-Robertson Dingell-Johnson funds that are Wildlife and Sport Fish Restoration dollars have come back to the state. If we vacate that building or allow it to be used for another use, we'll be required to pay that back. That was for Building B of our agency. We have two buildings, and those buildings were built with interconnected heating, cooling, electrical, IT, and a walking-- and a walkway between them. So it would be difficult to separate those. Additional lease costs estimate of \$960,000 to 1.2 annually based on Nebraska DAS lease rates. And I'm out of time. I will stop. I will ask-- answer-- I'll be glad to answer your questions. Sorry.

**BOSTELMAN:** Thank you, Director. Are there questions? Senator Hughes.

**HUGHES:** Thank you, Chairman. Thanks for coming in, Mr. McCoy. Go ahead. I would like to hear the rest about the building and you got cut off kind of at the end.

**TIMOTHY MCCOY:** Yeah, well, the building has been set up to meet our needs with a lot of features that include, you know, fisheries and wildlife research labs with adequate venting that we can do laboratory work. We have a necropsy room for "necropsying" dead animals, which actually has to have a really good venting system, because otherwise it smells really bad when it doesn't work. And then we also have freezers for-- for wildlife investigations. We have locked freezers for things that are involved in law enforcement investigations. We have other freezers for animals that are accidentally killed that are species that can't be kept. They're, nongame species or things like we get, you know, people tell us there's an eagle somewhere and we pick those up. We eventually deliver those to Fish and Wildlife Service. We also have locked safe areas for weapons, locked safe areas for all of our funds, permit books, those things that we do. We have a-- we have

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

a mailroom loading dock and storage area where we provide all of our materials out to all of our vendors in the state and send them to the public. And then the secure mes-- secure agency record storage that we're required to have. We have a fair amount of temporary storage in our basement we use before we send things down to the state-- the state area. We estimate the increased travel costs at about almost \$200,000 a year with this when we look at a full year. One-time moving costs we would expect for those special needs to need to pay for about up to \$1,000,000 for modifications in order to meet those specialized needs that we have that aren't in a typical office building. And then we have relocate-- relocation costs for staff, which we would be required to pay, which we estimate at about \$850,000. Given some things I've heard about some of the relocation costs for moving agencies in Lincoln, we may be on the low end on that, but we also assumed that we would utilize some of our own staff to help with some of that loading. And then there are concerns about, you know, moving. If local housing's not available, we would probably be required to pay for temporary lodging and storage if we're requiring people to move. And-- and the other challenge is because those buildings are owned and that wildlife and sport fish, I know the fiscal note from the fiscal analyst indicated we would keep that as a district office. That means we will continue to have all those maintenance costs for those buildings on top of, you know, paying-- paying a lease rate.

**HUGHES:** Thank you.

**BOSTELMAN:** Other questions? Senator Moser.

**MOSER:** How many employees do you have in Lincoln?

**TIMOTHY McCOY:** In our headquarters office, we have about-- we have at maximum about 180 employees. We have 100 and-- about 155 permanent. And then during-- we will have some seasonal staff and interns that come in, about 25 a year.

**MOSER:** Looking at the information that Senator Erdman provided, I don't know if you saw that, but it indicated that your budget has been around 37, 38, 39 million. And then this last year it went from 39 to 43 or something. Is there a reason that you had such a big bump in your budget?

**TIMOTHY McCOY:** Are you talking our total budget?

**MOSER:** I don't know. It said--

**TIMOTHY McCOY:** OK.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**MOSER:** It gave your-- let me find that here.

**BOSTELMAN:** It's salaries and benefits [INAUDIBLE]

**TIMOTHY McCOY:** Oh. Well, salary-- salary-- salaries and benefits probably bumped up last year because the year prior we were really struggling hiring part temporary. And last year we did some slight modifications to our-- to our pay ranges in there. And working with State Personnel, we were able to get closer to fully staffing our park temporary, park seasonal workers.

**MOSER:** Here's the information. I was--

**TIMOTHY McCOY:** All right.

**MOSER:** --asking questions about. That's a sufficient answer. Thank you. I just wanted you to have it so you are not caught off guard when we're asking about something you don't have in your hand. Thank you.

**BOSTELMAN:** So of those-- of those 155, because I think Senator Moser mentioned it earlier, how many do you feel actually would have to move? I mean, do you think all of them have to move or half of them would move, a third of them would move?

**TIMOTHY McCOY:** Well, that's a-- that's-- that's a hard estimate to make. You know, I think we estimated as we were looking at our-- our-- our estimate in our fiscal note that-- that we would-- that we would probably have at least 80 percent of our staff that we would hope would move. When we look at if you left-- if you left that location as active as a-- as a service center office still in Lincoln, you know, you would still have probably a core team of people that work selling permits at the counters and manning the phones that would probably be four or five people. We have some district staff that work out of our wildlife division on our wildlife management habitat partner section. They would-- they would definitely stay. And then we would have to-- we would have to look at all of our positions. Some of the challenges I am concerned about is we do a lot of, you know, we are-- we are spread all over the state, but we do a lot of our, you know, our administrative work, you know, the heads of our law enforcement division, the heads of our fisheries divisions, heads of our wildlife division are, you know, the leaders are all there. We can pull together when there's an issue and move quickly. Also, all of our budget staff, our communication staff, and our other support staff is there that help support divisions all across the state. It allows us for very, very effective coordination. And we have people that are

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

district, you know, we have managers that do more than manage people. They're working managers. We have to be. We're-- we're a relatively small agency for the scope of the work we do when you look around the country.

**BOSTELMAN:** So how many, I think they're called district offices do you have if you go across from-- as you go across the state or--

**TIMOTHY McCOY:** We have-- we have district, we have-- we have district offices in, you know, Lincoln. The Lincoln office also has our district offices, [INAUDIBLE] district office there. We have a district office in Norfolk. We have a district office in North Platte and then a district office at Alliance. We have service centers at both Bassett, which at one time, probably 15 years ago was a district office. And then at Kearney we have a service center as at one point until about ten years ago, that was a district office. And then we also sell permits in most of our-- in most of our parks locations--

**BOSTELMAN:** OK. Thank you.

**TIMOTHY McCOY:** --across the state.

**BOSTELMAN:** Other questions? Senator Brandt.

**BRANDT:** Thank you, Chairman Bostelman. Thank you for testifying today. Would it be possible to get the committee a list of-- of employees and where they're stationed around the state? Or if you said that the Norfolk-- Norfolk Regional Office has 20 people working at it, so on and so forth?

**TIMOTHY McCOY:** Yeah.

**BRANDT:** So we can [INAUDIBLE]

**TIMOTHY McCOY:** I-- I can work to get that. I've got-- I know that I have something that is not as detailed as where those offices are, but it's actually employees by county. Now, in Lancaster County we have other parks areas, so the Lancaster number itself is quite a bit higher than what is in our-- our headquarters office. But I'll be glad to share that.

**BRANDT:** Right. And then you brought up the necropsy lab. I would assume that's going to have to stay put just because of its proximity to the diagnostic center for UNL there on East Campus when you have to evaluate for contagious diseases, rabies and such.

**TIMOTHY McCOY:** Most-- most of the time when we're using the necropsy lab, it's because we're doing a-- we're doing a necropsy for more of the biological reasons. If-- if we believe it's a disease issue, we work directly with the-- with the lab and take it straight to the-- to the vet center.

**BRANDT:** So when you say other reasons, probably poaching or you're trying to determine what happened.

**TIMOTHY McCOY:** We do that-- we do that with poaching. We do that sometimes with-- with freshly killed animals to try and gain information, you know, looking at what their body-- body condition is. You know, sometimes you can figure out what they've been eating. In some cases, you're trying to really pin down what cause of death was, whether it was something nefarious or they got hit by a vehicle.

**BRANDT:** All right. Thank you.

**BOSTELMAN:** Other questions? Seeing none, thank you for your testimony. Other opponents to LB397, please step forward.

**SCOTT SMATHERS:** Good morning, Senator Bostelman, members of the committee. My name is Scott Smathers, S-c-o-t-t S-m-a-t-h-e-r-s. I'm the executive director of Nebraska Sportsmen's Foundation. Excuse me. I'm here on behalf of our membership base and also a group that is called the Big Game Conservation Association, which I am a founding member and executive board member of currently. We appreciate Senator Erdman's desire to bring prosperity to his district and his region. We certainly agree. This has nothing to do with Sidney, Nebraska, by any means by our membership base or our partners. I happen to have enjoyed Sidney on many occasions over the last 15 to 20 years, both personal and business, and it is a great city. In addition, our-- one of our executive board members is a former VP and president of Bass Pro and Cabela's and was stationed in Sidney, is now living here in Lincoln wish-- wish to move back to Sidney. With that said, our concerns regarding LB397 or has already been stated by Senator-- by Director McCoy, the buildings are owned here in Lincoln. Does it matter to Sportsmen's whether they're in Sidney or Lincoln from a standpoint of our everyday function as with our passions? No, it does not. But from a simple standpoint of removing an agency from the centralized government location where they have commingling and networking with all the other agencies and NGOs, quite frankly, on a frequent basis for educational purposes, for growth purposes, and for changes to move them from the central location, in our opinion, would hinder their ability to continue to grow and do their job. There's already



questions in certain regions of the state as to whether the Game and Parks is doing their job or not. We're going to add that. In addition, our concern mostly is around the PR and DR funds or Pittman-Robertson and Dingell-Johnson funds that they may have to repay to the Fish and Wildlife Services for vacating their building if they're relocated. It's a sizable chunk of money that outweighs any of the benefits that you're talking about renting this space out to other institutions in the state. That's our main concerns. I will tell you, I agree with Senator Erdman. I am a Lincoln resident and it does smell like taxes and it has for 30 years. But that is my choice to live here. If I would move out of the city, I'd certainly do it. Same regard, I would disagree with Senator Erdman that the bulk of natural resource issues are in his district in western and central Nebraska. There is a fair number of them. But we have a large state with very diverse districts and very diverse regional zones. We have our issues here on the eastern side of the state, and we have a region-- our issues in central Nebraska. Senator Cavanaugh may recall the issue of the IED and the deer interactions with collisions that took place for years. And I'm not-- I don't remember what that fence cost along the Platte River bridge, but we have those issues. We also have depredation issues. We also have disease issues that occur on this side of the state and central Nebraska. So it is a statewide issue and the wildlife is statewide. And we would like to maintain a relationship with the Game and Parks and the city council, or excuse me, and the centralized business and government as opposed to removing them. My question is we-- most of the ag is done west of 81 in the state. Are we moving them to Kearney? I don't know. It doesn't make sense to me. So we appreciate it. We opportunity. We wish you'd keep the bill in this committee. And if there's any questions, I'd be glad to answer them. Thank you.

**BOSTELMAN:** Thank you for your testimony. Any questions from committee members? Senator Moser.

**MOSER:** Where is your organization headquartered?

**SCOTT SMATHERS:** Here.

**MOSER:** You don't want to move to Sidney?

**SCOTT SMATHERS:** I would love to move to Sidney. The problem is that I have four grandchildren and I know my wife is not leaving four grandchildren on this side of the state.

**MOSER:** I'm just teasing. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**SCOTT SMATHERS:** Thank you.

**BOSTELMAN:** Seeing no other questions, thank you for your testimony. Next opponent to LB397, please.

**AL DAVIS:** Good morning, members of the Natural Resources Committee, Senator Bostelman. My name is Al Davis, A-l D-a-v-i-s. I am the registered lobbyist for the 3,000 members of the Nebraska Chapter of the Sierra Club. So the advantage to coming last is you follow everybody else who's already said everything that needs to be said. So I'm a western Nebraska resident, as you know, and I appreciate Senator Erdman's efforts to try to diversify and help the economy in rural parts of the state. We do need to do that. I completely agree with that. There's too much-- too much funding placed into these metropolitan areas, not enough for rural Nebraska. If we want to stop the brain drain from rural Nebraska and depopulation, we're going to have to invest out there. But I don't think this is the appropriate solution to that, and neither does the-- do the members of the Sierra Club. The primary, I think, primary issue that we see is the turnover of probably highly skilled people who are knowledgeable, who may be at the tail end of their career and have a wife with a good job here in Lincoln or a husband with a good job, commitments to their church, commitment to their social clubs, commitment to other things and aren't going to want to move. And so I see a significant number of people retiring. And then you've got to fill a number of jobs that are somewhat specialized in rural Nebraska in Sidney. I'd like to think that was an easy thing to do. But looking around the United States, it looks like there just are millions of jobs out there. So filling those jobs is going to be hard and I think that's going to be damaging to the agency. And of course, the cost associated with it, I don't think we really have a good grasp of those. And Mr. McCoy laid that out pretty well. But there are many, many times when the members of the Game and Parks staff need to be here in Lincoln to meet with other agencies. So you're going to have these, you know, 700-mile trips and that's going to be costly and time consuming and a waste of their resources. So with that, I will close and take any questions.

**BOSTELMAN:** Thank you for your testimony. Questions from committee members? Seeing none, thank you.

**AL DAVIS:** Thank you.

**BOSTELMAN:** Next opponent to LB397, please step forward. Anyone-- any other opponents to LB397? Seeing none, anyone to testify in the neutral capacity, please step forward. Good morning.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**MICHAEL RYAN:** Good morning. Members of the Natural Resource Committee, thank you for your due diligence and time and sincere appreciation for holding public office and molding space within daily sphere of news. I'm handing out a handout here. I recently attended a meeting.

