

BRANDT: Welcome to the Natural Resources Committee. I'm Senator Tom Brandt from Plymouth, representing the 32nd District, and I serve as chair of the committee. The committee will take up the bills in the order posted. This public hearing is your opportunity to be 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, 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 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 yellow sign-in sheets back on the table for each bill. 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 a closing statement by the introducer if they wish to give one. We will be using a five-minute light system for all testifiers. When you begin your testimony, the light on the table will, 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 has nothing to do with the importance of the bills being heard; it is 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 12 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 statements on a bill are to be included in the record must be submitted by 8 a.m. the day of the hearing. The only acceptable method of submission is via the Legislature's website at nebraskalegislature.gov. 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-- I will now have the committee members with us today introduce themselves, starting on my left.

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CLOUSE: Stan Clouse, District 37, which is Buffalo County, Kearney, Gibbon and Shelton.

CONRAD: Good afternoon, my name is Danielle Conrad. I represent north Lincoln.

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

DeKAY: Barry DeKay, representing District 40, which consists of Holt, Knox, Cedar, Antelope, northern part of Pierce, northern part of Dixon Counties.

MOSER: Mike Moser. I represent District 22, which includes Platte County and most of Stanton County.

RAYBOULD: Jane Raybould, Legislative District 28, which is in the city of Lincoln, right in the, the central part.

JUAREZ: And I am Margo Juarez, and I represent District 5 in south Omaha.

BRANDT: OK. Also assisting the committee today, to my right is our legal counsel, Cyndi Lamm, and to my far left is our committee clerk, Sally Schultz. Our pages today are Emma Jones, a junior at the University of Nebraska-Lincoln, and Kathryn, a junior and environmental studies major at the University of Nebraska-Lincoln. And with that, we will begin today's hearing with LB--

DeKAY: LB36.

BRANDT: --LB36, which I believe is mine. So, Vice Chair DeKay, would you take over?

DeKAY: Absolutely. Senator Brandt, you are welcome to open.

BRANDT: Good afternoon, Vice Chairman DeKay, and members of the Natural Resources Committee. I am Senator Tom Brandt, T-o-m B-r-a-n-d-t, and I represent the 32nd District, which consists of Fillmore, Thayer, Jefferson, Saline, and southwest Lancaster Counties. I am here today to introduce LB36. LB36 addresses defined areas known as wellhead protection areas. Wellhead protection areas are the surface and subsurface areas surrounding a well field supplying a public water system, through which contaminants are reasonably likely to move forward [SIC] and reach the water well or well field. Wellhead

protection areas are determined by the Nebraska Department of Environment and Energy, and their boundaries are available via website on NDEE. Local entities such as NRDs and municipalities implement protective measures for these areas. LB36 would accomplish two goals. One, the bill would require counties, cities and villages with zoning, land use, planning or permit authority to provide notice to the entities that have established wellhead areas of any land use changes, planning or permits requested within a wellhead protection area. In many of our rural communities, the entity required to provide notice is the same as the entity that provides their community with water. There are other areas like Lincoln, where a different county has jurisdiction within the wellhead protection area. In Lincoln's case, it would include both Saunders and Sarpy counties. For MUD, their wellhead protection areas can be found in Douglas, Sarpy, Cass and Saunders Counties. Second, the bill would require cities, counties and villages to take into consideration the public water supply when making determinations within the defined wellhead protection areas. LB36 provides Nebraska with the appropriate framework to protect our state's clean drinking water. This bill is likely a work in progress. Most, if not all, the parties today will agree with the intent of the bill. However, we may need to work on the language. There is no desire for LB36 to slow down the permitting process for things like new roofs or water heaters. However, we do want to make sure those entities with wellhead protection areas are appropriately notified of substantive, substantive changes to the area that could affect drinking water. And with that, I would take any questions.

DeKAY: Are there any questions from the committee? Senator Moser.

MOSER: Thank you, Vice Chair. So where'd this bill come from, Senator?

BRANDT: MUD brought this bill to us, and-- I think most of us are familiar with the wellhead protection area. I know I lived by one for the city of Beatrice. And it's, it's-- the boundaries vary. You know, that one, I think, is 3 or 4 miles. And today, if a landowner inside that area, let's say, wanted to construct a, a hog confinement facility with a deep pit, they aren't required to notify the wellhead protection area, OK?

MOSER: You say they are?

BRANDT: Are not. This bill would require just notification. That's all this bill is asking for, is that the wellhead protection area be

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notified of any substantive changes inside the wellhead protection area.

MOSER: And the DEQ is not involved in--

BRANDT: Sure. DEQ has to permit that hog house.

MOSER: Yeah.

BRANDT: I don't think the DEQ has to notify the wellhead protection area.

MOSER: Would you need a building permit to put in a hog-- or some kind of permit--

BRANDT: Oh, absolute. None of that changes.

MOSER: Yeah.

BRANDT: OK. All this bill is saying is you just need to notify the wellhead protection area. You know, you were mayor of Columbus; I'm sure you had a wellhead protection area around your well fields out there.

MOSER: Yes, we did.

BRANDT: Yeah. So and, and people that, that farm or live in that wellhead protection area-- you know, if they're going to reroof their house, or put in a new water heater, that's not what this is asking. If you're going to put in underground fuel tanks, or you're going to build a, a hog confinement facility, or you're going to do something that could possibly endanger that well field--

MOSER: Why, why, why would a new water heater or something like that trigger this bill? What's your fear?

BRANDT: It, it, it would not. It would not. And that's why it is kind of a work in progress on what would be defined--

MOSER: There's some lack of clarity in some parts of the bill, or something?

BRANDT: I think some testifiers after me will be able to answer that maybe more clear.

MOSER: Thank you.

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BRANDT: Yeah.

DeKAY: Senator Raybould.

RAYBOULD: So I noticed in your bill, it requires that 30-day notification. What if it doesn't line up exactly correctly with that of political subdivision meeting notice, and then it causes a delay? And-- how, how does that entity who wants that zoning permit because they're ready to dig ground or--

BRANDT: Right.

RAYBOULD: --sign contracts for it?

BRANDT: Yeah. So, it's-- this bill is about notification to that, that other authority. I don't think it would delay the implementation of the other one. And the reason for the 30 days is so that, if it was something substantive to that wellhead, that the city council of that, of-- let's say, where I used Beatrice as an example, so that that city government could contact the appropriate authority-- let's say it is DEQ-- and say we want you to be aware of this, and we want-- we're concerned that this would impact our water supply.

RAYBOULD: OK. Thank you.

DeKAY: Are there any other questions from the committee?

CONRAD: Thank you. Thank you, Vice Chair DeKay. Thank you, Senator Brandt, for bringing this forward. And I think you already said this in your open, but you're willing to work with any of the folks that are here to streamline the provisions, to harmonize things with zoning, or planning, or permitting in practice or in, in statute. Is that a fair assessment?

BRANDT: Yeah.

CONRAD: OK.

BRANDT: That's, that's true.

DeKAY: Any other questions? Seeing none. Are you going to stay for closing?

BRANDT: Yes, I will.

DeKAY: Thank you. First proponent.

