

BRANDT: Ready to go? OK. Welcome to your Natural Resources Committee. I am Senator Tom Brandt from Plymouth. I represent 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 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 be green. When the yellow light comes on, you will 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 comments on a bill 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 now have the committee members with us today introduce themselves, starting on my left.

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Rough Draft

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

CONRAD: Hi. I'm Danielle Conrad. I represent north Lincoln.

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

BRANDT: Mike.

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

RAYBOULD: Jane Raybould, Legislative District 28, which is central Lincoln.

JUAREZ: And Senator Margo Juarez, District 5: Omaha.

BRANDT: 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. And-- new policy: the pages will stand and introduce themselves.

TERESA WILSON: Hello. My name is Teresa Wilson. I'm an advertising and public relations major from UNL. I'm from Lincoln, Nebraska.

ESTEN HYDE: My name is Esten Hyde. I'm from Auburn, Nebraska. I go to UNL, and I'm a business and law major.

BRANDT: OK. So we will open with our appointment today of Mr. Steve Mattoon. He is an attorney from Sidney. This is a reappointment to the Nebraska Oil and Gas Conservation Commission. Length of term: September 25 to September of '29. It's a four-year term. And he is a representative on the board as a member with oil and gas experience. The purpose of the Nebraska Oil and Gas Conservation Commission is to regulate the oil and natural gas exploration and production industry in such a manner as will prevent waste, protect correlative rights of owners, and encourage and authorize secondary recovery, pressure maintenance, cycling, or recycling in order that the greatest ultimate recovery of oil and natural gas may be obtained with the state while protecting the environment. Mr. Mattoon appeared before the Natural Resources Committee last March, 2025, where he filled out Senator Strommen's remaining term. Welcome.

STEVEN MATTOON: Thank you. For the record, my name is Steven, S-t-e-v-e-n; Mattoon, M-a-t-t-o-o-n. As you stated, I did fill out the-- Senator Strommen's term. His wife is actually a law partner of mine, so it's kind of a small world type thing. I think most and possibly all of you were here last year, so this may be somewhat rep-- repetitious, but I want to advise you that the Oil and Gas Commission is actually located-- it's always been located in Sidney, Nebraska. It's actually about 200 yards currently, you know, from my home. There-- there's three commissioners. I'm from Sidney. The other two commissioners are from Trenton and from Scottsbluff. And the-- and they-- their term is not up at this time. I have been active in the oil and gas industry for over 30 years. I-- when I came out of law school, it was a time when there was kind of a boom going on in western Nebraska. So I've been active. I've represented numerous and differing clients. I've represented major oil companies like Exxon and Devon Corporation. I represent mid-level companies like Exeter Drilling, Berexco, and Murfin Drilling. And I've also represented individual operators like Bruce Evertson and Tiger Mike Davis, both of them unfortunately are deceased at this time. My practice has included a great deal of title work. I've done title opinions for drilling purposes before they drill a well and to-- title opinions for division order purposes where, if the well is successful, they have to get a title opinion saying who's going to get the-- who's going to get the money, the money from the, from the well. I've done this in about 15 different counties. I, I usually had to go to those counties, do an-- what's called an original title search to examine the actual records. Not many of them-- none of them were online at-- early on. There are a few that now are online, but. Still oftentimes have to actually travel to those counties. We've done several app-- I did several applications during the years I did for-- before the commission for pooling, spacing, location exception, and probably most importantly to form unitization-- unitizations and conduct secondary recovery operations. These have been, been done in, basically, in southwestern-- the Panhandle and southwestern Nebraska, in Hitchcock County, Dundy County, Cheyenne County, Kimball County, Banner County, and Morrill County. Usually, they-- sometimes they're contested, oftentimes not, but I had to deal with expert witnesses, from both engineers, geologists, and landmen through the years. Not quite like the Landman television series you're watching at, at, at all. That's much more exciting. So it's, it's been-- I have, I have thoroughly enjoyed it. It's been a-- it's the thing I-- it's like going to the courthouse and solving a huge puzzle and even getting paid for doing it, kind of, kind of, so. Anyway. This last year,

since I was appointed, the commission has been very active. And it's been a, a progressive year. They have continued with federal funds to plug abandoned we-- wells and to restore the surface. In three years, they have plugged an abandoned 429 wells. This has been federally funded. It's an ongoing project. Almost all of those old wells have now been taken care of. There's-- this is going to be a huge transition at this time. Stan Belieu, who is the director at this ti-- has retired effective January 1. We have employed a, a new replacement: Todd. Now I've got to think of his name-- ball-- it's the-- his relatives all play volleyball. I think you'd recognize him. I can't believe it. Boesiger. Todd Boesiger. He was previously deputy director of the commission. He took a few years off and he went to Oklahoma and to Texas to gain further experience. And now he's come back, and we're thrilled to have him. We had about 30 applicants, and by-- he was by far the, the best-- most qualified. And he will be sworn in this coming Tuesday. You're welcome to come to Sidney if you'd like to swear-- sti-- swearing in to-- cer-- ceremony, but. So it's been an exciting year. I, I think you'll enjoy working with him in the future too. He's very knowledgeable. So. Be glad to answer any questions.