**BOSTELMAN:** State your name and spell your name, please.

**MICHAEL RYAN:** Michael, M-i-c-h-a-e-l, Ryan, R-y-a-n, and I recently attended a budget meeting for the Nebraska Game and Parks. And I would like to provide expert-- expert testimony as to what I saw and heard and a path forward, which I see as possible. When I walked into this meeting, it was at Mahoney State Park, I heard the deputy director, Jim Swenson-- he's the gentleman below Director Tim McCoy-- he said, we need a ramrod to come in and fix all our problems at Nebraska Game and Parks. We need a ramrod to come in and fix all of our problems at Nebraska Game and Parks. With that in mind, I sat down to this meeting and I listened to everything that they were there to discuss. I included that right here. I think LB397 has the possibility to do great things. You need to-- if you-- other states have split Game and Parks and Fish and Wildlife. Wyoming has a Wyoming state parks and historical site and they have Wyoming Game and Fish Department. North Dakota has North Dakota Parks and Recreation and they have North Dakota Game and Fish. I'm proposing that you guys consider creating Nebraska Game and Fish and Nebraska Parks and State Historical, two separate entities. The game and fish go out to Sidney and they do great things and the rest of the people stay here in Lincoln until you figure out what talents should stay and which talents should be moved on. There's outdoor interactions, how we interact with the environment. Look, there's learning environments. And Nebraska Game and Parks is the front door to how Nebraskans, how youth, how adults interact with nature. And from what I've seen, we're not teaching people how to respect and utilize the natural resources that we have. I've-- during this time of-- of-- of what should I say, researching Nebraska Game and Parks, I went and spoke to ten park superintendents and asked them what are their feelings towards Nebraska Game and Parks, how could they be improved? And I was told by two people that Nebraska Game and Parks sees us as plow-- plow jockeys. Our job around here at these state parks is to mow the grass and pick up stuff that falls down. On one certain day, there was a beautiful cottonwood tree that had blown over in a windstorm. And the cottonwood tree could have been used for an interactive exhibit. It could have been used for a tree house. It could have been used for something other than just chopping it down and turning it into mulch. Like Game and Parks has fundamental flaws. If I were to summarize everything that I saw there at the Game and Parks meeting, I would say that the main flaws are

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

trying to sell too many permits. They're selling. They're selling, selling, selling. Their goal is to sell. And it should be about experiences. Nebraska Game and Parks, Nebraska-- Nebraska Wildlife and Fish should be giving experiences, and the current structure of the Nebraska Parks should be managing doing what they're currently doing. IT, when I listened to the IT presentation at this meeting, they basically have a stranglehold on Nebraska Game and Parks because they're the only ones who can monitor the paying of permits online. There was a gentleman who stood up at the beginning during introductions and he said, my name is so-and-so. I'm the dream killer. I'm known in this department as the dream killer. Dream, d-r-e-a-m killer. You guys bring good ideas to me, and my job is to shoot them down. I think the Nebraska Game and Parks should be split. I spoke with John Ross yesterday. He was the hunter education master instructor from Nebraska Game and Parks. And I asked him, what is your solution to fixing this if-- if Game and Parks goes to Sidney? He says we need to split it to the way it was in the 1920s and '30s before the Parks Department got involved. It should be Nebraska Game and Fish and then the parks. One final thing before I run out of time, I spoke to employees at the Calamus State Fish Hatchery in Burwell. I asked them why there is not more fish being put into the general public. And they said, because we have to buy minnows from out of state and they cost three to four times what it would cost for us to grow them ourselves here at the hatchery. I again think we should look at it from Nebraska Game and Fish, Nebraska Experiences and Fish, and then Nebraska Parks. Thank you for your time.

**BOSTELMAN:** Thank you for your testimony. Are there any questions? Seeing none, thank you for your testimony. Any other neutral testifiers today? Anyone else like to testify in the neutral capacity? Seeing none, Senator Erdman, you're welcome to close.

**ERDMAN:** Thank you, Senator Bostelman. I appreciate the neutral testimony. That was interesting. He may have some good ideas. So let me-- let me address a couple of things about the property there in Sidney. The last time that I tried this, I was contacted by some folks in Sidney that said they were willing to purchase those facilities and rent them to the state. So I think there's opportunities in Sidney beyond us purchasing land there or buildings. So, you know, that facility is a great facility. And you heard this morning, Senator or Director McCoy said they have about 180 people in Lincoln, not all would move. The question was asked, you know, where you live. And so I just-- let me give you this little bit of perspective. I am closer where I live-- I am closer to three state capitals than this one. And so it is a ways out there. And-- and I appreciate all those people who

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

drove in from Sidney. I would assume that you understand as well as I do, you had like 62 letters in support and I think you had, what, 4 or 5 in opposition. You don't see a lot of people here today to testify against moving Game and Parks to Sidney that live in Lincoln. You hear those people who are part of Game and Parks or work with Game and Parks. And it is peculiar in this regard. The committee that I serve on currently, Appropriations, I have never seen an agency that has a bill that affects them ever testify in opposition. Every agency that comes to our committee that is speaking about a bill, they're neutral. They come in, in a neutral capacity. But that's not the case with Game and Parks. They continuously speak in opposition to most bills that people introduce. Senator Brewer had a bill yesterday or the day before that they came in and testified against in that bill. And so maybe they didn't get the memo from somebody that agencies aren't supposed to testify in opposition. And so they do a thorough job and then we give them plenty of time to make his case. And so, you know, we hear all those reasons why we can't move it and all of those things, people are going to relocate. They're getting close to the end of their career and they have to make a decision and they work with DAS and OCIO, and we have to be in Lincoln and all those excuses. And we never hear any solutions out of Game and Parks. And so I'll give you a case in point. In 2005, they did an analysis of how many elk they had in the Pine Ridge, and they came back that the elk population in Pine Ridge should be 600, no more than 600. That was-- that's 2005. Here we are in 2023, they're still trying to figure out how many elk they have in Pine Ridge. They already had a survey done and they understood how many animals there should be, but they never do anything to do anything about it. And so I'm not sure why they think that they need to be in Lincoln to do all those things that they describe when you have the Internet. And most of those people that can contact with the federal or the state agencies live here. OK. And so most of the antelope, elk, mountain lions, and those things that we have a problem with are in the western part of the state. And it'd be an opportunity for them to be close to those. And I know that because they've shared all that about what it's going to cost them if they move and they got to pay for the building and you'll hear all that. And yesterday we toured the fifth floor of the Capitol to make that into a museum. And that's going to cost \$3.4 million to refurbish about 3,000 square feet. So when it comes to state government, money doesn't seem to be an issue if you want to do it. So don't let them try to scare you that they don't have the money to do it or they won't be able to do it because it costs so much. Or someone won't want to move to Sidney and they won't be able to find qualified people. Well, I can tell you this in my opinion, some of these qualified, trained

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

and specialists aren't doing their job or we'd have less elk and less damage than we currently have. And so I'm not saying that those people are necessarily not doing their job right, but it's not very conducive to controlling the population the way they do it now. So maybe somebody else could do a better job. So I'm not at all interested in hearing them whine about somebody's got to move to Lincoln when those people lost their jobs from Cabela's. Some of those people changed their career and stayed there and did things in Sidney to stay there. And so we'll find people to work in Sidney that are just as qualified as the ones they have here, maybe do a better job. And so don't let them people scare you that this can't be done. It can be done. And I appreciate you taking my-- taking the time to listen today. Thank you.

**BOSTELMAN:** Are there questions from committee members? We did receive 62 opponent, I mean proponent, 62 proponent and 5 opponent letters for this. So with this-- with that, seeing no questions, I'll close the hearing on LB317.

**ERDMAN:** Thank you.

**BOSTELMAN:** Thank you.

**MOSER:** Thank you, guys. OK. Now we'll open the hearing on LB425. Senator Bostelman, you are recognized.

**BOSTELMAN:** Morning, Vice Chair Moser and members of the Natural Resource Committee. My name is Bruce Bostelman, spelled B-r-u-c-e B-o-s-t-e-l-m-a-n, and I represent Legislative District 23. I'm here today to introduce LB425, which updates several sections of Chapter 37, the first being to increase a quorum for the Game and Parks Commission from four members to five members as they have a five-member body. LB425 also increases the nonresident fees for several permits. These-- these increases are listed in your committee summary. The bill also clarifies that an individual receives an auction-- if an individual receives an auction permit for a mountain sheep, it does not count against the individual's lifetime total of one mountain sheep. Next, the Game and Parks is provided the discretion on permitting nonresident hunters during depredation seasons. During last year's depredation season, Game and Parks received a lot of feedback from landowners in western Nebraska about issues involving nonresident hunters. By giving discretion to nonresident permit allocations, they'll be able to address the concerns of landowners regarding nonresident hunters while maintaining nonresident landowner permits. LB425 also increases the maximum area allowed to be licensed as a game breeding and controlled shooting area

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

from 2 percent to 5 percent of the county's total acreage. Finally, the bill would allow Game and Parks to issue permits to harvest elk in areas of the state designated as game refuges when the number of elk has been determined to be detrimental to the habitat of the refuge or to adjacent privately owned, real or personal property. I urge the committee to vote this bill to General File and I'll be happy to answer any questions you may have.

**MOSER:** Questions for Senator Bostelman from the committee? Senator Brandt.

**BRANDT:** Thank you, Vice Chair Moser. Thank you, Senator Bostelman, for bringing this bill. I would assume you worked with the Game and Parks agency to-- to arrive at all these numbers.

**BOSTELMAN:** They're their numbers, yes.

**BRANDT:** OK. So just going through the bill, it appears that we increased the quorum because the size of the board is increasing.

**BOSTELMAN:** No, the board's always been nine, but so it's correct. It's been a longstanding thing to five, so.

**BRANDT:** OK. Well, that looks like it should have been corrected a long time ago.

**BOSTELMAN:** Sure.

**BRANDT:** And then it looks like all of the nonresident permits went up, which I'm in agreement with. It doesn't look like any of the resident permits went up.

**BOSTELMAN:** Correct.

**BRANDT:** Is that how you read this?

**BOSTELMAN:** Correct. And I believe-- I believe if the director testifies that he'll have a handout for that showing what that is exactly, but it's only nonresident permits.

**BRANDT:** All right. Thank you.

**MOSER:** Other questions? Yes, Senator Hughes.

**HUGHES:** This is just-- sorry. Thank you, Senator Moser. This is just a question for me understanding. So if I want to go shoot a mountain sheep, I-- is it only by auction I can get it, right, or?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**BOSTELMAN:** No. There's two ways to obtain a mountain sheep, bighorn sheep--

**HUGHES:** Yeah.

**BOSTELMAN:** --here. So it's mountain sheep in statute. So there's two ways to do it. One is there's a lottery that you can apply for through the state.

**HUGHES:** Right.

**BOSTELMAN:** And the other is, is there is auction, an auction item. And those are determined by the state Game and Parks as to whether they're even going to issue-- have those permits.

**HUGHES:** [INAUDIBLE]

**BOSTELMAN:** But you can-- you can apply for a draw or you can go to an event, an auction and buy a ticket, buy a permit.

**HUGHES:** And yours--

**BOSTELMAN:** So this does not allow-- what this says is that if you're one of those who goes to an auction and buys a mountain sheep permit, you can still apply online for the drawing.

**HUGHES:** So you're talking you could get two.

**BOSTELMAN:** Sorry.

**HUGHES:** You-- if you did it that way, you can maybe get two of them in your life.

**BOSTELMAN:** Potentially over time. Right. [INAUDIBLE] Yeah.

**HUGHES:** It's just interesting. All right.

**BOSTELMAN:** So what it does, I think, you know, the intent of this is not to disincentivize someone to go and buy because those permits are fairly expensive.

**HUGHES:** Yes.

**BOSTELMAN:** In six digits a lot of times. So they don't want to-- you don't want to disincentivize those auction permits and that opportunity a person may have by then also allowing them not to have a drawing.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**HUGHES:** OK. Thank you.

**MOSER:** Other questions? Thank you, Senator.

**BOSTELMAN:** Thank you.

**MOSER:** Anybody else here to speak in support of this bill? Welcome.

**TIMOTHY McCOY:** Good morning. My name's Timothy McCoy. I'm the director of the Nebraska Game and Parks Commission. T-i-m-o-t-h-y M-cC-o-y, located at our office at 2200 North 33rd Street, Lincoln. I'd like to thank Senator Bostelman for bringing this bill. As Senator Brandt alluded to, several of the sections in this bill, you know, the big-- there's really two things. We're trying to increase our nonresident fee caps. And then we are-- also have some other cleanup that were agency things that we've been wanting to make sure we correct in statute or update in statute. Those changes in those caps, we asked-- we looked at sort of an across-the-board 30 percent increase in those statutory caps. That change in caps does not create an automatic fee increase. We still have to go through our full promulgation of agency regs and approval by the Governor, which also includes obviously public notice and a public hearing for a commission business meeting with any of those fee changes made and approved by a vote of the commission members under the Administrative Procedures Act. Also under-- in our statutes 37-327, there are limits to fee increases the commission can make. A permit fee cannot be increased more than 6 percent a year. That can be carried for up to three years so the maximum increase, if we haven't increased fees for three years, would be 18 percent, which is pretty high and it's capped at that even if you've waited five years to increase the fee. They were last, these nonresident fees for these permits were last increased by the commission in 2021, and almost all of them are either at or nearly at the caps that are in statute. And the nonresident caps themselves, what we're-- what we're asking to do was last done by the Legislature in 2016. Part of the reasoning for this, we look at what we see and the increases in nonresident fees from surrounding states. And we've also heard from our resident sportsmen that hunt in other states that many of our permits are, in their words, too cheap compared to what they pay when they go travel to another state to hunt for different species. And you know, our commission, our board has been very responsible over the years with fee increases, wanting to make sure that when we're doing these that there's a, you know, we are-- we know there's a clear need and a clear purpose. And this allows us-- them and us some flexibility to increase those over several years. But using that restraint, looking to make sure we maintain our nonresident

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

hunters and fishers. Just a point of interest, we've not increased resident hunting and fishing permit fees since 2017. We've not increased the resident fur harvest permit since 2002 and we've been maintaining \$5 youth permits for deer, turkey and antelope for both nonresident and resident youth at \$5 since they were established in 2010. We see that that's a great opportunity to help recruit hunters, both young hunters in Nebraska and-- and-- and youth that are coming with a parent to come hunt Nebraska. The commissioner quorum correction is from four to five. I believe I'm thinking it was 2009 or 2010 there was a change and added another at-large commission district so before that we had eight. My assumption is when they did that they did not update that quorum. We've never had a meeting where anything like that happened, but having-- having a potential statutory quorum without a majority is a problem. Section 4, Bruce covered this very well, that the commission can try to be able to put those limitations in a special depredation season order to be able to provide some limits on nonresidents. We heard from sportsmen, Nebraska resident sportsmen that were upset about that as well as from landowners when we had a special depredation season for elk. The exception for the auction mountain lion sheep permit from the once in a lifetime limit, that actually mimics exactly what we already do with bull elk permits that are utilized under auction tags. It's also consistent with how other states around the country that do have auction permits for mountain lions are set up. That also had raised some confusion among potential bidders in recent years. Section 7 allows for the group hunt application referred to as a buddy permit to include up to six applicants. That current maximum is two. We can raise this because we have a new permit system that's able to handle it. Those are groups of people that want to go on a deer hunt together and so they all apply at the same time. They can build points and then when they draw, they all draw as one group so that they can go together. And then the increase in the controlled shooting area acreages when we look at surrounding states, Nebraska was at 2 percent of the county. The only other two states around us that have restrictions are Iowa at 3 percent and Kansas at 5 percent. The other surrounding states have no limits. This provides some additional commercial activity available in parts of the state. We have a few counties that are either at or close to that cap. Those are areas where, you know, the commercial CSAs really-- release birds. They usually have dogs. If the hunter doesn't have dogs, they can have a good hunting experience. Several of those also partner with us in helping with recruiting youth to pheasant hunting. And then Section 10, the last piece, will simply add elk as a species that can be hunted in Garden County Refuge. Deer can already be hunted there. Part of that reason is we've had some elk move into

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

that Garden County Refuge area and we believe that this will allow opportunity for hunters to-- to go shoot those.