RICK KUBAT: Senator DeKay, members of the Natural Resources Committee, my name is Rick Kubat, R-i-c-k K-u-b-a-t, here today on behalf of the Metropolitan Utilities District, known as MUD. MUD serves roughly one-third of our state's population with natural gas and water. I want to thank Senator Brandt for introducing LB36, and for your consideration of this legislation. This is a simple bill, and it accomplishes two goals, as Senator Brandt indicated. One, it provides notice to water providers when local jurisdictions are considering zoning, land use, planning, permitting changes within established wellhead protection areas. Two, the bill requires the public water supply be taken into consideration by local jurisdictions when land use changes are cont-- are considered within established wellhead protection areas. Wellhead protection areas are critical. These are prop-- properties adjacent to public water well fields, where hydrology indicates that any contamination in the area could affect the public water drinking supply. Roughly 85% of Nebraskans receive their drinking water from groundwater. Preventing groundwater contamination in wellhead protection areas is common sense public policy. MUD is active in statewide water policy. There have been several occasions where folks in the public water business will refer to wellhead protection areas as toothless creatures, and that is in large part because neither notice requirements nor statutory consideration for the public water supply are part of wellhead protection areas. LB36 would assure we are adequately protecting Nebraska's precious public water resources when making property development determinations. LB36 addresses a real issue today. In the last few years, we had a developer that wanted to propose a recreational vehicle park directly adjacent to our municipal well field before a local planning committee. We had concerns relative to how the "defelop"-- development could affect the groundwater supply. Specifically, how was wastewater disposal going to be handled, and the desire for necessary contingencies for gas and diesel spills. If LB36 were in place, it would have made it clear with all the parties involved that due consideration should be made for the community drinking water supply. Happy to answer any questions, should you have any.

DeKAY: Thank you. Are there any questions from the comm-- Senator Conrad?

CONRAD: Thank you, Vice Chair. Thank you, Rick. Good to see you. Can you just help me to understand a little bit more about the concrete example that you shared with the committee in regards to the RV park, and concerns about waste discharge and impacts on groundwater? So,

what gap exists in the current strat-- statutory framework that this bill is seeking to fix? I mean, you had notice of that concern somehow or another. Just help me understand how MUD got notice of that, and-- in the existing structures, and then, you know, how this bill would perhaps strengthen communication on those kinds of issues.

RICK KUBAT: Thank you for the question, Senator Conrad. The, the point of the bill in terms of the notice requirement-- we were fortunate that we received notification because, by happenstance-- at the time, we happened to have an MUD employee sitting on the local planning board. But for that, I would hope that we would have been notified. But under Nebraska law, it's under the purview of the local-- in this case, the local county juris-- jurisdiction; they, they did not need to provide us notification of the proposed development. And it-- you know, especially in the case of Lincoln, when you're kind of locked in to what's going on in your own community, making sure that the water's operating-- in Lincoln's case, you know, you've got things going on in Saunders and Sarpy County that you might not be aware of. And in our case, we have four different counties. What-- I think Senator Brandt did a, a good job of explaining where the bill might need some work is we don't want to be notified of new roofs and water heaters; we do want to be notified of things that could have a substantive effect on the groundwater. In the case of this recreation-- this proposed recreational vehicle park, it was directly adjacent to our well field, with the sand pit lake. And, during conversations with the developers and those on the planning board, there was, I would say, a mild amount of pushback from some folks, and really-- and I can "cerely"-- sincerely say this-- all we were trying to do was to make sure that the necessary contingencies for wastewater disposal from the vehicles themselves. And then, unfortunately, when you're dealing with providing public to a large community, you have to consider things like windstorms. You, you, you know, a toppled RV with gas and diesel next to a sand pit lake adjacent to a municipal well field, generally speaking, is not a good idea. And what are your contingency plans? Those types of things. And so, this proposed bill, I believe, would give a little bit more teeth to the wellhead protections areas, both in terms of notification, and just say, hey, it's now in statute; when you're considering what you're going to do with these properties, we want you to consider the public drinking water supply.

CONRAD: OK. Now, that's really helpful. Thanks, Rick. Because, I, I mean, I think the goal is shared by everyone to make sure that we protect our precious water supplies, right? I'm just trying to figure out, in the existing zoning or permitting processes, how some of those

factors aren't-- I mean, I would assume they're taking into account when people are working through the zoning process or the permitting process already. So, I just didn't want to add, like, a layer of perhaps redundancy or bureaucracy there. But maybe you're saying if the permitting and zoning happens kind of beyond your county or local jurisdiction, you may not have those lines of communication open. Is that kind of part of what this bill is meant to address?

RICK KUBAT: I would say it's twofold.

CONRAD: OK.

RICK KUBAT: I mean, in, in a simple sense, we just want to be made aware of things that-- you know, if somebody wanted to put a gas station, or certain kinds of development, we want to be made aware that that, that is being considered, first and foremost. And then, the other part, it goes with some degree of common sense that you should take into consideration your community's public water supply. But I believe if we have it in statute, as it relates to these specific areas that are shown to be hydrologically connected, I think it puts our local community zoning and planning people and everybody on notice like, yes, this is something that we need to look at seriously.

CONRAD: OK. Thank you so much. Thanks.

DeKAY: Thank you. Are there any other-- Senator Moser?

MOSER: Yes. Do you feel that this bill gives you teeth? Or is it just kind of informational, and you still need to do something to protest, or complain, or object to the placement of something by your wellhead?

RICK KUBAT: I-- what I would say, Senator Moser, is, is it helps. You know, it helps in the sense that the decision-makers that are deciding what we're going to do with these specific areas in terms of development, it's now in statute, hey-- you, you know, and you, being a former mayor, know that a lot of times you're appointing people to boards and they all bring certain amounts of expertise with them, and they all look at the collective picture quite differently. It's, it's nice, from the perspective of the public water supplier, if we can pull out a statute and say, hey, we want to talk to you about your concerns. And, by the way, even though this is common sense, you should-- you should be taking our consideration of our ability to provide your community with clean drinking water--

MOSER: Yeah, I would--

RICK KUBAT: --into consideration.

MOSER: I would think that Senator Brandt's bill is, on the face, at least that I can see, a good idea. When you're on a planning or zoning board, you're not supposed to take into consideration things that are not in your planning and zoning plan. I mean, if you object to a developer building something, and you don't have a law or something to back up your objection, you could wind up getting sued, because it could be-- it could create a big financial change in the development picture if you deny their permit to build whatever they're going to build. So, having this in the law would be good, because then the planning and zoning could say, hey, well, we like your, your development; as far as the city's concerned, we do have to consider water supply, and, and-- so I-- as long as-- what's the penalty?

RICK KUBAT: There would be no penalty. I mean, to be blunt and clear, the-- your local zoning, planning and land use people, they can still move forward and do whatever they want with the development. What I would say is, now, as the public water supplier, because we have this in statute, we, we could say, hey, you didn't appropriately consider that we're providing water to X number of people and, by virtue of putting in, you know, this kind of development, you're putting that in jeopardy, and we have a statute that we can refer to. So, it's-- so, it helps. I mean, where we're at right now is there's, there's nothing there. And, and thus, the description of the areas as being toothless creatures. And, and then, if I can, just-- in purposes of Senator Raybould's, question, in terms of the timing in the 30-day notice, if there's things that we can do that work for the counties, the cities, in terms of lining things up and making sure that we're not delaying their normal processes, we're on board with that, and are happy to try and work with them with any necessary language changes.

MOSER: OK. Thank you.

DeKAY: Senator Raybould.

RAYBOULD: And I do want to follow up on Senator Moser's concern, because, we-- like, the municipality gives a notification, and then comes back, hey, there's a wellhead there, but the zoning standards are already set and in place that the, the developer's use is a permitted use in that section. However, like Senator Moser said, the city is in a quandary now, because if they deny it, they could be subject to a lawsuit because it's not in their-- not in their zoning ordinances. And so, I'm just trying to figure out if the statute

preempts their zoning ordinances. I don't think so for certain classes of cities, and I look to city-- Cyndi, our legal counsel, but then-- that would require, like, the city of Lincoln to make sure they do the zoning change to be in line with this new Nebraska statute. Otherwise, that developer has a right to do it. Like you, you said, they have the right to do it, but there's no recourse if, like, the development harms the water source and there's no-- there's no recourse to not permit the developer to do it.

RICK KUBAT: Those are good points and, and good questions. And, you know, I would look to rely on those folks within NACO or the League of Municipalities that, that I would say are more subject-matter experts, to see if we can get to a place that, that addresses those concerns.

DeKAY: Are there any other-- Senator Clouse?