BRANDT: All right. Let's see what we've got. Wow. Tough crowd. So next week, next Wednesday, we will be hearing the bill for the Oil and Gas Commission. And I'm sure you've looked at that.

STEVEN MATTOON: Mm-hmm.

BRANDT: And it deals with primacy. Can you explain to the committee what that--

STEVEN MATTOON: No.

BRANDT: OK.

STEVEN MATTOON: I can tell you that it's a concept with the federal government that we have to have primacy in order to take over some of the-- especially water conditions and everything. But I'm still in the process of learning. That's, that's kind of a new concept that has been developed, so.

BRANDT: So what's your opinion of the state of the oil and gas industry in the state of Nebraska at the moment?

STEVEN MATTOON: The production has declined. The number of wells being drilled have declined. A lot of that's due to the price. The

commission reports show that the average price of oil in Nebraska now is-- it's less than \$50. That means it's really not economic for companies to spend-- you know, if they, if they were drilling a deep well-- which doesn't happen much anymore-- it would cost \$5 to \$10 million just to drill the well.

BRANDT: Wow.

STEVEN MATTOON: A regular well would be like se-- several hundred thousand dollars. Even to do units and con-- secondary recovery, it's just not really economically feasible at that, at that price, so.

BRANDT: I can tell you in my district, a couple years ago they drilled a really deep, 10,000 feet-- was that for helium, hydrogen--

STEVEN MATTOON: I heard about that. Yeah. That was in eastern Nebraska.

BRANDT: That was in-- by Geneva.

STEVEN MATTOON: Yeah. That was in Fillmore County.

BRANDT: Yeah. But would the-- would that have been-- what were they looking for?

STEVEN MATTOON: Helium.

BRANDT: Helium? Would your agency regulate that?

STEVEN MATTOON: Yes. If they, if they ever loc-- if they locate it. I actually did the title opinion on that for the oil company--

BRANDT: OK.

STEVEN MATTOON: --which was pretty interesting, but yeah.

BRANDT: Yeah. I, I think--

STEVEN MATTOON: That wasn't successful, though.

BRANDT: Yeah. Is there much production left in Richardson County down in southeast Nebraska?

STEVEN MATTOON: Not much. There was a developer that was trying to do a deep fracking type project there, and it, it, it, it was not feasible. And it-- si-- since, since then, it's been plugged. I don't

think there's much production going on down there. That was the first Nebras-- the first production in Nebraska, though, was-- it-- [INAUDIBLE] was in 1929 down in Fill-- in Richardson County.

BRANDT: Yup. [INAUDIBLE].

STEVEN MATTOON: Not-- there's not much going on there.

BRANDT: Senator DeKay.

DeKAY: Thank you. What-- how deep is a deep well? Compared to a normal well, what's the depth of [INAUDIBLE] wells on average?

STEVEN MATTOON: A typical well in the D&J Basin, which is Denver-Jul-- which is what most of this-- in, in-- probably 3,000 to 6,000 feet. Even a shallower one in Lansing, Kansas City, it's about that deep. If you go to a-- deep well that they're drilling would be more like 5,000 to 10,000 feet.

DeKAY: And then from peak production of oil in the state of Nebraska-- and you said it's declined. How much-- what's the percentage that has declined over [INAUDIBLE] last decade?

STEVEN MATTOON: Probably 90%.

DeKAY: Really?

RAYBOULD: 90? 9-0?

STEVEN MATTOON: 90. Yeah. It's really-- it, it has gone down significantly. That's probably in the last five years it's declined that much.

DeKAY: So are those-- they cap those wells or are they able to resurrect--

STEVEN MATTOON: Some of them are just still producing, but they aren't do-- the-- they haven't gone forward to form units. A lot of times, if you have a successful field after the production starts to decline, then you will combine it into a unit and you'll inject flo--water-- water-- flood it to move the oil to collect, to collect more. There hasn't been much of that going on in the last five years, and I think it's because of the price of oil and the cost of, cost of the operations. I think if the cost of oil came back, you'd see a lot

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of-- you'd see a rejuvenation of production, both primary and secondary.