**MOSER:** All right. Are there questions for the director? I have one. Oh, well, maybe more. But the-- how many elk, I'm sorry, how many sheep permits do you give?

**TIMOTHY McCOY:** Typically, we have done one or two. If we do one, it's a-- it's a lot-- in a year if we only do one, it would be a lottery tag. That's just lottery for residents. If we do two, we-- we are able to have one of those be an auction tag that then is available to residents and nonresidents. But it's an auction so the prices get high. I think the most recent one we had was above \$200,000 that somebody-- people that are dedicated sheep hunters are really--

**MOSER:** Was it an out-of-state person?

**TIMOTHY McCOY:** It was.

**MOSER:** And who gets the \$200,000?

**TIMOTHY McCOY:** The way our auction tags work, we award those to other-- other entities that auction them off. They can keep up to a maximum of I believe under regu-- under our regulations, 20 percent of the take. The other 80 percent comes to us. However, when we evaluate organizations that want to do these, we ask them what percentage they are going to keep. And in many cases they will-- they will maybe keep 10 percent and then the rest of the money comes directly to us. And many of those organizations also support our sheep program. So they have donated money at different times to different projects when we're working with bighorn sheep.

**MOSER:** So if you have more than one agency or one-- more than one organization that wants to auction off your sheep permit, you give them all a fair shake to see whether--

**TIMOTHY McCOY:** We do. We've created-- we create a-- we have a formal evaluation process where they provide information on their application. And then we review that based on some scoring metrics to just make sure that we do that. The other thing that we do is and part of those metrics are, you know, have they had-- have they had a sheep permit auction recently? You know, compare--

**MOSER:** [INAUDIBLE].

**TIMOTHY McCOY:** --to try to provide an equal opportunity there. Yeah.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**MOSER:** Do you do something special with that money or does it just go into the general fund?

**TIMOTHY McCOY:** Well, it goes into-- it goes-- it goes into the game fund and it's-- it's-- we-- we always look at that relative to continuing our work with bighorn sheep and other big game similar to the elk auction tags and deer auction tags are the same way.

**MOSER:** You have deer auction tags?

**TIMOTHY McCOY:** Yeah. We have some deer auction tags.

**MOSER:** OK. Senator Brandt.

**BRANDT:** Thank you, Vice-Chair Moser. Thank you, Director McCoy, for testifying on this. First, to clarify on the auction issue, reading this on page 9 of the new language says "except that an auction permit issued in accordance with subsection (3) of this section to harvest a mountain sheep shall not" account-- "not count against such total." I read that, that the same person could come back and be the winning bidder year after year after year on the auction. Is that how it's intended?

**TIMOTHY McCOY:** That-- somebody could potentially do that. Somebody could potentially have a permit when it, you know, purchase it at an auction somewhere with one of the groups that-- that auctions these and they may want to come back. We've never had that happen. But--

**BRANDT:** Should-- should we have-- if the intent is to exclude, shouldn't you have language in there that once you win the auction, once you're done, except for the lottery?

**TIMOTHY McCOY:** That's the challenge of there's no other-- there's no other state in the country that has sheep auction tag. When they do auction tags, they don't create a once in a lifetime get the permit or harvest limit. And that's where we've ran into a lot of confusion that's happened with bidders.

**BRANDT:** But it seems to me that-- that just the well off will win probably so. I mean, if your [INAUDIBLE] sold for \$200,000, but I imagine even among that high stratosphere, somebody was the second bidder at \$195,000. You know, that this this will continue to escalate that-- that you could probably successfully ban the winning bidder and still have a lineup of other people willing to bid that [INAUDIBLE]

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**TIMOTHY McCOY:** You-- maybe. But-- but the other-- the other thing that's interesting at auctions is some of these auctions take phone-- phone auctions. So somebody provides them a bid and they're not exactly sure who it's for until they get the winning bid. And so we just-- we ran into these conflicts. We've had the sheep groups that have auction tags that have asked us to do this because it's creating some real problems and confusion because it's so different than what we do in any other state. It's also different than our auction elk tag that we already do. We except that from the once in a lifetime harvest.

**BRANDT:** And it seems strange. I mean, you've got a golden ticket here. Why give these groups any amount of money? Why give them 20 percent? It's the state's-- it's the state wildlife we're auctioning off. Why doesn't Game and Parks keep 100 percent of the proceeds, particularly when you're looking at a permit that's \$200,000? And I don't know what your elk-- what does your elk permit auction for?

**TIMOTHY McCOY:** Oh, our elk permits don't typically go near that high. And they're talking, you know, maybe \$50,000.

**BRANDT:** Right

**TIMOTHY McCOY:** However, there is-- there are some real challenges for us as a state agency to-- to hold the auction.

**BRANDT:** Meaning?

**TIMOTHY McCOY:** Meaning all the state rules and requirements that go with it. We do this utilizing an agreement with them where they run the auction. Most of these--

**MOSER:** You need somebody else to run the auction to make [INAUDIBLE].

**TIMOTHY McCOY:** And most of these group-- most of these groups, the reason that they're able to raise this sort of money, they do these at large national or large regional places where they're auctioning off multiple tags for multiple states. And so they're drawing that-- they're drawing that really wealthy clientele that is willing to pay that sort of money.

**BRANDT:** Absolutely. They want to bag one of everything in every state.

**TIMOTHY McCOY:** And from our perspective, that probably raises-- it probably results in more income than if we were trying to run it here, you know, from our headquarters.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**BRANDT:** OK. So with all these changes and I see no objection to this, how many more dollars will this bring into the agency?

**TIMOTHY McCOY:** Well, if you look at our fiscal note, we have some estimates in a full year it would likely be about \$1.6 million. If you look at just what we would expect in the first year and I'm going to condition this after I'm done-- when we look at the first year, it would potentially be about \$389,000. Part of that is tied to when we have to do our fee increases, unless this is passed with an emergency provision, which we never want to assume that. We think spring turkey would be about the only thing that we could increase in this first fiscal year. And then the second fiscal year we would see the full effect of that because most, other than spring turkey, most of those seasons are in the fall.

**BRANDT:** And then that just goes into your general operating fund.

**TIMOTHY McCOY:** That would go into the game cash fund, all of our permit sales, so that can be used for all of the wildlife conservation work we do, law enforcement, all the other activities that we do on the game side.

**BRANDT:** OK. And I guess finally in my area of southeast Nebraska, we get a tremendous amount of out-of-state hunters. They lease our creeks. And-- and it's-- it has replaced where the pheasant hunters used to be. We now have deer hunters. And I look at these graphs that-- that-- that are on this handout that you have. Even with the increases, we are not number one on any of these categories. Wouldn't-- can we be like the most expensive deer permit for out-of-state residents, for out of state turkey? These guys are spending thousands and thousands of dollars and they've got their deer camps. And I mean, the-- the-- the permit, you know, if it was \$200 or \$500 for most of these guys, wouldn't make them a nickel's worth of difference or keep them from coming from Louisiana or wherever they're coming from. Do you have an opinion on that?

**TIMOTHY McCOY:** Well, part of-- part of my opinion might sound like it's personal. I'm a Nebraska guy. But we do try to make sure that our-- our fees are kind of in line with our-- with the bulk of our surrounding states. You kind of try to-- some of these states have developed really premium costs. Some of them have done it in a really interesting way when you look at their cost to hunt. Where Iowa and Kansas require their nonresidents to buy a small game permit in addition to their deer permit, we've never gone down that road. It just seems more complicated. So we just try to do the fee straight up.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

But yeah, there's the potential, these caps, if this-- if this group felt like you wanted to, you know, there was a-- there was a desire from the committee to increase those farther, obviously we-- we can work our way up to those caps over multiple years. So it, you know, it's not something we would do just rapidly.

**BRANDT:** All right. Thank you.

**MOSER:** So is your organization cash? I mean, you operate on fees and--

**TIMOTHY McCOY:** We have--

**MOSER:** --fines and--

**TIMOTHY McCOY:** Eighty-eight percent of the funds that in-- in typical years-- last year with some of the additional STAR WARS money, it really kind of threw our budget around-- but in a typical year, if you look at mainly in our operating budget, we're spending 88 percent of the appropriations that we're what-- the-- that we're awarded is paying for-- is coming out of our cash funds; about 12 percent general funds. That 88 percent, I guess, isn't all cash funds, because that also includes the federal funds that we get. The Wildlife and Sport Fish Restoration are about 8 percent of that budget.

**MOSER:** Do you limit the number of people from out of state that can hunt deer or?

**TIMOTHY McCOY:** We do and we do in areas--

**MOSER:** Turkey.

**TIMOTHY McCOY:** --where we have that need to-- to limit the permits with the draw, where we've had so much demand from residents and nonresidents that, you know, they're selling out so fast, our residents don't get a fair shake. In most cases, we've limited those to about 15 percent of the total permits that nonresidents can have. We're also limiting spring turkey permits coming this spring for nonresidents to 10,000. We sold almost 17,000 two years ago and 14,000 last year. And part of that is tied to concerns from our hunters. And actually the other concern about our turkey population has been declining.

**MOSER:** What percentage of the turkey permits were filled last year? Do you have that [INAUDIBLE]

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**TIMOTHY McCOY:** I don't have that. No, I don't have that number in front of me. But it was-- it was-- it was-- it was-- it was lower last spring. Turkey movement was not very good. And also the incidence of wind that blew last spring made turkey hunting really hard from my experiment-- experience.

**MOSER:** I got turkeys walking down the middle of the road right past my house. You could sit on my front porch and bag a turkey except it would make the neighbors mad. They'd all call the cops. Any other questions for testifier? OK. Thank you very much.

**TIMOTHY McCOY:** Thank you.

**MOSER:** Anybody else to speak in support?

**SCOTT SMATHERS:** Sounded like an invite to me, Senator.

**MOSER:** Greetings. Welcome.

**SCOTT SMATHERS:** Greetings. Scott Smathers, S-c-o-t-t S-m-a-t-h-e-r-s, executive director of Nebraska Sportsmen's Foundation. We want to be officially on the record that senator, or senator, I promoted him-- Director McCoy stated that we've had a lot of conversations regarding nonresident tags. I had a frequent conversation within our groups when we travel, when we're not here, when you're in session, my job is to travel the state and work with all the sportsmen's groups one on one. That's anywhere from 5 people at a meeting to 500. And the number one conversation is those pesky nonresidents and what they pay. And you're right, Senator Brandt. Most of us that are avid sportsmen, hunters, we do travel to other neighboring states. And so the entire package of the bill, we're glad Senator Bostelman carried it for senator-- for Director McCoy. And we agree with everything, elk in particular, because it's another tool to put in the bag that we have a growing elk issue with population size. One of the things that you don't see on here is elk for nonresident, which Nebraska's quickly grown the last four years to one of the best locations in the country to hunt for a, for an explore class better elk. And they're not leaving anytime soon because we have the habitat. The, excuse me, the sheep permit is not an issue for most of our-- our members and hunters in the state. It's an out-of-reach price tag for us. But the nonresidents, we're always looking to increase our economic input in the state and our power for the state to bring the money to the state. We have some of the best. And Senator Brandt, you brought up a point. We're not number one in all those nonresident fees. Some of that is driven by if you compare Iowa deer and Kansas deer to Nebraska, Most sportsmen will tell you



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

Iowa and Kansas have a better quality of deer. Therefore, they charge more for out of state and it's a coveted permit. However, when you do look at wanting to be competitive with the neighboring states because it's an easy drive, I looked at Iowa, Kansas, South Dakota, Nebraska or Missouri, and looked at our neighboring states. Easy drives for most of us where-- no matter where you're going in the state. And we're still in that number 3 to 4 range of the cost of a permit versus our neighbors. Are we missing an opportunity by not charging more? I would argue we're not, because our quality is not necessarily the same as some of our neighboring states. Missouri is always going to be cheaper than most of us in most cases because they have a dedicated funding source that's state driven that was decided 100 years ago, if you will. The other thing we want to talk about is that we're happy with the fees. The CSA, we had a hearing here yesterday I think you may recall regarding pheasants, the declining numbers. CSAs are one of the areas that we're able to help get more people involved. And it's a growing issue that we need to have an opportunity. I have a lot of money invested in my dog. I need to work that dog. And I'm doing a five-hour trip so I do visit Oak Creek in Brainard. I do visit Tekamah. I also visit Syracuse for Beede Outdoors quite a bit. Increasing that land mass availability in each county is going to allow them to continue to grow, to allow additional business to come into those communities and bring additional revenues. My annual membership for Beede's alone is \$2,000 a year, I believe. But I shoot unlimited birds and I work my dog through the CSA season, so it keeps him sharp. So with that said, we-- we are strongly in approval of LB425 and ask for it to be advanced to the floor so we can continue to grow the state of Nebraska, Sportsmen's input. With that, I'll answer any questions.