CLOUSE: Yeah. Rick, I, I guess I would assume--of course, I shouldn't do this-- that what you-- you, you would know where your wellheads are at, you would know what the protected area is, and you'd be talking to that jurisdictional entity and have a checklist on any projects. And it, it says, it's a wellhead protection area, here's who you contact, here's why. And I would think that the NDQ [SIC] would-- NEQ, whatever they are-- NEE, now-- would have the authority to say yes or no. Is that correct?

RICK KUBAT: Under current law-- what I would say is NDE [SIC] doesn't have a role in terms of the proposed development. And, even with this change, NDEE, I don't believe, would have-- with the exception of some things that require a permit, like a hog confinement or certain kinds of wells, NDE [SIC] would have some, some, I would say, purview over it. But generally speaking, in terms of what kinds of buildings, and what kind of structures and things, for the most part, I think that falls on your local, your local, county, city or village planning board. And, and just so we're clear, too-- and Senator Brandt mentioned it-- NDE [SIC], on their website, does have-- and I'm not a map or GIS person-- does have on their website where all of our wellhead protection areas are in the state. So, you can zoom in on a particular city and you can see where, where these wellhead protection areas are.

DeKAY: Any other questions? Thank you, sir.

RICK KUBAT: Thank you for your time today.

DeKAY: Next proponent. Are there any other proponents? OK. Any opponents? Any opponents? Anybody in the neutral position?

LASH CHAFFIN: Good afternoon. My name is Lash, L-a-s-h, Chaffin, C-h-a-f-f-i-n. I represent the League of Nebraska Municipalities. And we're officially neutral on this, although I'm going to add a whole bunch of caveats to that neutral in a, in a positive way, so. In case, in case Senator Moser wants to know how my neutral testimonies can be, it's pretty positive. Guess who we work with at the League: we work regularly with municipal water supplies. There's almost 500 cities and villages that own water supplies. Guess who we also work with: zoning officials. On, on a daily basis, I'm talking to a zoning, zoning official. I, I-- a lot of the, the letters that were sent in on this, they were shared with me by the folks who sent at me. And so I-- I've seen a lot of some of the opposition or neutral testimony on this. I think this can be worked out. I think there are provisions that, that could be changed in the bill, that the zoning officials will not only necessarily go away, I think they'll embrace the concept. So, I think-- so, I-- so, since the League does work with all of these folks, I'm more than happy to work with Senator, Senator Brandt's staff and the interested officials who submitted letters and, and, and comments and try to, try to see if we can come up with some, some language on this. I think this is an important issue, and wellhead protection is a far more complex issue than people want to think it is. And, and what, what MUD is asking for, really, is notice. And, and I think that's probably a, a, a, a good start. You know, Senator Conrad-- you didn't ask me the question, but you asked, you asked Mr. Kubat, and it, it prompted-- it prompted a-- something in my head that I hadn't thought about. 25 years ago, I don't know that this would have been an issue, because people knew each other. Literally, you-- if you were on-- if you were on a planning commission, in all likelihood, you were at meetings and doing stuff with folks from the public water supply. But now, with email-- I mean, the world has changed a lot. And, and I think sometimes there's a disconnect with, with folks doing public service on-- they don't necessarily know each other the way they used to. You know, we had-- 25 years ago, in a Clarks, or a Humphrey, or somewhere like that, literally the person doing the zoning administration might be the same person running the water system. Literally, they could be that same person. But in, but in the computer world, that, that-- there's, there's now a disconnect. And I think issues like notice are, are become increasingly important to, to all kinds of public policy. And those of us who've, who've been in public service for quite a while, we sometimes forget that. So, I

think this bill has a lot of merit, and, and if Senator Brandt is interested, I would be more than happy to kind of work with his staff and pull, pull the parties with some ex-- zoning expertise together to try to come up with some language. And I think, potentially, you could probably move a bill fairly quickly if that's the will of the committee.

DeKAY: Are there any questions from the committee? Seeing none, thank you.

LASH CHAFFIN: Thank you.

DeKAY: While Senator Brandt-- any more in a neutral capacity? Seeing none, while Senator Brandt's coming up--for record comments, there were four proponents, two opponents, and two in the neutral capacity.

BRANDT: So like Mr. Chaffin stated, we have 500 city water supplies out there, and every one is a little bit different. I know in my district we have 43 towns and villages, and you get into water and sewer systems and it's tremendous cost for these-- it's one of the main costs for these towns and villages, and we want to make sure we don't do anything stupid out there to contaminate it. We are more than willing to work with the League and MUD to, to modify this bill. So, we're happy for their input and we'll put something together on this, so. Are there any questions?

DeKAY: Are there any questions for Senator Brandt? Seeing none, this closes the meeting-- or, hearing on LB36.

BRANDT: Excuse me. And I forgot to announce, for those of you that are coming to Natural Resources tomorrow, we're moving. The hearing will be in Room 1510 down the hall. So, committee and, and people that are coming to the committee. Welcome to the Natural Resources Committee.

JUAREZ: Is that just for tomorrow, Senator?

BRANDT: Yeah, that's just for tomorrow.

JUAREZ: OK.

BRANDT: Yeah.

McKEON: Thank you.

BRANDT: Go ahead.

McKEON: This is LB129. Good afternoon, Chairman Brandt, and members of the Natural Resources Committee. I am Dan McKeon, D-a-n M-c-K-e-o-n. I'm representing District 41 in the Nebraska state Legislature. I'm here to introduce LB129. The purpose of LB129 is to ensure access to the fuels that are legally sold and regulated by the state of Nebraska. LB129 will protect consumers against mandates and the "de-functo" bans on specific fuel types. This is not applied to the placement of the product facilities. Because the bill is so short, we are introducing a white copy amendment, AM76 to LB129, to replace the original bill. These three small changes don't change our intent, but addresses a few concerns expressed by the public power, Black Hills Energy, and the homebuilders. With these changes, they all have no objections to the bill as amended. The first change is, is for the public power. On lines 6 and 7, the amendment strikes the language about charging stations. They are remaining-- the remaining questions on the difference between wholesale and retail-- retail rates with EV charging stations, as well as how to build out the infrastructure across the state, that needs to resolve beyond the scope of this bill. This is not showing preference for or against EVs. The second change restores the original language on lines 12 and 13 at the request of Black Hills Energy. It now reads, "restricting or prohibiting the types of fuel sources of energy that may be used." This is still consistent with our goal to protect consumer choice and may be clear that the original language. The third change, as requested by the Rural Electric Association, adds, in Subsection C between lines 25-- 24 and 25-- the language reads: governing electric utility owned or operated by a city or village or a public power district, rural public power district, electric cooperative, or public power or irrigation district as public not-for-profit public utilities. This exemption eliminates several potential conflicts, while still allowing the public choice intended by LB129. As local jurisdictions across the country have adopted the climate rules, carbon neutral policies, emission-reducing standards, they have sought to achieve these object-- objectives through limiting or banning energy sources, including liquid fuels. LB129 would prohibit local jurisdictions from taking this type of action. LB29 [SIC] builds the protections that were put in statute by Senator Albrecht's bill last session, [INAUDIBLE] as LB636 amending into LB867 by AM3054 LB867 passed on the Final Reading 47-0. It guarantees a statewide policy to protect the sale of natural gas and propane. Numerous states have already taken similar action on-- as LB129 to preserve consumer choice. Among them are Alabama, Louisiana, Oklahoma, Tennessee, Florida, Texas. Others are considering the action. It has passed the Senate in Iowa, but not

yet passed the House. We will be introducing another bill before this committee-- LB471-- that will prohibit state agencies, cities, counties, village from barring the sale of motor vehicles based on their source of energy. For example, California has a law that banned the sale of gas-powered cars and light trucks beginning in 2035. I'm in favor of alternative energy sources. However, the demand for energy is expanding beyond our current capacity, so we need all sources to keep up with the demand, and consumers should have their right to choose. Many farmers, small businesses, middle class and lower income people cannot keep up with the increased-- inflated cost for fuel and new vehicles or equipment that would be required with some of these mandates. To maintain and improve the standard of living, they need to still be able to operate used equipment with the fuels needed to run them. Much of this equipment can continue to operate efficiently and cheaply for decades. This is a commonsense, proactive bill to help continue develop of energy needed to fuel an expanding economy, and allow the consumer to remain in charge of a free market. I ask for you to advance this bill to General Files as amended by our white copy amendment, AM76. I am happy to attempt to answer any questions you might have; there are several other testifiers that have more detailed knowledge of energy industry that should be able to answer any of your tough questions, if you stump me. As I am a rookie, I have you-- I, I hope you will hold tough questions for the next person. Thank you.