**MOSER:** Questions for the testifier? Senator Hughes.

**HUGHES:** Thank you, Senator Moser. Thanks for coming. Just curious, what makes Iowa deer better?

**SCOTT SMATHERS:** You've now entered the world of sportsmen bragging in-- and in coffee shops and who's and why. Everybody's got an opinion. There's different reasons for different things, but from a standpoint of habitat, there's more lush vegetation. Eastern Nebraska has great quality, white-tailed deer. I choose both white tail and mule and so I have a place in western Nebraska and a place here that I hunt. Iowa has the, in my opinion, a richer river system which creates a lusher background so the deer grow a little bigger plus--

**HUGHES:** So just bigger.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**SCOTT SMATHERS:** Yeah. I mean, it's just genetics. And again, it's all subject to I personally feed supplements on food plots on my land that I own. I have very large deer.

**HUGHES:** OK. Thank you.

**MOSER:** Senator Brandt.

**BRANDT:** Thank you, Vice Chair Moser. A real quick question is, is Iowa still a shotgun only state on deer?

**SCOTT SMATHERS:** Yes.

**BRANDT:** All right. Thank you.

**MOSER:** You have to be a lot closer to shoot a deer with a shotgun.

**SCOTT SMATHERS:** Yeah. Yes, you do. But I am also-- there's a large number of us that don't shoot anything out of 150 yards mostly. So we're still relatively close shooters.

**MOSER:** They probably don't use birdshot when they're shooting.

**SCOTT SMATHERS:** I wouldn't want to stand in front of it, no.

**MOSER:** OK. Other questions? Seeing none, thank you.

**SCOTT SMATHERS:** Thank you.

**MOSER:** Anybody else to speak in support? Is anyone here to speak against this bill?

**MICHAEL RYAN:** We're going to try a little experiment here. My name is Michael Ryan, M-i-c-h-a-e-l R-y-a-n. This may or may not work. I will not waste your time, I promise.

**MOSER:** I don't know what you're thinking of, but we don't use props. We don't--

**MICHAEL RYAN:** You can't do visuals?

**MOSER:** No, you can't project anything on the wall so.

**MICHAEL RYAN:** Can I ask you a question personally?

**MOSER:** You can testify.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**MICHAEL RYAN:** OK.

**MOSER:** The committee does not answer questions, no.

**MICHAEL RYAN:** OK. I'm just-- I'm going to describe a situation--

**MOSER:** You can testify about the bill, whether you like it or whether you don't or, you know, why you like it or why you don't.

**MICHAEL RYAN:** I understand. Thank you. This is my second time, third time up here, so I'm learning the process. So if my voice cracks, I apologize. I'm learning to [INAUDIBLE] speak.

**MOSER:** Just relax, slow down a little bit, tell us what you think.

**MICHAEL RYAN:** I do not think the commission should have five people. I think Nebraska Game and Parks should be split. This bill would add one more person to that. I have spoken to two commissioners in the past who sit on the board. You're just going the wrong direction. I am a product of Nebraska Game and Parks. I was the seven-year-old kid who went out there and went pheasant hunting and went through the Pheasants Forever programs. I checked in deers before. I've seen how this organization works. There needs to be more of an emphasis on sportsmanship, conservation, and not just making money. My current problem that I am having with where I am located is the conservation agencies do not care about wildlife habitat. The video I was going to show you is of a batch of trees that I have visited for the last five years and photographed wildlife at. When I was driving down here on Wednesday, it was up in flames. And I sent a letter to the director and I said, why are we doing this? This is a known habitat for river-- river otters, for eagles, for deer, for all sorts of things. Why are we burning this?

**MOSER:** Who-- let me ask you a question.

**MICHAEL RYAN:** National Audubon.

**MOSER:** This is a state-owned area that was in flames?

**MICHAEL RYAN:** National Audubon. They own the land right next to the river.

**MOSER:** So it's a conservation group?

**MICHAEL RYAN:** Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**MOSER:** OK, go ahead.

**MICHAEL RYAN:** And I've spoken with our conservation--

**MOSER:** I'm just trying to clarify your question. Go ahead.

**MICHAEL RYAN:** They're burning this. And I asked-- I sent an email to the director and said, why are we burning this? And they said, it is our land management plan. Our land management plan is to get rid of dead lumber. What I have seen from watching these-- these conservation organizations, they do not work with the Nebraska Game and Parks. Conservation organizations are on one side of the table; Game and Parks is on the other side. Game and Parks cares about killing animals and getting paid-- getting paid as-- getting paid to kill animals in a sense, to make it legal to shoot an animal. Conservation organizations don't really care about the animals. They're just trying to milk cattle-- cattle funds-- cattle funding from their cattle on their lands. It's [INAUDIBLE] I have no-- I have no-- maybe you can tell me. Who can I go to to hold conservation groups accountable? These trees should not have been burned down. I have raft, I have kayaked to these trees one mile. I have run down there. I have forged the river of the Platte to go up and take pictures of these trees where wildlife sits. I have freelanced for National Geographic in the past. I freelanced for The New York Times. I have done numerous things that allow me the opportunity to see the bigger picture. These trees should not have been destroyed. By adding a fifth person to the Nebraska Game and Parks Commission, it's just going to continue to create more of the same. There needs to be accountability. That's all I got to say. Thank you.

**MOSER:** All right. Thank you. Any other questions from the committee? All right. Thank you. Anybody else to speak in opposition? Is anyone here to speak in the neutral? OK. What did we have for letters? OK. We have two proponents and no opponents. Senator Bostelman waives his closing. So that will conclude our hearing for LB425. Thank you for attending.

**BOSTELMAN:** All right. Good afternoon. Welcome to the Natural Resource Committee. I'm Senator Bruce Bostelman from Brainard, representing the 23rd Legislative District. I serve as Chairman of the committee. The committee will take up the bill and the-- in the order posted. This public hearing today is your opportunity to be a part of the legislative process and to express your position on the proposed legislation before us. If you are planning to testify today, please fill out one of the green testifier sheets that are on the table at

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

the back of the room. Be sure to print clearly and fill it out completely. When it's your turn to come forward to testify, give the testifier sheet to the page or the committee clerk. If you do not wish to testify but would like to indicate your position on the bill, there are also white sign-in sheets on the back table. These sheets will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly into the microphone. Tell us your name and spell your first and last name to ensure we get an accurate record. We will begin each bill hearing today with the introducer's opening statement, followed by proponents of the bill, then opponents, and finally by anyone speaking in the neutral capacity. We will finish with the closing statement by the introducer if they wish to give one. We'll be using a three-- five-minute, sorry, a five-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you have one minute remaining. And the red light indicates you need to wrap it up and wrap up your thoughts and stop. Questions from the committee may follow. Also, committee members may come and go during the hearing. This has nothing to do with the importance of the bills being heard. It is part-- just part of the process as senators may have bills to introduce in other committees. A few final items to facilitate today's hearing. If you have handouts or copies of your testimony, please bring up at least ten copies and give them to the page. Please silence or turn off your cell phones. Verbal outbursts or applause are not permitted in the hearing room. Such behavior may be cause for you to be asked to leave the hearing. Finally, committee procedures for all committees state that written position letters to be included in the record must be submitted by 12 noon the last business day before the scheduled hearing on that particular bill. The only acceptable method of submission is via the Legislature's Website at [NebraskaLegislature.gov](http://NebraskaLegislature.gov). You may submit a written letter for the record or testify in person at the hearing, not both. Written position letters will be included in the official hearing record, but only those testifying in person before the committee will be included on the committee statement. I will now have the committee members with us today introduce themselves starting on my far left.

**FREDRICKSON:** Good afternoon. John Fredrickson. I represent District 20 in central west Omaha.

**SLAMA:** Julie Slama, District 1: Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties.

**HUGHES:** Jana Hughes, District 24: Seward, York, Polk, and a little bit of Butler County.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**BOSTELMAN:** My far right.

**BRANDT:** Senator Tom Brandt, District 32: Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster Counties.

**JACOBSON:** I'm Senator Mike Jacobson. I represent Lincoln, Logan, McPherson, Thomas, Hooker, and three fourths of Perkins County.

**J. CAVANAUGH:** John Cavanaugh, District 9, midtown Omaha.

**MOSER:** Mike Moser, District 22. It's Platte County and parts of Stanton County.

**BOSTELMAN:** Senator Moser also serves as Vice Chair of the committee. Also assisting the committee today to my left is our legal counsel, Cyndi Lamm. And to my far right is our committee clerk, Laurie Vollertsen. Our pages for the committee this afternoon are Trent Kadavy and Landon Sunde. With that, thank you both for being here today. And with that, we'll begin today's hearing with LB456. Welcome, Senator Brewer.

**BREWER:** Thank you, Chairman Bostelman and good afternoon, fellow senators of the Natural Resources Committee. I'm Senator Tom Brewer. For the record that's T-o-m B-r-e-w-e-r. I represent 11 counties in the 43rd Legislative District of western Nebraska. I'm here today to introduce LB456. I'm introducing this bill on behalf of the farmers and ranchers of my district, and I have modified this bill after Wyoming's law that sets up a system to reimburse landowners for losses caused by wildlife. We do not have a law like this in Nebraska right now. So you'll see that there are a number of pages of new language in the bill. I modified what Wyoming has on their law, because we needed an example of something to work off of that is proven and is similar to Nebraska. I thought I would limit the scope of this bill to just two animals, the elk and the mountain lion. Once the laws are enacted and we work through some of these growing pains of Game and Parks or the Legislature decide that there are additional animals that need to be added, no problem. That's-- that's kind of the process we'll need to go through. Now, had I taken Colorado's law, that would have included a lot of-- a lot more animals. So they're compensating their folks for bighorn sheep, black bears, moose, elk, mountain goats, mountain lions, mule deer, pronghorn, the white-tailed deer, wolf. Now, obviously, we don't have a lot of those animals here. The point being, other states have set up a system to compensate their landowners; in addition, Wyoming, Kansas, Missouri, South Dakota, Pennsylvania, Ohio, Indiana, and others. So this isn't like we're

reinventing the wheel here. This is just simply taking Nebraska landowners that have lost resources because of wildlife. You know, I think the part of this that you really need to focus on and that's a real eye-opener, too, is if you look at the fiscal note, it's \$9.3 million to reimburse landowners for what they suffer from two species of animals. So imagine, had we added anymore what that price tag would be. I want the committee to really let that soak in: to perform this function of government takes nearly \$10 million, requires that we hire 22 full-time state employees. For the new senators, what you see in this-- with this bill is simply death by fiscal note. This is where a state agency, executive branch, comes into the Legislature, tells our separate and independent branch of state government that they do not like the will of the people who elected us. How else do you see this? We do not want to be forced to do something so this ridiculous fiscal note-- they don't want to be forced to do this, this ridiculous fiscal note can essentially kill the bill unless we can figure out where to come up with \$10 million. Now, stop and pause for a moment. It was just yesterday I was in here presenting the Pheasant Restoration Act, and we were told that there is no value added to the eliminating of predators. And they were able to affect that bill by a very similar technique. The problem that I'm facing in my district is a herd of elk, and I'll be anxious and hopefully someone here asks how many elk we have in Nebraska and how many do we hunt every year and how many cow elk are there and how many calves are there each year, and then start crunching the numbers to figure out why this population has exploded. Now, I understand Game and Parks makes money on elk, and that's great. All I'm saying is if we're going to have these herds or in the case of lions, numbers, expand so fast with little accountability as far as the negative impact they have on the people that have to exist with them, then shame on us because we're taking a, in this case, game animal and we're making money by selling permits, licenses and then not doing anything to compensate the landowner for the losses. Now, there's a lot of theories on what that should look like. And I think, you know, Wyoming has had experience with this and has been fairly successful. Elk love spring wheat. If you haven't seen what they can do to a field in a day, especially some of these bigger herds and we have-- we have some pretty major herds, 200 to 300. They're hard on cornfields. They love to come into a cornfield in the fall before it's picked and just dismantle it to get into a stack yard. And once they tromp on the hay, the cattle don't want to eat it. So now you have what you had set aside with-- with whatever wealth you have in the world for winter as your reserve and it's ruined because of the elk coming in and doing what they're doing. How is that fair to the landowner? We don't have a system to compensate and we got to come

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

up with one. This is the conduit to do that. Now on the mountain lion side of things, again, I don't think we have a clue how many we have. I think it's all guesses. We've got a lot of great biologists out there. But these biologists are the same ones that aren't releasing pheasants like we should be and don't want to hunt predators because there's no effective hunting predators. But if there's no positive effect to hunting predators, why are we hunting lions? To keep the population down. So why wouldn't you hunt coyotes to keep the population down? You can't have it both ways. So they were just in here yesterday saying that doesn't work. So I'll be anxious to hear about the mountain lions and why we think selling permits for them and hunting them somehow reduces that population. What you've got to understand is that mountain lion population is getting to the point where it's out of control. How do I know this? Well, it just happens my nephew is a government trapper and he has to deal with this. And so he goes to locations where they've had mountain lions attacking animals and has to make an assessment. Now, his-- his ideas or thoughts or information he's collected means nothing to Game and Parks. They had their biologists come over and say that's a coyote kill, not a mountain lion kill or that's a bobcat kill. There's always an excuse that it's not a mountain lion. So a couple of months ago, he set on a site where they had been losing animals and waited using a thermal scope, shot and killed a lion to prove a point. Now, sometimes biologists are very valuable. I don't mean to say that they don't. But sometimes if you live there and you deal with it, your ability to look at tracks and-- and see what's going on is-- is a lot more realistic than a biologist out of Lincoln. Now I have video of this lion in the process of killing an animal and then being shot. And I will share that with anybody here that wants it. The point again is that we have to do something to compensate these landowners. They're losing horses. They're losing cattle. They're losing goats. They're losing sheep. It's easy to just pooh-pooh it and say, well, you know what? We'll give you an elk permit to compensate you for this loss. But in the end, that's not-- that's not how we should do it. There should be a system. There should be a set compensation you get for whatever damage is done to your property. And-- and that's what this bill is about. So I will be open for questions.