BRANDT: Well, that's not going to happen. So are there, are there any questions from the committee? Senator Clouse?

CLOUSE: Yes. Thank you, Senator. As I read this, how does this relate to emergency, emergency generation? Now, it, it looks to me like it's talking about distribution systems, or propane, which is a distribution system. But when I look at this, and we-- taking away local control, and I'm trying to think of an example-- if somebody wanted to put a diesel generator somewhere, and you can't have an ordinance on control or codes for closures for diesel. How, how does that-- I'm struggling to figure out how this fits in here, because it says any source, any fuel source, and I could see that being problematic within municipal and, and jurisdictions.

McKEON: A great question. But the biggest thing this bill is bringing is just to let the consumers have choice.

CLOUSE: Well, I know, but sometimes that's not-- I-- you're gonna-- I, I--

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McKEON: I'll-- I'll let-- I'll let-- I'll let one of the experts--

CLOUSE: I'll follow up on that, because it looks to me like we're getting rid of local control in what could be some key issues. Thank you.

BRANDT: OK. Any other questions? Senator Raybould?

RAYBOULD: So, yeah, I'm concerned about local control, too. I know in the city of Lincoln we have standards, we have our climate action plan, requiring us to, to go to low or no emissions. And our big push is to really get-- and we've been fortunate enough to get grants for electric buses and buses with compressed natural gas, so we're, we're really focusing on low- or no-emission type of vehicles for our city. So, I'm just trying to figure out how this would-- this type of legislation would impact our ability to chart our pathway towards policies that comport with our climate action plan.

McKEON: Well, I'm going to defer again, but at the same time, I want to say that you just got to give the consumers an opportunity.

RAYBOULD: OK. Well, it's-- I'm, I'm not sure-- the consumer doesn't often-- they elect officials that make these decisions on how best to use taxpayer money, particularly when we get wonderful federal grants to allow us to do these innovative policies that reduce and lower emissions. So, I guess I wouldn't be supportive of things that would limit local authority, local jurisdiction, opportunity to make the best choices for the, the people that they serve, so. And this seems like it really restricts it.

BRANDT: OK. Senator Hughes.

HUGHES: Thank you, Chairman Brandt. OK. I think-- I'm just trying to get my head around-- I think we're just-- we did this last year, and we said basically no entity can tell us that you can ban gas, you can ban propane. You're just expanding it to anything else, energy source. You can't ban solar, you can't ban w-- right? I mean, any energy source. That-- is that how I'm reading this?

McKEON: Energy sources--

HUGHES: Because it says a retail marketer of any other energy source.

McKEON: I will-- I'll just--

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HUGHES: SAF fuel, if that--

McKEON: I'll go ahead--

HUGHES: --ends up coming about. Right?

McKEON: --hold your questions. I'm going to defer, and let the experts--

HUGHES: Fair enough.

McKEON: --answer your questions.

HUGHES: OK.

McKEON: Because I'm not the--

HUGHES: This is your first bill.

McKEON: Second.

HUGHES: Nice.

CLOUSE: [INAUDIBLE]

McKEON: May be my last.

HUGHES: Maybe you're not a rookie anymore, buddy.

BRANDT: Other questions? Senator Moser.

MOSER: So, your bill allows the consumers to decide what's best for them, rather than some other entity that might think that a certain energy source is the only one to consider.

McKEON: Well, the way I-- again, I think it's a compromise that they don't-- they don't-- that consumers don't get blocked out of their, their choices of energy.

MOSER: Yeah. Yeah, I, I-- that's what I thought. Thank you.

BRANDT: OK. Any other questions? Seeing none, will you stick around for close?

McKEON: Maybe.

BRANDT: OK. Let's go to--

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HUGHES: He's getting salty.

BRANDT: --proponents. Proponents.

HUGHES: Ah, darn. I was thinking [INAUDIBLE].

BRANDT: Welcome to the Natural Resources Committee.

CRAIG SCHOENFELD: Thank you, Mr. Chairman, members of the committee. My name is Craig Schoenfeld, C-r-a-i-g S-c-h-o-e-n-f-e-l-d. And right now, I'm debating if I read the comments I prepared, or started going after the questions that were asked. But my name is Craig Schoenfeld. I represent Valero, a leading producer of low-carbon transportation fuels. Today, I would like to share my support of LB129, and encourage the committee to consider and approve the legislative proposal. Valero is the world's second-largest corn ethanol producer and world's second largest producer of renewable diesel. Additionally, in October 2024, we began production of sustainable aviation fuel. Valero has an ethanol production facility located in Albion, Nebraska. Our more than 60 employees produce 135 million gallons of ethanol annually, as well as 355,000 tons of dried distillers grain per year. All told, our Albion facility has the ability to process 47 million bushels of corn each year. LB129 would ensure consumers maintain access to their choice of fuels that are legally sold and regulated by the state of Nebraska. Legally sold and regulated by the state of Nebraska. Nebraska is a leader in renewable fuel production, and that production is not only a key driver to the state's economy, but represents significant investment of public and industry resources. Ensuring consumers' access to these liquid fuels should be a priority of the state. Local governments across the country have begun to infringe on the ability of consumers to gain access to energy and fuels of their choice, and in some case, the use of them entirely. Climate action plans, carbon reduction strategies or net zero objectives, local governments begun to use ordinances or zoning laws to limit consumer options or restrict use entirely. This is not only happening in cities like Los Angeles, San Diego or Seattle, but right here in Nebraska and across the Midwest. The cities of Omaha and Lincoln both have climate action plans. The city of Lincoln, for example, has set its goal to reduce greenhouse gas emissions by 80% by 2050, and they tout strategic climate directions, and climate resilience will be integrated throughout city actions and ordinances. The city of Omaha seeks to reduce its greenhouse gas emissions by 45.9% by 2035. Both communities set a variety of tactics to achieve these objectives. Public transit, increased population deni-- density, convenient access

to bike paths and amenities, electrification of fleet vehicles and et cetera. However, at the end of the day, the overall goal is going to be reducing or eliminating those emissions. This would, in effect, give local government those controls to potentially restrict access to legally sold and regulated fuels here in Nebraska, thus, the need for LB129. As Senator McKeon talked about, multiple states have already passed actions similar to LB129. Others are considering it as well. I am-- and Mr. McKeon did indicate that there were some concerns, and thus the amendment for that. I'd urge the committee to give consideration to the "amendment," effectively a strike-after. I believe that addresses the concerns that were brought to attention from the public power and Black Hills. But I want to thank you for your time today. I will do my best not to defer, but to answer questions that you may have and respectfully thank-- ask that the committee give consideration to LB129 and its amendment. Thank you.

BRANDT: All right. Thank you. Let's see if we have questions. Senator Clouse.

CLOUSE: Yes, thank you, Senator. So what you're primarily interested in or directed to is the, the choice for personal vehicles and, and those types of restrictions.

CRAIG SCHOENFELD: Correct.

BRANDT: OK. Senator DeKay.

DeKAY: Thank you. Thank you for your testimony today. Does this-- how will this impact, say, different blends of gasoline; if you have premium, and that's 100%, or if you go to 10, 15, 85%, does that--

CRAIG SCHOENFELD: This bill should not impact that at all. That'll be a market and a consumer choice. Whether-- what retailers choose to offer, what blend of ethanol, diesel or the like, the market will dictate, and that'll be based on what consumer preferences for their particular vehicles and their particular, particular function of those vehicles.

DeKAY: Thank you.

BRANDT: Senator Raybould.

RAYBOULD: Well, I know this is kind of a gotcha question, or-- do you think reducing emissions is a bad thing?

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CRAIG SCHOENFELD: We believe that all-of-the-above approach to tackling those type of issues.

RAYBOULD: OK. That's great. So, do you think, like, last year-- or the year before-- we passed a mandate that we have to reach goals in the state of Nebraska for selling E15 or E20 fuels. And-- do you think that is-- you know, that's telling the entire state, regardless of what consumers want, that we're required to do that. Do you think that was a--

CRAIG SCHOENFELD: I'm from Des Moines. I'm from Des Moines, Iowa, made the drive over today. Iowa's certainly all-in on ethanol. So, I'm very familiar with those incentives, whether it be tax or, or, or whatnot. Certainly, the Nebraska economy, like Iowa, has been, you know-- sees that benefit of producing and therefore selling more ethanol.

RAYBOULD: But I guess that was one thing that was mandated, that we have to, to do that. That would not line up to market choice's philosophy--

CRAIG SCHOENFELD: I under--

RAYBOULD: --espoused in this bill.

CRAIG SCHOENFELD: I, I understand your point. Yes.

RAYBOULD: OK. Thank you.

BRANDT: Any other questions? Senator Clouse.

CLOUSE: Yeah. I don't know if this is the appropriate way to do it, but would, would it be a, a, a, a good solution just to specify for modes of transportation. This, this looks too broad to me. But if that-- if the goal is to narrow it down to transportation, and that's kind of what we've talking about on this other-- next bill, on not banning--

CRAIG SCHOENFELD: Different states have chose to do this different ways. Oklahoma doesn't look like Louisiana, doesn't look like Tennessee, doesn't look like Florida, doesn't look like Georgia. The goal, I believe, of, of the sponsor is to make sure that consumers-- if it's a legal fuel, if it's allowed and regulated by the state of Nebraska, consumers should have access to it--

CLOUSE: For transportation.

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CRAIG SCHOENFELD: Transportation, marine-- but, but, yes. I was-- I'm highly looking at, at, at transportation industry, yes.

CLOUSE: Thank you.

BRANDT: Senator Hughes.

HUGHES: I think I have a question. Thank you, Chairman Brandt. The original bill was not-- this is adding the transportation; the original was if I have a gas cooktop I can keep-- someone can't tell me that I can't have gas in my home, right? So.

CRAIG SCHOENFELD: I don't believe that was the intent. But that made it-- may not be what it was written--

HUGHES: Right? That was last year's.

CLOUSE: I thought it was pretty broad. Yeah.

HUGHES: Am I wrong with the--

BRANDT: Are you asking a question?

HUGHES: I can't ask you a question. I'll-- we'll talk about it later. Thanks.

BRANDT: Any other questions? Thank you for your testimony.

CRAIG SCHOENFELD: Thank you.

BRANDT: Yep. Next proponent.

DAWN CALDWELL: All right. Chairman Brandt. That's fun to say.

BRANDT: Welcome.

DAWN CALDWELL: Thank you. Thank you. And members of the Natural Resources Committee. My name is Dawn Caldwell, D-a-w-n C-a-l-d-w-e-l-l, and I am here representing both Renewable Fuels Nebraska and the Ag Leaders Working Group in support of LB29-- LB129, sorry, with the amendment as presented from-- that was worked on with the other associations and businesses. I have a really nice long letter here for you, our comments that I was going to read, but I'm going to let you have that for your reference. Many of it-- much of it has already been said. I just want to reiterate, Nebraska is the number two ethanol producing state in the United States. Liquid fuels

is incredibly important to the success of our farmers and ranchers across Nebraska, and the idea of transportation vehicles being sold at, at such a level, or a community banning liquid fuel vehicles in our state is extremely concerning to us. And so, I just want to make sure that-- I, I see the E15 access standard as access. It was a choice that many consumers didn't have, and, and we're building up those options for consumers across Nebraska. And so, keeping those options everywhere, like we did for the natural gas cookstoves and homes in the last year or two, I think that's really important. It's, it's been at the core of Nebraska for a long time. And quite honestly, ethanol is the fastest path right now to cleaner emissions for many, many citizens. With that, I will cease so you don't have to hear the same thing three times.

BRANDT: OK. Let's see if there's any questions. Senator Raybould.

RAYBOULD: Dawn, are you aware of efforts in our state of Nebraska that we're trying to ban other types of fuel? I, I guess I haven't ever come across that myself, but--

DAWN CALDWELL: I haven't yet, but I also don't live in the super urban area. So we'd just really like to keep gas stations open in, in my areas with, with the fuel that's produced by the farms that surround them. So, I have not heard that yet. However, when I see what's happened in other communities across the United States, and many times things make it from the coast our direction over a number of years' time. And, you know, whether it be animal welfare practices, row crop farming practices, various different things-- if we end up having to do something that is not practical, not the best for, for the type of business, but it's being decided by people that don't earn their living from that business, that's pretty tough. And so, if we can just prevent a situation from happening because it may be in states that are not that far away from us, good on us.

BRANDT: Other questions? Senator Clouse.

CLOUSE: Dawn, would, would you agree that maybe the original intent of the bill was to protect natural gas distribution systems, so they could have [INAUDIBLE] the distribution? And this is kind of [INAUDIBLE]

DAWN CALDWELL: Well-- no, no. The original intent was strictly for vehicles and marine. Yeah. And airplanes as well, aviation fuel. The

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intent was, was really for transportation vehicles, because we had already taken care of the other stuff before, so.

BRANDT: Senator DeKay.

DeKAY: Yeah. Are you seeing what's happening in, possibly, other states, and seeing what could happen in the future to take a proactive stance to stave off something that might happen in the future?

DAWN CALDWELL: Correct. I like being pro-Nebraska, so.

DeKAY: Thank you.

BRANDT: OK. Any other questions? All right. Thank you for your testimony.

DAWN CALDWELL: Thank you.

BRANDT: Next proponent. Welcome.

MIKE KARBO: Welcome. Good afternoon, Chairman, and members of the committee. My name is Mike Karbo, K-a-r-b as in boy, -o, and I am the midwest region director for the American Petroleum Institute. API represents all segments of America's natural gas and oil industry, which supports more than 11 million U.S. jobs. Our nearly 600 members produce, process and distribute the majority of the nation's energy. Thank you for the opportunity to speak today with you in support of LB129. API promotes free markets as a cornerstone of our industry's efforts to compete and innovate to address current and future energy needs. Under this principle, we support policies that allow the development of all energy sources on a level playing field where innovation, competitive markets and consumer choice will result in the best, most cost-effective products and services available to the consumer, while also meeting policy objectives. The free market has a proven track record of demonstrating that competition has achieved policy objectives and advanced technology at a reduced cost to the consumer. By adopting LB129, Nebraska would be supporting policies that allow all technologies to-- to compete in the marketplace. These types of policies can ensure that the most efficient and effective technologies are implemented to promote consumer choice, and allows the market to decide which vehicles and equipment best meets their needs. We thank the Senator for his leadership on this issue, which promotes and preserves energy choice for Nebraskans. Thank you again for the opportunity to testify, and, and I stand for any questions.

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BRANDT: OK, let's see what we've got for questions. I don't, I don't see much. Where are you at on ethanol? Your group.

MIKE KARBO: We-- as an industry, we don't support mandates, but we do support consumer choice, and that includes liquid fuels.

BRANDT: So, if the consumer choice was 85% ethanol across the state, you'd be all right with that?

MIKE KARBO: As long as there's not a mandate mandating that product, and allowing the consumer to decide, we are not in the business of picking win-- winners or losers.

BRANDT: OK. Thank you. Wait, we've got a question. Senator Raybould.

RAYBOULD: I want to follow up on Senator Brandt. How do you feel about electric vehicles, then?