**BOSTELMAN:** Thank you, Senator Brewer. Questions? Senator Brandt.

**BRANDT:** Thank you, Chairman Bostelman. Thank you, Senator Brewer, for bringing this bill. You raise a whole host of questions. So-- and I'll ask my fellow senators this because I didn't bring my note in from this morning. But this morning we discussed a bill to increase all of the out-of-state permits by a significant number and it generated



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

millions of dollars. I can't tell you how many millions, but I think it's enough to cover a program such as this, which makes absolute sense because you're using out-of-state hunters to provide a revenue stream to indemnify our farmers and ranchers out there. Going through the multiple fiscal notes on the back of this, did you see the one from the AG's office?

**BREWER:** I may have missed that one.

**BRANDT:** OK. So the AG's Office is adding eight attorneys for \$247,000. That's quite a deal. Those attorneys work pretty cheap over there. I mean, I'm a--

**BREWER:** Yep, sure enough, \$247,370.

**BRANDT:** Compared to the 20 biologists at the other agency, that one, you know, an attorney-- we ought to hire more attorneys and less biologists. So claims [INAUDIBLE] increase. So does this bill cover depredation hunters or are we just worried about compensation to indemnify losses?

**BREWER:** Losses and-- and I think as we look at this, we probably want to make sure that we look at the issue of whether or not that landowner, if they are selling the rights to hunt on that land, then I think they forgo any compensation from the state for damages.

**BRANDT:** I would-- I would agree with that. Something I hear from my hunters in southeast Nebraska, they desperately want an elk permit. They get into the lottery and then they hear, oh, they're doing this depredation hunt on a ranch. But then this guy won't let them come in and hunt because he is selling those rights-- rights to hunt. So I applaud you for that. I think-- I don't often say this because I don't like third-party contractors when the state of Nebraska could do it. But I think this is the kind of program where the state could hire a third party agency to come in and manage this whole program. What are your feelings on that?

**BREWER:** Well, it might be a reasonable solution because I don't believe you're ever going to get the level of honesty you want with biologists who, if what they have told us doesn't hold true, whether it be the number of animals or the-- their effect on the environment, the damage to-- to other animals, livestock, then I think it's always going to be slanted in their favor. And just the example I gave you with, they really have no desire to ever admit that a mountain lion has killed anything. And I don't think they really want to count the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

mountain lions very bad either. Because at some point if you count them, and that number is-- is pretty astronomical and you have a program where once you kill your second female lion of the year, whatever that is, then the hunting season is over. That might-- you may kill two females and that's it for the season. Well, if there's 200 or 300 lions, which I think is a very low number, and half of them have a cub each year or two, you can see how that number all of a sudden takes off to the point where you're never going to manage it right. And so they're going to get hit on the road. They're going to die of starvation. But sooner or later you're going to have someone killed by a mountain lion. They will get hungry and they will go where they shouldn't go. And when that happens then, you know, Game and Parks is going to have some really, really hard questions to answer about their management.

**BRANDT:** And I know there's always been a problem of verification. In southeast Nebraska, I have seen a mountain lion. My neighbors have also visually seen mountain lions. But that doesn't count. It only counts if it's a state conservation officer or state patrolman. And so what they advise us to do is take a five gallon bucket and put it over the print until their biologists can come out there and verify whether or not even though, you know, unfortunately, I didn't have video of it. But a lot of my neighbors, they kind of know the difference between a mountain lion and a bobcat and a feral cat. So verification on a lot of this historically has been a problem. And the last thing I guess I would say in southeast Nebraska, deer do a tremendous amount of damage to all of our cornfields. Anybody located along a waterway of any sort, a creek or a river, they eat a lot of-- a lot of corn off the edges of those fields. So with that, do you have something to add to that?

**BREWER:** Well, understand that had I-- I put mule or white-tailed deer on this list, that fiscal note would be probably closer to \$100 million. And so I don't know that that's realistic that we can do that just because of what's going to result from a fiscal note for it.

**BRANDT:** All right. Thank you.

**BOSTELMAN:** Senator Hughes.

**HUGHES:** Thank you, Chairman. Thanks for bringing this bill. Newbie, what happens today? So that was my question. We're-- our neck of the woods is deer cause issues and things like that. Just too bad, right. I mean, and so if elk have-- if this is an issue and elk decimate a whole field, what does that farmer do today?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**BREWER:** Well, they can-- they can notify Game and Parks, but there's no system to compensate them. I think in the cases, in some cases they--

**HUGHES:** Would their crop insurance maybe cover it?

**BREWER:** I don't think crop insurance covers wildlife losses.

**HUGHES:** I don't know.

**BREWER:** You might have to ask someone who has actually handled crop loss.

**HUGHES:** I'll have to ask my brother. So right now, there's-- there's just nothing.

**BREWER:** That's correct.

**HUGHES:** The farmer, though, the elk are on their land, they could shoot them all if they wanted to.

**BREWER:** No, no, no, no.

**HUGHES:** No. Because it's not in season. I thought if like a--

**BREWER:** No, it's--

**HUGHES:** --mountain lion or if a mountain lion gets on your property you can only shoot if it's, like, coming after you or coming after a pet.

**BREWER:** Yeah, if it's in the process of killing--

**HUGHES:** A pet or [INAUDIBLE] or whatever.

**BREWER:** --or an animal or obviously a human, anything like that, then yes, you can kill the animal. Now you're going to probably come under a lot of scrutiny for that. And you better, you know,--

**HUGHES:** Right.

**BREWER:** --have a real good case behind you for doing that. But no, just because an animal crosses your land, you've got no authority to--

**HUGHES:** Yeah, I knew that. OK. Sorry. I'm just trying to get the information. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**BREWER:** No, no. That's what we're here for.

**BOSTELMAN:** Senator Fredrickson.

**FREDRICKSON:** Thank you, Chair Bostelman. Thank you, Senator Brewer, for this bill. I agree with you, Senator Brandt, that would be very affordable attorneys, if that is the actual breakdown. I was curious. Senator Brewer, you mentioned kind of Wyoming and other states have had similar programs as this. Do-- do we have a sense of what the costs in those states would be or what they're spending on this? Do we have any estimate on?

**BREWER:** You know, that is a great question. Why don't I work on that between now and close and see if I can't get you that number?

**FREDRICKSON:** Perfect. OK. Thank you.

**BOSTELMAN:** Other questions? Seeing none, stay for close?

**BREWER:** I need to give at least a shout-out here. Yesterday, I said it would have been nice to have had the-- the pheasant research and I overnight got the pheasant research so a shout-out to Game and Parks. They reacted and they sent it and I'm going through it now.

**BOSTELMAN:** OK. Thank you.

**BREWER:** And I'll stay for close.

**BOSTELMAN:** OK. Proponents for LB456. Surprise, Senator Erdman.

**ERDMAN:** Thank you, Senator Bostelman. My name is Steve Erdman, S-t-e-v-e E-r-d-m-a-n. I represent District 47. I couldn't pass up the opportunity to come here and share with you information that I think is vital to this bill. And that is the fact that I have a bill in Appropriations that is \$10 million a year appropriated from Game and Parks cash fund, and it would be used-- it could be used to pay for this \$10 million in damages. Two years ago, I introduced a bill to do \$5 million a year. I got it out of Appropriations unanimously. It was included in the budget, but I never got a bill out of this committee to do the distribution. So that's what this bill is. And so I would just share with you that the money will be there. So I don't want them to come and whine about it's not. So I seen an article this morning in our local-- on my local radio station they talked about Game and Parks is going to do an analysis, a study of elk. They're going to-- they're going to work in hand with the University of Nebraska. It's going to cost them \$831,000 federal money. And that-- that study's going to run

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

till 2028, and they're going to study elk movement and figure out-- maybe figure out how many we have. They don't have a clue how many we have. And in that same article, it alluded to a study that had been done earlier back from 1995 to 2002 to determine how many elk they had in the Pine Ridge area. And for the sake of not reading the whole thing, it went on to describe what they discovered. And they discovered and their opinion was that in the Pine Ridge area, they could sustain 600 elk and not be economical damaging to the landowners. But at that time they estimated there was 150 elk. And so from 2005 on, they had the study that said they could have 600. So if I were in Game and Parks, I would say we need to count these animals. And if they've gotten to 600, we need to do something about controlling them. Well, they're way past 600. And so Senator Brewer alluded to the fact that they don't know how many there is. And so when Director Douglas was at-- was the head of Game and Parks, I asked him how many elk we had, and he said, 2,500. And then I asked Assistant Director McCoy, and I think he told me 3,000. So if you do the math, so let's-- let's assume we have 3,000 head of elk statewide. And I think that number is probably ten times greater than that. So 3,000 and they told me 60 percent are female. So I'm not a rocket scientist or actuarial like Senator Clements, but I can figure out that 60 percent of 3,000 is 1,800. And if 80 percent of those 1,800 have a calf, you're down around the 1,200 mark. And let's say 75 percent of those survive, all of a sudden you got 1,000 more elk next year than you had last year. And they were-- they were giving out or selling 500 permits, and they do about a 60, 70 percent success rate. So we shot 350, but we have 1,000 more. And every year it's the same way. And so they don't have a clue how many they have. And so I can never figure out how to manage something you can't measure. And so it-- it really is a situation where they're guessing at how many they have. And exactly with the mountain lions, I'm with Senator Brewer. But my main focus today is here to tell you we have the money, so don't let them scare you into not doing this. The other issue that, and Senator Brewer alluded to that in his comments about the fiscal note is it is peculiar to me that we, the Legislature, are supposed to make rules and pass laws and make statutes and tell these agencies what they're to do. And then we have Game and Parks come in here and tell us how to do our job. And as I said in my other comments earlier this morning, to have an agency come in and talk against a bill, be in opposition is strange. And so we make the decisions and then they adhere to what we decide. But that's not the way Game and Parks works. But I wanted to know about LB744. It'll be in Appropriations, and I have the utmost confidence that that bill is going to get out. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**BOSTELMAN:** Questions for Senator Erdman? The \$10 million, is that from Game and Parks' cash fund or from General Fund?

**ERDMAN:** Yes, Game and Parks.

**BOSTELMAN:** All right, Thank you. Any other questions? Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chairman Bostelman. Thank you, Senator Erdman, for being here.

**ERDMAN:** You bet.

**J. CAVANAUGH:** It's a passion project for you. And I remember my first session here learning these sorts of things. And I was shocked about the stuff you're talking about, that we have too many elk and we're not giving out permits. Why can't we give out an-- it sounds like there's people who want to-- want to hunt and can't. [INAUDIBLE]

**ERDMAN:** Well, one of the things that they'll tell you, they can't get access and that-- and that very well could be true. There is a limit of access in some of those places. But the issue is and it's difficult because you have one guy that wants elk and one guy that doesn't and they live next to each other. That's an issue as well. But-- but there are things that they could do to limit the number of elk. And as I said, they've done a study before. They understand how many we should have. So if I had a document that said you can have 600 in the Pine Ridge area, and I seen that document and I said, this is the study, wouldn't you think that Game and Parks would try to figure out how many they have to see if they exceeded what they did before? Why did they do the study? If you're going to do a study and you don't adhere to it, why do it? And so they're going to go until '28 doing another study and what are they going to do with that information? The same they did with the old one, put it in file 13? So it's time for them to step up and try to say, hey, how many do we have? So they say, well, we can't count them because the-- the trees are green or there's too many trees. How about thermal photographs, huh, find out how many there is? If you really wanted to find out how many there is, they could do that. But they're not interested and they're surely not interested in finding out how many mountain lions we got. All right? There is a lot of mountain lions, more than they say. And when Senator Doug or Director Douglas was testifying in front of the-- the committee, Ernie Chambers, Senator Chambers was in-- in the chair where you are, and he asked him how many mountain lions we have. And he said, you mean in Pine Ridge or what do you mean? And Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

Chambers said, have you ever not answered a question by talking in circles? How many mountain lions do we have in the state of Nebraska? Couldn't answer the question. They don't know how many they got. Senator-- Senator Brandt has mountain lions. Do they count those? I don't think so. Do they count on Pine Ridge? Maybe. But the issue is we have more than they say. And these are getting closer and closer to people. And-- and Senator Brewer is exactly right. One of these days, somebody's child is going to be killed by a mountain lion. And they're going to say, well, I didn't know there was a mountain lion. And I know exactly what he's talking about. The goats that were killed, the Game and Parks guy said it was bobcat. Bobcats don't crush goats' heads. All right. And the guy seen the mountain lion the night before on his porch. So I'm pretty sure it was a mountain lion. I mean, the guy didn't make it up. But now when a game warden shows up, oh, yeah, that's a bobcat. That's a pretty good-sized bobcat. But when he shot him, he was a little bigger than that. So it just aggravates me that Game and Parks comes in here and tells us how we should pass laws or what we should do.

**J. CAVANAUGH:** Thank you.

**ERDMAN:** Maybe you could tell. Thank you.

**BOSTELMAN:** No other questions? Thank you, Senator Erdman. Any other proponents for LB456, please step forward. Proponents for LB456? Seeing none, anyone like to testify as an opponent to LB456? Good afternoon.