MIKE KARBO: Well, that's-- that-- you know, that is once again, ultimately up to the consumer to decide what best fits their needs for their family and themselves.

RAYBOULD: Thank you.

BRANDT: All right. Thank you.

MIKE KARBO: Thank you.

BRANDT: Yep. Next proponent? Any more proponents? Going to opponents. Any opponents? Welcome.

LASH CHAFFIN: Good afternoon. My name is Lash, L-a-s-h, Chaffin, C-h-a-f-f-i-n. I represent the League of Nebraska Municipalities. And today, I'd like to offer the League's opposition to LB129. LB129, when you look at it, it seems to be a solution looking for a problem. I don't see Nebraska elected officials clamoring to ban these sources. On the contrary, they're trying to get new businesses to come to their-- to their towns. This is just-- just because something happens in Los Angeles doesn't mean that's immediately the Nebraska mindset. So, I, I think that, that just seems preemptive at an absurd level at this point. And, and secondly, the, the bi-- the bill does seem awfully broadly written. And, when you combine lack of-- lack of a definable problem in Nebraska with lack of detail in the bill, you could have a lot of unintended consequences. The-- and unintended consequences really disrupt people's lives. For instance-- and, and

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I'm not even sure how this would fit into this bill-- signage. Signage rules and regulations. Those clearly affect marketing of a product, and, and I, I think most cities and residents of those cities would want a city to have appropriate signage regulations. I'm not entirely sure the way that bill's written it would affect that, but it's something that I think-- there's a lot of unintended consequence type of questions out there that this, this bill really brings up for, for our members. And, and-- a little bit of history with respect to the prior iterations of this concept. The, the League opposed the original natural gas measures. And, and we're directed by our members to work with the natural gas companies to kind of come to some language to, to, to get us off square one on that opposition. And, and the big difference there was cities, counties, natural gas companies have a defined relationship already; it's not just the entirety of the retail market. So, it was a little easier for cities to swallow some sort of that concept with respect to Black Hills Energy, or, or-- drawing-- I'm drawing a blank with a-- [INAUDIBLE] we've gone through so many iterations of companies. It was a little different situation than what's going on here. So, I, I think, short of identifying specific problems that are occurring in Nebraska, I think this, this bill just really doesn't sit well with, with city, city governments at this point. Now, if-- now, if somebody can come forward with some specific issues, I think that's possibly something we could discuss. Otherwise, I just think the possibility for unintended problems is just too great. But I would certainly answer any questions.

BRANDT: All right. Let's see if we have questions. Senator Moser.

MOSER: I think this is trying to be proactive, because once things happen, it's sometimes too late.

LASH CHAFFIN: That, that could be.

MOSER: I mean, I understand you not wanting to be told what to do, but we want to have, in my opinion, the citizens have the most choices and not have certain fuels pushed on them because of some government entity that thinks that, you know, coal is bad or electricity is good, or whatever.

LASH CHAFFIN: And that-- you know, and that, and that may be true. But I will say that Lincoln or Omaha building a bike trail is a far leap in logic to banning a fuel type, at this point.

MOSER: OK. Thank you.

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BRANDT: OK. Any other questions? Seeing none.

LASH CHAFFIN: Thank you.

BRANDT: Thank you. Other opponents? Welcome.

JAMES DUKESHERER: Good afternoon. My name is James Dukesherer, J-a-m-e-s D-u-k-e-s-h-e-r-e-r. I'm the director of government relations for the Nebraska Rural Electric Association, and I'm testifying today for the Nebraska Power Association. The NPA represents all of Nebraska's more than 165 public power entities. We're here today opposing the green copy of the bill. I want to start by thanking Senator McKeon and, and his staff, and Valero for working with us on an amendment that's agreeable for all of us. The language of concern to us in the bill is on page 2. The language states that: no county, city, village or other political subdivision of the state-- of the state shall enact or implement any ordinance, code, resolution, rule, so on and so forth, that has the effect of restricting or prohibiting any energy source. The concern with that language is that a company-- an aviation fuel company, an ethanol plant an EV charging company-- they could say that an electric rate or a demand charge has the effect of, you know, restricting their business. And so, we wanted to make sure to, to remove that out of there. We've been assured that, that-- by Valero and by the senator as well, that public power was not the target of the bill. The amendment that's been talked about already several times in testimony, as drafted, would ensure that, that this section doesn't apply to, to public power utilities. And with that, it would remove our opposition to the bill.

BRANDT: OK. Let's see if there's any questions. I see none. Thank you. Any other opponents? Opponents? Neutral. Is there anybody testifying in the neutral capacity?

JILL BECKER: Good afternoon--

BRANDT: Welcome.

JILL BECKER: Good afternoon, Chairman Brandt, and members of the committee. My name is Jill Becker, spelled J-i-l-l B-e-c-k-e-r, as a registered lobbyist for Black Hills Energy, and appearing before you today in a neutral capacity. We appreciate Senator McKeon and his staff, and Valero in working with us. It's our understanding that changing the underlying energy choice bill wasn't the intent of the green copy of the bill. And with the-- if the committee would adopt

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the amendment that has been discussed today, we would be neutral on the bill. We don't have additional commentary on the addition of fuel sources to the bill. That's not our issue. We just want to make sure that the underlying measure that was passed last year remains in effect. And at the risk of hearing what you're going to ask me, I will ask, do you have any questions for me?

BRANDT: Well, let's-- let's find out. I don't see any.

JILL BECKER: OK, great. All right. Thank you so much for your time.

HUGHES: "OK, great."

BRANDT: Anybody else in the neutral capacity? All right. As Senator McKeon comes up to close, we had two proponents, three opponents, and one neutral, for the record. And Senator McKeon is waiving, and-- at this time, then that will close the hearing for LB129, and we will go to LB377. Vice Chair DeKay, it's your hell.

DeKAY: OK. With that, we will open on LB377. Senator Brandt, you're welcome to introduce.

BRANDT: Good afternoon, Vice Chairman DeKay and members of the Natural Resources Committee. I am Senator Tom Brant, T-o-m B-r-a-n-d-t. I represent the 37th District: Fillmore, Thayer, Jefferson, Saline and southwestern Lancaster Counties. I'm here today to introduce LB377 on behalf of the committee. This was a committee bill. Currently, Nebraska Game and Parks commissioners serve a maximum of two terms, each lasting four years. These, these term limits were established to ensure fresh perspectives and broad representation in the leadership of this vital organization. However, the role of a commissioner is highly specialized, requiring a deep understanding of the state's wildlife management, recreational development, and conservation strategies. Extending the limit to three terms would allow experienced commissioners to continue contributing their expertise while still maintaining opportunities for new members to serve. As a reminder, the Game and Parks is made up of nine commissioners that are appointed by the governor and approved by the Legislature. Eight of the commissioners serve each of the eight districts across the state, and the ninth serves at large. Commissioners serve in a volunteer capacity. And with that, I would be happy to answer any questions that you may have.

DeKAY: Are there any questions from the committee? Senator Moser.

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MOSER: What's the problem that three terms solve?

BRANDT: This bill was brought to me by Game and Parks, and there'll be some testifiers after me that will go into detail on, on why they are proposing this.

MOSER: T-- typically, though, as, as I recall, these nominees are politically connected to the governor and chosen because-- they're interested in the subject, but they're friends of the governor, more or less. So, the governor only serves eight years. You know, the next governor is probably going to want to put his own people in there anyway. I wonder if this is necessary.

BRANDT: But the terms are staggered. So, I mean, he isn't-- I can't-- I don't believe the governor can replace all nine commissioners when he comes into office.

MOSER: No, I'm just saying he's not going to probably nominate something-- somebody for three terms, because he won't be there long enough, no matter when.

BRANDT: And that could be.

MOSER: Yeah.

BRANDT: Yeah.

MOSER: OK. Anyway. Thank you.

DeKAY: Senator Hughes.

HUGHES: Thank you, Vice Chair DeKay. Do we even need terms at all? I mean, if you've got somebody, they're not getting paid anyway, and-- oh, we got a yes. I'll ask this question later. Thank you.