**ALICIA HARDIN:** Good afternoon, Chairman Bostelman, members of the Natural Resource Committee. My name is Alicia Hardin. That's A-l-i-c-i-a H-a-r-d-i-n. I'm the wildlife division administrator for the Nebraska Game and Parks Commission. The commission is opposed to LB456. Our commission and staff understand and are very well aware of landowner concerns about wildlife damage caused by elk and mountain lions. The commission has been making strides in reducing the elk population, with 195 percent increase in antlerless permits since 2019, resulting in 147 percent increase in antlerless harvest. That's giving us a 15 percent reduction in the herd since 2020. Our state already has laws in place that allow livestock owners to kill mountain lions that are stalking, attacking, or consuming livestock. No prior notice to the commission or permit is required. The commission can also provide a 30-day permit to kill a depredating mountain lion if a carcass has been found that has been proven to have been killed by a mountain lion. And in most cases, the commission will use their expertise and equipment to kill the mountain lion on behalf of the

livestock owner if that request is made. I would note that our depredation program manager will be following me to provide more information on the actions we've taken and continue to take for wildlife damage in Nebraska. In response to this bill, the ownership of wild animals is vested in the state and held in trust for the benefit of the citizens of the state. As such, the ownership is not a traditional property interest. Without defining the terms persons and property, this bill appears to cast a broad net of responsibility and requirements for the commission to pay for damage for any elk or any mountain lion to any person. With such a broad scope of potential costs were challenging to come to, so our fiscal note is confined mostly to the estimate of agricultural and livestock damage. Making payments for damage to landowners without getting reasonable access-- I was happy to hear the senator mention that-- for hunting or having the landowners involved with the mitigation to reduce and manage the wildlife populations could perpetuate problems leading to year after year asks for money and really doesn't help with the underlying problem. There is no mention of where the funding would come from beyond coming from game funds or coming from cash funds. But if the payments were made from our sale of permits for hunting and fishing, it would constitute a diversion of license revenues and would render the commission ineligible for further participation in the Wildlife Sport Fish and Restoration Program or WSFR. And like yesterday, that would be a loss of around \$22.8 million a year. The second point and conflicts with provisions of the WSFR Program is in giving authority to counties, as stated in Section 2 of this bill, to manage elk and mountain lions with Federal Wildlife Service agents. The proposed use of game fund or habitat fund dollars is also in direct conflict with Revised Statutes 37-901 and 903. We also have technical questions and concerns about the bill. Under Section 2 of the bill where it states the county may hire a wildlife service agent to control wild elk and mountain lions when they are causing significant damage, who would make the determination that there is significant damage and what is significant damage? What's the definition of that? This control may also preclude hunting seasons for elk in some units and mountain lions, as population numbers would not be able to sustain additional harvests. This would impact thousands of interested sportsmen and women, including landowners that enjoy hunting or benefit from hunters on their property. If damage can already be claimed under an insurance policy, how would those damage payments be handled? Would this obligate the commission and the state to pay for the same damage as insurance companies? The bill sets no boundaries for replacement value, and each claim will take considerable amount of staff time to investigate and document in case it goes to arbitration. We're also



concerned that the length of time allowed between when the damage occurs and when we are notified will make it difficult to substantiate damages and what caused them. It may be difficult to find-- it also may be difficult to find a reasoned and unbiased arbitrator that resides in the county where the damages occur, something also required of the bill. In conclusion, we strive for a balanced approach that engages the commission, landowners, and hunters in the solutions, as we are the stewards of the public's wildlife resources and the best long-term interests of all citizens and those resources. Thank you.

**BOSTELMAN:** Thank you for your testimony. So I'll start with some questions. Do you have an idea of how many elk there are in the state?

**ALICIA HARDIN:** Yes. We are-- we are using an estimation and using modeling based on what we have from known alive, minimum known alive in-- in the elk population and we think it's around nine-- 1,950 as of right now. That would be around 630 bulls, 877 cows, and 420 calves.

**BOSTELMAN:** So are the elk-- Senator Erdman had come up with an estimation of how many elk, how they reproduce and how they survive. What's the survival rate on-- on a calf?

**ALICIA HARDIN:** On the calves, we-- excuse me, on the calves, I have to find my information here earlier, but on adult bulls and cows, it's around 90 percent and about, you know, there's about 45 calves born to every 100 cows. And then there's a pretty high survival, I think, for-- for a lot of those, yes. But there's a lot of immigration. What we've seen, we do have collars on some of our elk up in the northern part of the-- of the state. And we're seeing a lot of immigration in and out of South Dakota so they move quite a bit as well.

**BOSTELMAN:** So there's more concentrations of them in certain areas of the state?

**ALICIA HARDIN:** Yes. Yes, for sure. Yeah.

**BOSTELMAN:** So in those areas, have you done increased licenses and have you done anything on depredation?

**ALICIA HARDIN:** We continue to do a lot of things for depredation. First of all, if the landowner has any concerns and has damage, as soon as they call us, we go out and we meet with them and we look at what they have going on on their property. If it's during a hunting season, we try to encourage hunters to come out. If it's not during a hunting season and, you know, we can't get them scared off or moved out, then we'll issue a damage control permit and allow them to take

that animal. As far as other things that we've done last year, the Legislature, last year or the year before, the Legislature approved the earned landowner elk program. That was a really nice addition that actually encourages landowners to allow the general antlerless harvest of elk on their property. And for every ten antlerless elk that are killed with general antlerless elk permits, they get a free earned landowner permit that they can use on their own property. So that was a nice addition and actually got some more access. We have increased our permits in every unit since 2019, especially the antlerless permits to encourage that population reduction.

**BOSTELMAN:** One question on mountain lions. I would-- I would think that once a mountain lion has a-- has a taste of a lamb or calf or a colt, once-- whether they killed that animal or not, if they come in and feed on that animal, they're going to come back looking for that, especially when they know that they're easy to-- to take versus a deer or something like that. Do you agree with that?

**ALICIA HARDIN:** I mean, I would say that in the 30 years that we've been doing livestock depredation investigations, we've had nine incidents that we have found that have been depredation by a mountain lion. I think mountain lions like to find food that is much-- not as big as a cow or a calf. They like to stay away from people in general, and they're going to be more likely to feed on things like mule deer and porcupines and other native species.

**BOSTELMAN:** But my question is, if there's a calf kill, whatever, it died of natural causes, it froze, winter, it froze, and that mountain lion comes and eats on that calf--

**ALICIA HARDIN:** Is it going to have more of a taste?

**BOSTELMAN:** --and recognize what that is, then-- then they can be more prone to come back, whether they killed it or not, that-- that-- that gives that mountain lion that I'll say that taste for that animal, that they'll look for those because they are easy to take down. And we heard when we did our-- we did hearings across the state a few years ago, and there was one rancher out there that they had a box canyon that they used to have their cattle and horses in they don't go in anymore because when they go in, they would find an animal. I don't know if it was a calf, whatever, in a tree because the mountain lions were back in there. So I guess my question is once they kill something, maybe it's a chicken, maybe it's a goat, once they learn that, once they taste that, they're pretty apt to come back. So why wouldn't we take that out of the wild?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**ALICIA HARDIN:** Well, and that's what our statutes allow and what we would be happy to help them with.

**BOSTELMAN:** But I think what-- what I heard-- what I've heard before was that once someone is on their place and they shoot an animal, that's-- that's-- that's in their yard, that's in the pen and that when that happens that-- that person-- actually, I think Senator Brewer kind of referred to it a little bit ago [INAUDIBLE] when they reported that, that they were then-- the conservation officer wanted to arrest them. So if we have a mountain lion in a goat pen or in a sheep pen and there's been a kill, a lamb that's been killed before, and now the federal trapper comes in and shoots that animal that's in that pen, and now they're going to be potentially in trouble. The sheriff did not arrest them. So I guess I'm a little-- I'm a little concerned that we're not allowing our ranchers and farmers to harvest and take the animals when they're in danger.

**ALICIA HARDIN:** The particular case that I think you're referring to is where I know we involved the senator's nephew. We did go out and we investigated and we agreed that it was a mountain lion harvest or mountain lion kill. And the landowner did not want us to help and did not want a 30-day permit. They requested that the USDA Wildlife Service agent do that. And so we said, OK, go ahead. And that was absolutely fine. There was no sheriff needing anybody in that incident.

**BOSTELMAN:** Well, we may hear different in closing from Senator Brewer on that. Thank you. I appreciate it. Other questions? Senator Brandt.

**BRANDT:** Thank you, Chairman Bostelman. Thank you, Ms. Hardin, for your testimony. You gave the size of the-- of the elk herd. What is the size of the mountain lion herd?

**ALICIA HARDIN:** So we do do a count in the Pine Ridge. Mountain lions, being very elusive predators, are very hard to count. They like to stay very secretive. So we do have a project that we do where we do a mark recapture. And our estimation of the mountain lions in the Pine Ridge is 33 and that's of, I believe, 2021.

**BRANDT:** What about the rest of the state?

**ALICIA HARDIN:** So the rest of the state, we have not done the mark recapture. We are currently working on that in the Niobrara Valley. We have currently 25 collars that are out, 14 in the Pine Ridge, 7 in the Niobrara, and 4 in the Wildcat Hills. And that's something that we use

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

to help us with our estimation. So we'll go in. We actually use dogs that will hit on the scat of mountain lions, and then we're able to collect that scat and we can look at DNA and we can tell if they're individual animals or if they're the same animal. And that's how we use some of that, along with our collar data, to give us the mark recapture information to be able to give us a population estimate. But it is confined to certain areas that we're trying to do that and when we're doing our search, so we're able to do that mark recapture method. So that is the Pine Ridge for 33.

**BRANDT:** So then like central, eastern, and southeastern Nebraska, we have no idea what those numbers are.

**ALICIA HARDIN:** We don't. But we know that there are animals, especially dispersing young males that will travel a long distance as you probably saw on the news, the one that ended up in-- in Illinois. So there is a lot of traveling that happens with these young males as they leave to find a new range for themselves.

**BRANDT:** So I farm, I've got cattle. I think something missing from the equation currently. Currently a big round bale of hay in southeast Nebraska is going for \$200. It's going for much more than that the further west you get because of the drought. I can't imagine what it would be like to have a herd of elk come in overnight into my hay yard and I know what it would look like the next day. You know, I know what these guys are up against. So we're looking not only at astronomical damage here, it's not easily replaced if you're in a drought area. There is no available hay to buy. You have to truck this in at \$4 or \$5 a mile for those maybe 28, 30 bales that you can get on that load. You in your testimony, you said it was hard to determine the damage. I don't see it that way. Significant damage to me can be determined by a third party. Your county extension agent is an expert, maybe on the cattle losses. We have crop adjusters. We have thousands of those in the state of Nebraska that could come in and determine the damage or the value of that hay yard or other things that these-- these elk decimate. Do you agree with that?

**ALICIA HARDIN:** Well, I agree that there are some crop adjusters that could possibly help with some of the crop piece of it. And in our fiscal note, we talk about giving our staff that kind of training to be able to do some appraisals of-- of the damage. I would say the bill says that, you know, we were in charge of investigating. So whether that means a third party would be able to do that would be a good question, whether that would fall within the statutory authority of something like this bill. But I would say that if our staff were asked

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

to do it, yeah, we would ask for them to have some-- some more training on that piece of it.

**BRANDT:** So how many people apply for elk permits in the state of Nebraska, just in-state every year?

**ALICIA HARDIN:** About 69. Well, I think it's about-- between 5,000 and 6,000.

**BRANDT:** And then how many do we award?

**ALICIA HARDIN:** We're awarding around 970 permits.

**BRANDT:** So about 20 percent, would that be a fair guesstimate?

**ALICIA HARDIN:** Yes.

**BRANDT:** And this is the last thing. So we hear and I understand this, ranchers are tired of people hunting on their ground. They've got an elk problem. They don't want anybody hunting there or maybe they lease this out for hunting because the state owns the wildlife.

**ALICIA HARDIN:** We manage the wildlife for the people of the state.

**BRANDT:** In trust, yes. You manage it. Couldn't you manage to take some helicopters and herd these elk herds to public access areas where they could be hunted?

**ALICIA HARDIN:** You want us to take a helicopter and move them across other people's land to a public area?

**BRANDT:** I'm just suggesting. Is that-- is that-- is that a possibility to get the elk herds in position to be hunted?

**ALICIA HARDIN:** I will answer it with this. It is very difficult to get them to move off of some of the places where they're at if they feel like they're safe.

**BRANDT:** OK.

**ALICIA HARDIN:** We've tried to take them out of areas where they are kind of embedded and it is difficult to do sometimes.

**BRANDT:** All right. I appreciate that. Thank you for your testimony.

**BOSTELMAN:** Other questions? Senator Jacobson.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**JACOBSON:** I just have one quick question, and I appreciate your testimony here today. And-- and trust me, I do understand the difficulties that-- that you can encounter. And I know you did do one of the first elk depredation activities in Perkins County this year and kind of the southern edge of, I guess, up next to Keith County. It was quite an adventure and-- and learned a lot. Obviously, you consider it to be a successful hunt. You might share the numbers, but there's a lot of players involved here and a lot of opinions and a lot of coordination. And-- and you might just share what-- what ultimately happened with that event and how many elk were taken. And-- and I think it ultimately ended up being a-- a successful depredation. But it wasn't without a lot of angst along the way. So you might just share with the committee how that took place.

**ALICIA HARDIN:** Yes. Thank you, Senator. There is a little bit of history. There's been years of working with landowners in an area near Roscoe, Sutherland, part of Lincoln County and Keith County and part of Perkins where we were trying to get more hunters in to help reduce the herds that were causing damage in some of the center pivots in that area. And we were able to get some hunters out there, but just never enough. And so after having several meetings with these folks, we-- we decided to institute our first special depredation season with elk. And we did it in July of this year. We did it during that time period to be able to keep the elk out of the fields from having them ever get in there and cause the damage to begin with. And we did it with hunters who were asking to be a part of the solution as well. And so we ended up bringing in about 200-odd hunters that came in. We told them they had to get access from the landowners. We made that very clear as they went in and they ended up harvesting eight elk. They harvested eight elk in one month, what took us six months to harvest five or six elk in that same exact area with our normal seasons. And so because we were able to concentrate those hunters and get them out there and then help those landowners, we did not hear of any more depredation complaints following that. But we will continue to work with those landowners to make sure we can take care of any other issues that they have. We're also looking at reorganizing our elk units to try to push hunters into areas where we have trouble getting them to go so that we can try to help alleviate some of that damage. There was nobody that trespassed. There were no fires started. And I know the landowners got a lot of phone calls, but I-- I think it was a success in our terms. And that was another thing that that-- this committee helped pass through a couple of years ago.

**JACOBSON:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**BOSTELMAN:** Senator Hughes.

**HUGHES:** Thank you, Chairman. Thanks for coming. I'm guessing this is an issue in a lot of states.

**ALICIA HARDIN:** Yeah.

**HUGHES:** I've been hearing elk are even down in Kansas, was kind of new to me. What are other states doing that you know of that-- that like-- I guess my question is, we've got this bill. Is there something that other states are doing that you're like, oh my gosh, if we can do this, that would help. I don't know. Fill me in that way.

**ALICIA HARDIN:** Right. Yeah, I've-- I've looked at other states and what they've been doing with-- with their programs. And it-- we're always that state that's, like, in the middle of the east and west, right? And so a lot of the eastern states, they don't pay for damage. They do a lot of the technical assistance. They help with damage control permits if it's needed to-- kill permits, as some people call them. The western states, some of them do pay for damage. And a senator brought up Wyoming. They do and Colorado does. But they also require the landowners to either provide access, not charge access, or be a part of the mitigation process. And so they are being a part of that solution along with getting paid for some of the damages. The last information I have is from a couple of years ago from Wyoming. They, I think, paid \$1.5 million in damages. But they require the-- they require the landowner to take the young and the-- the young of the year or at least that equivalent amount so that there's no growth in the population in their area and not charge for access. So, again, they're a part of the solution to helping with that with the depredation problems. Also, keep in mind, Wyoming is making just on elk permits alone, \$11.1 million a year. We make in Nebraska \$410,000. I'll let that sink in. Colorado is like 56 point something million in elk permits.

**BOSTELMAN:** Other questions?

**HUGHES:** Thank you.

**BOSTELMAN:** I guess I circle back around to what you had said earlier. The cash funds are hunting and fishing permits. Is it sales tax on firearms, ammunition and that.

**ALICIA HARDIN:** That's the WSFR funds or the Wildlife Rest-- Wildlife Sport Fish and Restoration Program. And that's what we talk about in our fiscal note. So the diversion of funds would be in a couple of

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

different ways, losing authority for management of the wildlife species in the counties that if we gave the counties control to make the decision on how many to kill, that would be giving up our authority of those species, which puts us and, you know, not having authority over animals that you want us to help pay for. So that would be a diversion of funds there.

**BOSTELMAN:** So other than giving up that authority for counties, are there other things that would-- I mean, how much-- would that-- would you lose all that--

**ALICIA HARDIN:** Yes.

**BOSTELMAN:** --those funds or just portion?

**ALICIA HARDIN:** No, we would lose all 22.8 if we use cash funds, if we use our game, especially our game fund, because our hunting and fishing license dollars go into our game fund. And so even our fisheries-- so we would lose all the Sport Fish and Restoration dollars for fisheries, we would lose it for wildlife, for hunter education, for shooting sports, all of those things.

**BOSTELMAN:** So that's the federal funds.

**ALICIA HARDIN:** That would be the federal funds we would lose.

**BOSTELMAN:** And that's that \$22 million?

**ALICIA HARDIN:** That's the \$22.8 million, yes.

**BOSTELMAN:** OK. Any other questions? Do you know and I think I've been hearing [INAUDIBLE] before and you mentioned before you work with landowners a little bit too. Do you know what if there's any crop insurance, anything else that comes involved with this or not?

**ALICIA HARDIN:** That's a good question. I-- I don't believe that it pays for animal damage, but I-- I'm not a crop insurance expert.

**BOSTELMAN:** Thank you for your testimony.

**ALICIA HARDIN:** Thank you.

**BOSTELMAN:** Next opponent, please, of LB456. Afternoon.

**DUSTY SCHELBITZKI:** Afternoon, Chairman Bostelman, members of Natural Resource Committee. My name is Dusty Schelbitzki, D-u-s-t-y S-c-h-e-l-b-i-t-z-k-i. I'm the depredation program manager from



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

Nebraska Game and Parks Commission. I am here to speak briefly about our depredation program and answer any questions you may have pertaining to depredation. In the spring of 2021, we created a depredation program hiring of three permanent staff dedicated just to depredation, consisting of a program manager and two biologists stationed in northwest Nebraska and southwest. And currently we're budgeted for additional one. Our depredation program relies strongly on help from our dedicated staff across our agency statewide. The last two years, we have doubled our staff time dedicated to depredation. Over the last few years, we have greatly increased our depredation outreach to landowners across the state. In addition to increasing antlerless permits, we have increased a number of landowner tags, created the [INAUDIBLE] landowner elk permits, and conducted our first elk depredation season as was already stated. Recent elk landowner surveys have shown that our landowners who thought we had too many elk have actually decreased across the landscape. In conclusion, we work with landowners to reduce and mitigate damage using a variety of depredation response options and work to reduce wildlife populations through hunting. I'd be more than happy to take any questions you guys have at this time.

**BOSTELMAN:** Thank you for your testimony. How-- how many-- how many individuals do you have on the western part of the state working on depredation? Where are they at?

**DUSTY SCHELBITZKI:** Working across the state, we use actually all of our--

**BOSTELMAN:** On the western side, specifically out west.

**DUSTY SCHELBITZKI:** Exact number on that. I'd have to get back to you on the exact number, but we utilize all of our wildlife biologists, additional staffs. We have two permanent ones dedicated just to depredation out there on the western half. But needless to say, a number of biologists out there. Off the top of my head, would probably be close to 20 on that range.

**BOSTELMAN:** OK. Other questions? Senator-- Senator Brandt.

**BRANDT:** Thank you, Chairman Bostelman. You do-- you just do the elk or do you do other species?

**DUSTY SCHELBITZKI:** We handle all depredation on all game species.

**BRANDT:** So you're responsible for the entire state?

**DUSTY SCHELBITZKI:** Yes, I do program.

**BRANDT:** OK. So what is the worst damage you've ever seen caused by wildlife in the state?

**DUSTY SCHELBITZKI:** Worst damage, for the most part, usually goes back to your agricultural related row type crops, especially in heavily populated areas where wildlife could coexist in that area where you have good habitats is probably where you see the most extensive damage.

**BRANDT:** I mean, are you talking crops? Are you talking damage to vehicles? I mean, what?

**DUSTY SCHELBITZKI:** It would be crops. Yes, row crops.

**BRANDT:** OK. Thank you.

**BOSTELMAN:** Senator Jacobson.

**JACOBSON:** Thank you, Chairman Bostelman. And Dusty, good to see you again. I appreciate the time you spent with me last summer and several on the staff to kind of understand what was going on in Perkins County in that first depredation event. Obviously, I had a lot of constituents asking a lot of questions about what was happening. And-- and I was hearing a lot of, I thought, very good questions from them on what on earth is going on and what's happened, be able to sit down with your group and got some pretty good answers as to why you were doing what you were doing. But I think at the end of the day, clearly what was happening there in Perkins County is you had a herd, as I understand it, of elk that had kind of split off. They were-- they were growing in numbers. This was not an area where typically elk hunters would want to go hunt elk because there weren't enough to justify going there. Then you're dealing with a landowner. Do people want to give access, not give access? But clearly damage was occurring and I think it was largely-- largely crop acres. If you get a fairly large herd of elk, they can make a pretty big circle out there of just flattening all the corn. And as I understand it also, there had been reported some pivot, center pivot damage as well on some of the larger elk that were in the area. But at the end of the day, I think it was eight, if I'm not mistaken. What was your total number on that?

**DUSTY SCHELBITZKI:** Yeah so it was eight total harvested.

**JACOBSON:** Yeah. And then you also have the issue on the early harvest, depending on there was a lot of questions about and we heard about

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

some of this the other day. You've got-- you've got cows that have calves. OK. Then do you kill the cow? What about the calf? And so we went through all that piece and timing of all those things. So there's a lot of-- and then you also got to figure out when are the elk in the cornfields and when are they in the canyons where they can't be located. And so there's a lot of pieces that go in that as I understand it, to really determine how to-- how to get these guys.

**DUSTY SCHELBITZKI:** Yes, I did. That is correct. There's a lot of moving parts to go along with that.

**JACOBSON:** Yeah. And so it's complicated. But yet at the end of the day, we-- a lot of it is still coming back to how can we really certify where the numbers are at, particularly in this area, but I suppose in the bobcats and mountain lions. And then what's the appropriate way to really try to manage it? But I guess I have an appreciation for the complication, and I guess I just appreciate hearing a little more of the details, how that works and thanks.

**DUSTY SCHELBITZKI:** Thank you, Senator Jacobson.

**BOSTELMAN:** Senator Hughes.

**HUGHES:** Thank you, Chairman. OK, now I've got more questions. The Perkins thing last summer, whenever it was, it doesn't sound like very much, very many to me. How many were in this off little side herd that was causing all the problems?

**DUSTY SCHELBITZKI:** It's a pretty good number for out there. We're talking estimating from what we have, the population out there using that area at the time is typically around 30 elk. So it's a pretty big number for that area.

**HUGHES:** So there were 30. So, yeah, almost a third of them, not quite, but OK. Thanks. Sorry [INAUDIBLE].

**DUSTY SCHELBITZKI:** And a big part of that, too, is the mitigation to putting that hunting pressure earlier out then out there helped keep those elk from establishing in those cornfields.

**HUGHES:** OK. Thank you.

**BOSTELMAN:** So do you deal with-- how are you notified and how quick of a response do you have? And obviously, we're talking about in the growth here in the cornfield where it's at, what time of year they're getting in there? If they're getting in, you know, at what stage of

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

development of the corn, when is it that you're seeing most of the calls from folks to having problems?

**DUSTY SCHELBITZKI:** Pertaining to-- to elk in the cornfields?

**BOSTELMAN:** Yeah.

**DUSTY SCHELBITZKI:** OK. On the row crop point is about when the elk's-- the corn starts getting tall enough to hide the elk is basically when they move in. That's when they utilize it-- start utilizing as a refuge and then you start talking a [INAUDIBLE] cornfield. You have basically everything that elk needs there. It has security cover, it has food, it has water.

**BOSTELMAN:** So do you do anything specific with that landowner initially? Does the landowner have to do anything? What do you do to try to move those elk out of there?

**DUSTY SCHELBITZKI:** You bet. With any point, we're basing it on the contact from the landowner when they find them or have a damage with them, we continue to work with our outreach, letting landowners know to contact us when they do start seeing them, a lot of them. We do contact landowners we've worked with in the past who had issues. We'll continue to reach out to them on that point, kind of keep everybody going on timely manner. We'll work any way we can, especially on a field-type situation like that. We'll try to work with them to haze them off that point. We'll work with them at that time by either damage control permits if we don't have a season going on. If we have a season going on, we'll definitely work with our hunters doing hunt coordinations. If they're interested in getting hunters out there, we'll actually send hunters to them if they want to go that route. So yeah, we put a lot of pressure on them at any given time at that time frame.

**BOSTELMAN:** Has there ever been some discussion of-- of having, I'll say, professional shooters come out, say, at night if the herd's bedded down in an area of the cornfield to come in and just take out several.

**DUSTY SCHELBITZKI:** I never say never. We always have different discussions like that and that's an option that's on the table. Most people just do not want to take that step along that line.

**BOSTELMAN:** Senator Brandt.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**BRANDT:** Thank you, Chairman Bostelman. Real quick, as a ag land owner who has this herd of elk in my irrigated corn that's worth \$7 a bushel, green snapping it because at that point you just touch a stalk, it goes over. Is the owner permitted to protect his property in any way, shape, or form? I mean, am I allowed to run those animals down the road away from my cornfield?

**DUSTY SCHELBITZKI:** Yes. You're allowed to harass those animals as long as you physically don't touch them. We always recommend working through us along those situations because we're there to help and provide a lot of help along those ways with different depredation options, too. But needless to say, yeah, we'll basically step point and put staff time in to help you fix your problem at that time.

**BRANDT:** And this is just ignorance on my part because we don't have many elk in southeast Nebraska. Does an elk go over a fence or through a fence?

**DUSTY SCHELBITZKI:** It can do both.

**BRANDT:** All right. Thank you.

**BOSTELMAN:** Senator Jacobson.

**JACOBSON:** One last question, I raised earlier about how many people you've got out west. My understanding is you do have an office in North Platte, is that correct?

**DUSTY SCHELBITZKI:** We have an office in North Platte and we have an office out there in Alliance, yes.

**JACOBSON:** And-- and how many do you have employed in North Platte? How many people are there? Do you know?

**DUSTY SCHELBITZKI:** Exact office there, it ranges, I mean, to a few permanent staff for a wildlife side with temporaries. But we have additional satellite offices throughout on different wildlife management area [INAUDIBLE] those individuals also,

**JACOBSON:** You count Rick Windham [PHONETIC] in that list, or is he kind of like a-- or where does he fit in all this equation?

**DUSTY SCHELBITZKI:** No, Rick's not counted.

**JACOBSON:** He's kind of a volunteer. OK, good. That's good.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**BOSTELMAN:** Senator Hughes.

**HUGHES:** Sorry. One more kind of question. I've been texting my brother about crop insurance. I think there would have to be something in here that if you get money from crop insurance, from your insurance, you wouldn't get money from the state. You know what I mean? We'd have to make sure that was. I guess that's a statement. Sorry.