BRANDT: All right.

DeKAY: Thank you for your comment. Senator Juarez.

JUAREZ: OK. I just wanted to know-- and I-- it-- again, since I'm new, it really did surprise me to read about the political party, how it tried to divide-- let's see, where did I read there was five mem-- not more than five shall be affiliated with the same political party. So, is that common in these commissions?

BRANDT: As a, as a senator, at some point, you will get a packet of all the commissions we have, and the packet's about an inch thick. And there's hundreds of commissions that your constituents, or people across the state, can apply for. And, it depends; some of them ask for professional, you may have to be an accountant or an attorney; you may have to be an accountant or attorney from the third district; you may have to be a Republican accountant or attorney from the third district. It's a wide range of people that help serve the state of Nebraska in different capacities. I don't see that as unusual from my time here. Maybe one of the other senators will be able to comment that, or the people that follow me and testify.

JUAREZ: OK. Because the other thing that I was curious about was it says no person who has, who has served three full terms shall be eligible for reappointment. So, I was wondering-- that means forever? They're never going to be able to go back to serving on this commission?

BRANDT: As it stands, the way it is written on this specific board, yes.

JUAREZ: Because-- and-- do you see, is that pretty normal, too? In with the commissions that, you know, you serve this time period and you can never be again?

BRANDT: Yeah. I'm not an expert on all the other commissions, but I-- it's, it's pretty typical--

JUAREZ: OK.

BRANDT: --of, of what we've seen. And in this-- in your capacity on this committee, you're going to see the Power Review Board; you're going to see Game and Parks, DNR. We had some appointments the other day for the Underground Excavation Board, the newly created board on that. Depending on how it was written up, it may indicate whether you're a Republican or a Democrat, but quite often, it seems to be more divided on from the third caucus, second caucus or first caucus. And you can ask the testifiers how their eight districts are divided.

JUAREZ: OK. Thank you.

BRANDT: Yeah.

DeKAY: Thank you. Senator Clouse.

CLOUSE: Thank you, Senator. This may just muddy the waters, just-- might not even be worth talking about, but, I, I like the, the three-term lifetime. So if something happens, and you got a life experience-- or, maybe some experience as somebody who's served a couple of terms, something comes up, and-- you know, Mike Flood, for example. He's gone, came back. So, have it lifetime as opposed to consecutive.

BRANDT: Right. Or Senator Conrad.

CLOUSE: [INAUDIBLE] Yeah, that's what I'm saying. And so, to me, I, I like that, but I don't need to know if we need to mess with it now. But to me, that makes some sense.

BRANDT: All right.

DeKAY: Any other questions from the committee? Seeing none. Are you going to stick around--

BRANDT: Yes.

DeKAY: --for closing? First proponent.

DAN HUGHES: Thank you, Vice Chairman DeKay, members of the Natural Resource Committee, counsel, and clerk Schultz. It's a pleasure to be back in front of you today. My name is Dan Hughes, that is D-a-n H-u-g-h-e-s, and I am representing myself. I live in Venango, Nebraska, which is 315 miles that way. Long ways. I do want to correct one thing that Senator Brandt stated, that this bill came to him from Game and Parks, as a state agency. It's not to my knowledge that we brought this bill. My understand-- or, the way I recall is I was having a conversation with a couple of sitting senators, and I was lamenting the fact of the brain drain, if you will, of what's going to happen to the Game and Parks Commission here within the next year. So, I said it would be nice if we could go to three four-year terms just to make sure we've got institutional knowledge to help carry on programs that have been successful, but also to understand the programs that are not working so we can get rid of those. There are nine commissioners, and the way the board sits today, within one year, when we get two more new commissioners, we will go from 50 years of experience on the board today, to a year from now, we could have only 24 years of experience on the commission. So within 366 days, that's a pretty drastic drop in institutional knowledge for a state commission that has a budget that is hundreds of millions of dollars. State

agencies are, are a challenge when you have high turnover of commissioners or board members. I've served terms on the Nebraska Ethanol Board; I was also on the Nebraska Wheat Board before coming to the Legislature, so I've had quite a little experience with staff people making sure that the commission or the board does run correctly. But you've got to have that private citizen come in to help guide that board, so, you-- those of you who've been mayors, on city council and, and Congressman-- or, Senator Conrad being in the Legislature before, we've always-- we've always ran into those-- I'll call them "bureaucrats" and, not demeaning them, but they have been in that job for 15 years, and you're only here-- you're here three years, and you're telling me how to do my job, and you're going to be gone in five more, so we're just going to keep doing it the way I want to do it till you're gone. So, that's, that's pretty much the impetus of why this has, has come to pass. A quote from Anthony Schutz, who's a UNL law professor; my, my daughter found it the other day on X. He said: term limits mean bad ideas recur more frequently. Well-- and, when Senator Conrad will, I'm sure agree with me, and the, the senior member behind me, and you junior members, we see that a lot. The same bills keep coming back and back; the same ideas keep coming back and back. So, to me, this was just a way that we could possibly make one state agency run a little smoother for a little longer term of time. The question about the governor appointing-- the governor, he has eight years. So, if you're going to serve as a commissioner for more than two terms, you're going to have to be appointed by two different governors, so. And your point about the, the good-old-boy club-- our most recent appointee, to my knowledge, had not met the governor before he was appointed. I, I-- he-- I'm-- let me back up. He was interviewed, but he was not someone in the governor's friend circle; he was someone that the commission had found that filled a niche that we were-- we and the governor were hoping to fill on our commission. So, this was not someone that was, I would call, a friend to the governor. He may be now. Great guy. But it's not always a political favor, if you will. But that, that's up to the governor, because that's his job. So, with that, I'd be happy to answer any questions.

DeKAY: Are there any questions from the committee? Senator Clouse.

CLOUSE: Thank you, Senator. Now, just to reinforce the point that every four years they have to file an application and go through the process again, just like any-- the Natural Resource Commission, any of them. So there's always a chance that you made them mad in the interview.

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DAN HUGHES: There was one-- when I was chairman of this committee, there was one commissioner who made it in 25- 24. So it was, it was very close.

CLOUSE: Yeah.

DeKAY: Any other questions? Senator Hughes. Any relation?

HUGHES: Totally. I have to ask the old Senator Hughes a question from 2.0 Senator Hughes. So, back to-- I, I kind of said that to Senator Brandt. So we're, we're talking about going from two terms to three. Why not unlimited?

DAN HUGHES: I-- there is value to--

HUGHES: Because there is an appointment every four years,--

DAN HUGHES: Yes.

HUGHES: --so the governor could be like, "eww, this guy has been on here 30 year-- or, do the math, 28 years." I don't know.

DAN HUGHES: There is benefit to term limits, to a point.

HUGHES: OK.

DAN HUGHES: There does need to be fresh blood, you know, when--

JUAREZ: Absolutely.

DAN HUGHES: The, the challenge that you have, being a long-term commissioner, I mean, you, you get to be buddies with the staff, and you want to take care of the staff. And sometimes, that does create some blinders of-- you don't want to crack down on your friends to, to make a change. So, you know, if it wouldn't have been for term limits, I never probably would have gotten to the Legislature. So, there is, there is a point. And we've got to find that happy medium, I think. But what we're doing now with two-- eight years is not enough. I'm-- just began my third year, so I've got two years of experience under my belt on the commission, and I'm learning a lot every single meeting we have, because it is a vast organization that-- we cover a lot of different things. And it just takes time, as you freshmen senators know, how hard it is to get up to speed because there is just so much coming at you that it takes time to learn all that stuff. And then, you know, when you're a senior senator, like Senator Moser or Senator

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Brandt, you know, a couple of years, they'll be gone. And all that knowledge that they have learned over the last eight years is, is gone in a heartbeat, and we've got a, a new rookie coming in, and I'm just trying to, to level that out a little bit, to extend that. I think it's a-- would be a bene-- big benefit to the Game and Parks Commission and, and to the state of Nebraska, ultimately.