**BOSTELMAN:** Seeing no other questions--

**HUGHES:** Further note for the record.

**BOSTELMAN:** OK. Thank you. Seeing no other questions, thank you for your testimony. Next opponent, please.

**SCOTT SMATHERS:** Good afternoon, Senator Bostelman, members of the committee. My name is Scott Smathers, S-c-o-t-t S-m-a-t-h-e-r-s. I am executive director of the Nebraska Sportsmen's Foundation, and I'd like to start with we do not oppose the bill as a depredation bill. Our membership base and our fellow sportsmen in the state have some questions about the structure of the bill. In particular, the number one concern is obviously the possibility of loss of federal funds due to game cash being used as a-- as part of the practice. Obviously, that is something that's going to be looked into, figured out, and worked on. But we can't suffer that kind of loss of a general agency across the board and the sportsmen cannot lose that. I guess the crows come home to roost. As a sportsman, ten years ago I sat in this very room opposing Senator Chambers' bill to not list mountain lions as a wild game species. In fact, we did it seven times. Well, they've grown to the numbers where now we have to talk about a depredation bill. That's good and bad. Same thing with elk, ten years ago, hard to find that many elk in the state. But due to a lot of mitigating factors, neighboring states, their growth, wildfires and quite frankly, fantastic habitat in the river valleys our elk numbers have grown to the point where now there are landowners that are charging \$500 a point for access. You could spend \$25,000 to shoot a quality 400 plus elk in the state. We're growing. I was very pleased to hear Senator Brewer state that and Senator Hughes just state if there is a payment received to a landowner through leasing out his land or allowing access to his land, then they are not to participate in this program. Last five years, as some of you who are senior-- the senior senators know that we have worked on depredation issues quite extensively with former Senator Hughes. I have studied every state that Senator Brewer talked about. I have extensive notes. I've spent a tremendous amount of time with Idaho and Wyoming and Montana and Colorado officials

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

looking at their programs. Sportsmen knew that at some point in this time we were going to have to talk about serious depredation and ways to affect this depredation program to control the losses. The Sportsmen, 62 percent of our membership base are ag producers. We're well aware of the situation and the issue. We do not object to a landowner charging somebody to come hunt a 400 class bull on their property. There are some sportsmen that have very strong issue with that. They typically live within the same region where that landlord is charging a set \$500 a point or \$7,500 and they can't get it. I've been-- I'm eight years trying to draw my bull permit in the state. I'll wait my turn. The reality is we know what has to happen. We're concerned about some of the structure of this bill. And quite frankly, I'm talking about elk. Mountain lion I would just as soon separate out and reduce the bill. We learned yesterday that simplicity is what passes bills. Remove the mountain lion. Quite frankly, there's some serious conversation in our state to just remove mountain lion as a wild game animal and make them a coyote, quite frankly, and it probably wouldn't hurt a large portion of sportsmen in the state's mind, quite frankly. Mountain lions and elk are specialty hunts. Your average every Jimmy and Joe that hunts like me, I want a bull elk, but I'll get a one time. I don't have any desire to hunt a mountain lion at all. Coyotes I'll spend all weekend doing. So Sportsmen's standpoint is, we have to have some program. We understand that. The reality is here. So the good problem is the numbers have gone up, the opportunities have gone up. The downside is we have depredation which have increased. Let's find a common ground program that works for everybody. And again, if a landowner is benefiting from those animals financially to cover crop loss but then also wants a state reimbursement, I think we have some issues, concerns where we really have some problems. With that said, the Sportsmen oppose this bill as it currently sits, but are willing and wanting to work on finding a common ground that works for everybody without losing federal funding. With that, I'll close and answer any questions.

**BOSTELMAN:** Thank you for your testimony. Any questions from committee members? Seeing none, thank you.

**SCOTT SMATHERS:** Thank you.

**BOSTELMAN:** Next opponent, please. Anyone else want to testify as an opponent? Seeing none, anyone like to testify in a neutral capacity? Afternoon.

**MICHAEL RYAN:** Good afternoon. I'm going to try to redeem myself. Fourth time's the charm. I've had mountain lions on my farm ground.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

I've photographed some mountain lions walking over a wildlife area. They have caused no damage. My name is Michael Ryan, M-i-c-h-a-e-l R-y-a-n. You brought the point that we could use a helicopter to chase elk away. I personally witnessed UAVs being used to direct elk in Colorado. That is one way that you could avoid some \$10 million from the General Fund. I think insurance-- I think farm insurance would cover any damage. But it's personal ownership also. It's-- it's taking responsibility of your land and not asking government to step in and pay for it. Like you can chase elk away. Back to the mountain lions, they travel the river. They come from Colorado. My research, there's 7,000 mountain lions in Colorado. They come down from the mountains. They come here looking for food. They come down here looking for breeding territory. They come down here just to see what Nebraska has to offer. They don't stick around in one place. They might take a-- a pheasant, a rabbit, a goat, but they're not going to keep coming back to the same location. They are very skittish animals. They are very protective animals. They are lions. Think about the lions. They're not-- they're not going to continually cause damage. My personal opinion is we should be feeding the mountain lions and we should be tagging them. We should be tracking them. There should be a-- not a collar, but a digital device put on every mountain lion that we can get our hands on within the next two or three years. And we can visually track where these mountain lions are traveling to. From another meeting I've witnessed, State Patrol has the ability to monitor each one of their employees through the state via a computer. If you can do that with a State Patrol agent, then you can do it with a mountain lion or an elk. You can see the same technology up with elk. In trying to fix the whole Game and Parks situation, I'm going to refer to Aldo Leopold. He is the father of conservationism. He wrote A Sand County Almanac. And one of his quotes is, "Harmony with land is like harmony with a friend; you cannot cherish his right hand and chop off his left." During my research, I have also saw that there are 888 individuals who are registered to come in and be a lobbyist. It seems, from what I have heard, Game and Parks is now acting as a lobbyist. You don't have general public out here. You have very few people coming up here to testify, which is a sad thing. But you have 888 lobbyists coming in here. I feel sorry for you in a way. And I feel sorry for myself because I know someday I'm going to be the guy sitting up there where you guys are trying to redirect it back out there. The Native Americans would be saddened by the way we treat animals I think. There's different ways besides just killing an animal for trophy or for pride or for ego gratification. I mean, we could be setting up these photo traps where we actually invite mountain lions into an area using road kill deer, using dead cattle from feedlots.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

You could bring in these mountain lions to certain areas and put all kinds of documentation devices into there. I think the problem with Game and Parks is they don't have the tools and they don't have the-- they do a great job, but they don't have the tools, the resources, and the ability to make changes within their own department. And again, I'm going to go back to the point I made this morning. I think you should take the-- the direction of Montana and North Dakota and split the Game and Parks into two divisions: the Nebraska Game and Fish and the Nebraska Parks. Ten million dollars coming out of the General Fund just to pay for insurance, that is-- that is not a smart idea in my book. That \$10 million should go towards pheasants and pheasant programs or anything, really. Ten million dollars is a lot of money and you guys should be responsible with that. Like don't just go killing all the wild animals. I've seen a mountain lion in captivity. I've seen a mountain lion 20 feet away from me myself. They're beautiful creatures. Like, we should be cherishing those. We should-- we should be-- we should have more of them, but we should manage them. With elk, I think you can be making more money as an organization by selling more elk permits. And elk taste delicious. Thank you for your time.

**BOSTELMAN:** No questions, thank you. Any other-- anyone else like to testify in the neutral capacity? Seeing none, Senator Brewer, you're welcome to close. And as Senator Brewer comes up, we have 4 proponents and 14 opponent letters.

**BREWER:** OK. Well, the gentleman that was just here, which I'll refer to as "Mr. Neutral," wow. Yesterday, I was making arrangements with the National Guard to gun down coyotes. And today I'm trying to figure out how to coddle a mountain lion. So a little bit, a little bit perplexed here. And I don't want to sell my Native credentials over this. OK? Understand I'm here because the people in my district are hurt. They got a problem, and that's my job. So it's not about where I come from or anything about me. It's about trying to take these people that have lost hope and say, you know what? We live in the middle of nowhere and no one gives a damn. Because if you look between Steve Erdman and myself, we have got from just west of O'Neill to the Wyoming border, from South Dakota all the way to Highway 2, a good share of what they're responsible for that has the most activity. Now, I will look forward to making a trip out and doing a head count to see how many Game and Parks folks I can find in some of these locations. But I think you'd be shocked at how many are here in Lincoln and how few are out there, and yet most of the problems are out there. I did exactly what I said yesterday. As soon as I walked out of here, I cosponsored Steve Erdman's bill to move Game and Parks to Sidney. Now,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

I understand it's a-- an act of frustration because I've got to figure out how to go back, look those people in the eye and tell them, listen, if we do anything, there's a chance that Game and Parks might lose some of their federal money. They're a shadow program. If we touch or do anything, they lose \$20 million and the world ends tomorrow. Now, when we designed the bill, we didn't put dollar figures in there and the idea was to keep from touching this program. But that's what they throw out there because they want to scare everybody in this room into saying we just leave them alone. Here's the-- here's the truth about Game and Parks. It's an inbred society of folks that never change. No fresh ideas. They do this, go along, get along, and people are discouraged. This mountain lion incident, the reason they want them out there, because they were so pissed off at them because of the way they were treated and the way they treated the incident, they didn't want them there. When you invite a federal government official and the sheriff because you're so mad at a state agency, we failed. We have done something wrong. I believe that if they really wanted to fix this, we really wanted to come up with a solution before we ever talked about [INAUDIBLE] restoration, before we ever talked about depredation with elk, they would come in and sit down with a senator and say, listen. We've got these studies. We've got some ideas on how we might do it better, and here's some ideas on how we might tweak our depredation program. But if you don't want the bill to pass, you ignore the senator. You come in, you figure out a way to put so much money in a fiscal note that it's dead. Or you figure out how to send in folks who should be coming in neutral if they're from the executive branch. Now, you can put a, you know, a more negative twist to it, but they figured out how to just continue to do what they're doing. That's by intimidating these folks that get to make the decisions on what we're going to do here. But at some point, something has to break this cycle. Someone has to say, you know what, this is not working and we've got to figure out a solution. Now, maybe that is a-- an interim study where we just go from top to bottom and tear apart at the seams fish and wildlife, and figure out-- or fish and game, figure out what's going on. I don't know what the answer is, but to continue to kick the can down the road, these people that have depredation problems, whether it be a mountain lion or an elk, are getting frustrated. Now, I did get a comment from one lady and she goes, I think it's brilliant. Turn mountain lions into coyotes. That's-- that's their attitude out there. And we got to make sure and give them some hope for the future, because I believe at some point they will become so discouraged that they're going to take things into their own hands and they're going to-- they're going to do their own depredation. And when they do that, that-- that is not the way to go.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

But I think you will reach a level of frustration that they will go that far. So let's try and figure out a solution. And I'm open for amendments or ideas on how to tweak this. But to come in here and bury it with a fiscal note and speak against it in-- in the opponent category is wrong. Open for questions.

**BOSTELMAN:** Senator Hughes.

**HUGHES:** You know me. Thank you, Chairman. So new, clearly this is a big issue. The, if I heard right, the depredation special unit or commission was started in spring of 2021 that-- '21, yes. OK. So new, do you think that was the right course of action? And I'm just asking, have-- have we given it enough time with what happened at Perkins? Do we feel like that was good? I mean, does that seem like it's going in the right direction or not?

**BREWER:** Well, I think it's a good idea.

**HUGHES:** Um-hum.

**BREWER:** I think we were late to get that program going. I think there was a lot of problems years before that, which has only compounded things now.

**HUGHES:** Right.

**BREWER:** I was not a part of what happened with Perkins County, but I blindly trust Senator Jacobson that if he was there and he liked what he saw, I think it's-- it's going in the right direction. But that's 30, you know,--

**HUGHES:** Right.

**BREWER:** --of-- of over 1,000, probably closer to 2,000. So and most of those are farther out there where we're-- we're talking about these more severe problems. And-- and I think since Tom Brandt is one of the few that really can get a visual of what a cornfield looks like after a few hundred elk come through it, we've got to-- we've got to be reasonable about how we handle this. And I don't think we're there. I don't think you can hand out permits as compensation for-- for destruction. And who should make the decision on what-- how much destruction there is, I don't think it should come from Game and Parks. I think they're going to have a natural bias not to be fair in how much is given. So that part we have to figure out, you know, what right looks like when it comes to that compensation for the damages.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

**HUGHES:** OK. Thank you.

**BOSTELMAN:** Senator Moser.

**MOSER:** Did you figure out if crop insurance covers elk damage?

**BREWER:** The folks that I have talked to say that their insurance will not let them write off that level of-- of-- of crop damage. And I don't know policies where they write in there that you can have destruction by, you know, by herds of elk and then be compensated for that destruction. But, I mean, I can specifically ask them if that is a part of anybody's policy here.

**MOSER:** Well, I'm just curious. You know, crop insurance covers against hail, wind, you know, all those sorts of things. And you can buy a certain percentage. You don't have to insure your whole crop. You can insure part of it. Maybe we should come up with an insurance program against elk damage.

**BREWER:** That would be a state program?

**MOSER:** Well, you wouldn't want the state to run it. I can tell you that.

**BREWER:** OK. I don't know that you're going to see insurance companies come very quick to embrace that. Or if they did, there would be such a cost to it that it-- it wouldn't make it probable for the landowner. I mean, I think you can insure a person to death.

**MOSER:** Do you think it's too expensive?

**BREWER:** I would guess. I'm not an insurance agent. I don't know how they figure that. But I-- I got a hunch if you're anywhere where there are elk and then you want an insurance policy to compensate you for elk damage, you're going to pay a pretty high price.

**MOSER:** Well, some places have higher hail insurance factors because they get a lot of hail claims.

**BREWER:** Well--

**MOSER:** Anyway, thank you.

**BOSTELMAN:** Senator Brandt.

**BRANDT:** Thank you, Chairman Bostelman. Thank you for your closing. To put this in perspective, in southeast Nebraska we don't have elk.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 9, 2023

We've got Angus cows. And what happens about August is your fence is too close to your neighbor's cornfield. And so my cows get out in your cornfield, my farm policy, not my crop insurance, pays you for the damage. And depending on the level of damage, if it's a low level, they kind of take both of our word for it. If-- if, you know, I'm saying it's \$500 and my neighbor's saying it's \$5,000, they send an adjuster out. But it's the owner of the damaging livestock that is responsible for that. And it appears to me because the state of Nebraska is the owner of the damaging livestock here, there is no compensation from the commercial insurance industry is kind of how I read this. How do you read it, sir?

**BREWER:** Well, I-- I would read it that way, too. And we cannot-- we can't take an attitude that this is just too hard. The landowners need to just deal with it. They need to suck it up. I mean, that's what I hear. And that ain't right and that ain't fair. You know what Game and Parks should be coming in here and doing is saying, listen, we've got to figure out ways to salute-- solutions, ways to fix these issues, not just throw up a barrier saying this is-- this is the way we've done it, this is the way it is. And if we change it, we don't get federal money so it is what it is. That ain't-- that isn't an attitude we ought to be hearing from them.

**BOSTELMAN:** Seeing no other questions--

**BREWER:** Thank you.

**BOSTELMAN:** --thank you, Senator Brewer. That will close the hearing on LB456. We will have an Exec Session now.