HUGHES: So, to follow up with that. I'm going to guess that you think maybe the Legislature could potentially go to three term limits as well. Might be a little better than the two.

DAN HUGHES: I have not been bashful about my willingness to make that happen as well. I think that three four-year terms for state senators would be a big benefit to the state of Nebraska. Eight years is just not enough to learn, to learn the job and to become effective at it, especially when you're dealing with behemoth state agencies. There are, there are-- and I'm going to-- I'm going to stray here, since you opened the door for me.

HUGHES: Go for it.

DAN HUGHES: The Board of Educational Lands and Funds is another state agency that has been very non-helpful. As a senator, when I was chairman of this board, I asked for information and they dragged their feet, and I only have two years left, and they, they drug it out completely, trying to get information from them. So, some-- not all, not Game and Parks-- but some state agencies, the directors and the board members or commissioners have learned that it's easy to wait--

HUGHES: Wait out.

DAN HUGHES: --out senators when they're making your life a little more difficult. So, there are, there are good agency heads and good personnel that work for the state of Nebraska, but there are also some that really don't want to deal with the elected public officials that-- who, ultimately, are their boss.

HUGHES: And it's interesting to hear you say that you're two years in now on your-- on this position. And honestly, you came in with way-- vast amount of more information with Game and Parks than someone else that might have been assigned to it. Right? Because of your work here, for your eight years in the Legislature.

DAN HUGHES: I have scratched the surface. My, my-- I was an adversary of Game and Parks when it came to deer hunting. I was an advocate for

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them for license fees, park permit fees and other things. So, it was a-- kind of a love/hate relationship, if you will. But, even with the information, the knowledge that I had here, when I got on the commission,--

HUGHES: Sure.

DAN HUGHES: --I learned way more about the, the millions-- I mean, tens of millions, maybe hundreds, I'm not sure-- of fish that we stock in Nebraska lakes every year. And the number of states that we trade fish with, to make sure our anglers have, you know, fish to catch. And our, our park system-- we have got some of the most beautiful parks in the nation in Nebraska, and I'd never been there. And what it takes to maintain and improve, and personnel-- I-- like I say, I had a little bit of background in hunting, deer hunting specifically, but there's way more to Game and Parks.

HUGHES: Well, thank you for coming today.

DAN HUGHES: Thank you.

DeKAY: Any other questions? I have one real quick. When it comes to going to three, three terms, four year terms on, on Game and Parks, how would this-- what would this-- how would this affect other state agencies? Would they be included in wanting to go to three four-year terms? Or how to-- or do you see any problem with that? Or?

DAN HUGHES: You know, that's-- would be up to you to decide, as the Legislature. It-- what-- I guess what I'm hoping is that if Game and-- if you allow Game and Parks to do this, and we prove over time that it--

HUGHES: It's helpful.

DAN HUGHES: --is not a bad thing, it's actually going to work better, that maybe we will look at other agencies and maybe, ultimately, the Legislature, of making this change. But this is just one small change, kind of an experiment. You know, we're not-- we do have a fairly sizable budget, and we've got a, a, you know, a large workforce, especially in the, in the summertime. But as the governing body for a state agency, you know, we, we have a job to do. You know, it, it's oversight, and making sure that the-- we don't get a lot of General Fund dollars. I think 12% of our budget is General Fund; the balance comes from license fees and park permits and those type of things.

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Overnight camping fees. So, we have, we have a lot of responsibility, and all of the commissioners take it very seriously.

DeKAY: OK. One, one more quick question from me, and then Senator Clouse. You said you work with other states trading fish?

DAN HUGHES: Correct.

DeKAY: Can you trade carp for walleye by chance? [LAUGHTER]

DAN HUGHES: I'm, I'm not sure, but I don't think we breed any carp.

DeKAY: I'm sorry, I-- Senator Clouse.

CLOUSE: Thank you, Senator DeKay. I'm kind of redirecting this. Not all commissions have term limits, do they?

DAN HUGHES: I don't know.

HUGHES: I don't think so.

JUAREZ: I'm sorry. I didn't hear what you said.

CLOUSE: Not all term-- the question, do all term limits-- or, commissions have term limits.

JUAREZ: And they do not?

DAN HUGHES: Yeah, but Game and Parks does.

CLOUSE: Game and Parks is the one that does.

DAN HUGHES: And we do have the, the requirement of not more than five from one political party. And if you're going to serve 12 years, you're going to have to be appointed by two different governors. There's no question.

DeKAY: Thank you. That was good information on both ends, on that. Thank you. Senator Juarez.

JUAREZ: So ironically, today, since we're discussing this, I got my plaque as being a supporter of term limits. And I just wanted to be transparent about that. And I don't-- I obviously don't have any issue with term limits. I definitely believe that that's why I had the opportunity to come here, c-- because, already, the Supreme Court has been in favor of, you know-- any of you can pour any amount of money

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that you want for a candidate, right? And so, they allowed that to go. And to me, having term limits is what gives more people opportunity. And I definitely value diversity, and I definitely see that as lacking at the state level. And that's why I am always concerned about these terms, even on a commission, because I feel very strongly that we need to work more on getting diversity at the state in all areas. And I appreciate your being willing to talk about that, but it's just really something that I value.

DAN HUGHES: Yeah. No, I, I, I don't have [INAUDIBLE] problem with anything you said. We have, we have term limits; they're called elections. And I think that's part of the problem on a, an election basis, whether it's city council, or state senator, or congressional seat. You know, I-- voter engagement, voter education was always a priority for me when I was in one of these chairs. This is a little different; there are still term limits, but we're asking them to be extended, not eliminated. To go from three four-year-- or, to go from two four-year terms to three four-year terms, just because of the institutional knowledge and the background that each of us brings to the job. You know, you bring a different perspective. You know, you, as an individual, completely changed the makeup of the Legislature. I had that conversation in the Speaker's office earlier today about everyone that changes-- of the 49 of you, one of you has to leave for someone, someone new comes in, it completely changes the body. Some ways for better, some ways for worse. But it does change. And that's a good thing, because we tend to get a little too complacent.

JUAREZ: Yeah.

DAN HUGHES: Thank you for the question.

DeKAY: Any other questions for the testifier? Thank you, Mr. Hughes.

DAN HUGHES: One, one last point. I do want to thank the committee for introducing this bill very much.

DeKAY: Thank you. Next proponent. Any opponents? Any in a neutral position?

TIMOTHY McCOY: Thank you, Senator DeKay. My name's Timothy McCoy, I'm the director of the Nebraska Parks Comm-- Game and Parks Commission. T-i-m-o-t-h-y M-c-C-o-y. Simply came up in case there were any questions you had for me.

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DeKAY: Are there any questions for the testifier from the committee?
Senator Clouse.

CLOUSE: Can you address his earlier question about the walleye?

HUGHES: That's what-- [INAUDIBLE]

TIMOTHY McCOY: The answer-- the an-- the answer would be no. We can't
pull that off. Nobody's going to give us walleye for carp.

HUGHES: Aww. Ten to one?

DeKAY: Was that your question?

HUGHES: Yep.

DeKAY: OK. Any other questions for the testifier? Seeing none, thank
you. While Senator Brandt comes up to close, record of comments. There
were no proponents, no opponents, and no one in the neutral position.

BRANDT: So, this is a committee bill. And if some of you remember,
maybe on the floor, I asked for-- it has to have five co-sponsors to
be a committee bill. The only reason it wasn't a personal bill, at
that time, I was bumping up against 20, and then subsequently, we had
several bills that we were-- we decided not to introduce, otherwise I
would have done this myself. So I just want the committee to be aware
of that going forward. That's how it, how it would be presented. But I
think it was pretty straightforward today, what this does. It's, it's
not rocket science, so. Are there any questions?

DeKAY: I will ask. Are there any questions from the committee? Seeing
none, that closes the hearing on LB377, and that closes our hearings
for the day.