DeKAY: Now, is that tar sands or is that sweet oil, or-- we're kind of [INAUDIBLE] on that.

STEVEN MATTOON: I'm not sure I know the difference.

DeKAY: Neither do I. But they talk about tar sands being-- takes more of a process than--

STEVEN MATTOON: There's been a lot of talk about sands being-- with our-- in [INAUDIBLE], and it's not that. This is eas-- much easier oil to deal with.

DeKAY: OK. Thank you.

BRANDT: OK. I see no other questions. Thank you.

STEVEN MATTOON: OK.

BRANDT: Let's see if we have any other, other people. You can return to your seat.

STEVEN MATTOON: OK.

BRANDT: Are there any proponents for the nomination? Proponents? Going to opponents. Any opponents? Anyone in the neutral capacity? And we had no online comments on the nomination. And-- so we will close the hearing. Thank you, Mr. Mattoon. And it looks like we have reversed the hearing order right-- that I'm going first? OK. Did Wordekemper request that? OK. OK. He said he's got a bill. OK. So-- Mr. Vice Chair, are you around?

DeKAY: [INAUDIBLE].

BRANDT: OK.

DeKAY: And then-- second vice chair will-- Moser will take over.

HUGHES: Vice chair, vice chair. Vice-Vice Moser.

BRANDT: Oh, wait a second. Do-- does it make any difference? Because originally, we had Senator Wordekemper first. And, and I know he's going to have a bill. And I'd like Senator Wordekemper-- are you ready?

WORDEKEMPER: Yeah. I'm, I'm done with my other bill, but--

BRANDT: Why don't you-- why don't you go ahead? And we're-- are going to hear LB823. Yep. We're good. That's right. LB823. Good. Where is-- LB823. There. Whenever you're ready, sir.

WORDEKEMPER: Good afternoon, Chairman Brandt and members of the Natural Resources Committee. I am Senator Dave Wordekemper, D-a-v-e W-o-r-d-e-k-e-m-p-e-r. And I have the honor of representing District 15. I'm here to introduce LB823, legislation to modernize Nebraska's open burning statutes. The changes in LB823 may appear modest at first glance. New definitions, a checkbox on a permit form, and acreage requirement, but these targeted improvements represent months of collaborative work with Nebraska burn committee-- community and will have a profound impact on the future of land management in our state. Let me provide some context. Over the summer and fall, I conducted an interim study through LR235, meeting with fire chiefs, landowners, conservation groups, prescribed burn associations, natural resource districts, researchers, and state agencies. What I learned was eye-opening. Prescribed fire is not just a land management tool. It is the most effective and cost-efficient way we have for managing Nebraska's grasslands. As eastern red cedar encroachment spreads rapidly across our state, threatening our rangelands and increasingly fire-- wildfire risks, the controlled application of fire has become essential. It improves grazing land, controls invasive "speciage," enhances wildlife habitat, and prevents catastrophic wildfires. Yet despite its critical importance, our current statute treats all land management burning the same. We have one definition: land management burning. That encompasses everything from cleaning a debris pile in a ditch to a carefully planned 500-acre rangeland burn. These fundamentally are different practices requiring different levels of planning, expertise, and coordination. LB823 makes two straightforward but essential changes. First, it establishes clear statutory definitions distinguishing controlled burning from prescribed burning. Controlled burning addresses smaller scale operations, cleaning, debris piles, managing ditches, situations where fire spread is limited to a small area. Prescribed burning encompasses the systematic application of fire for managing vegetation on grazing land, forests, grasslands, work that requires detailed planning, weather monitoring, and specialized knowledge. This isn't just about terminology. By creating uniform definitions across Nebraska, we ensure that landowners, fire chiefs, researchers, and policymakers are all speaking the same language. A prescribed burn in Cherry County will mean the same as a-- same thing as a

prescribed burn in Lancaster County. Second, LB823 requires permits to be-- to identify which type of burning is planned and, when applicable, the approximate acreage involved. For fire chiefs, this provides a better information about the scope and nature of what they are reviewing. No additional work, just more complete information on the permits they-- already processing. This modernization sets a foundation for improved data collection efforts in the future, allowing researchers and policymakers to understand where burns are happening, at what scale, and with what frequency, or, critically, where they're not happening despite being needed. I want to emphasize what LB823 does not do. It doesn't change the fundamental structure of local control that makes Nebraska's burn permitting system work. It doesn't add bureaucratic hurdles or new fees. It doesn't restrict when or how burns can tur-- can occur. It simply brings clarity to our statute and modernizing our data collection framework in ways the burn community itself has requested. This legislation is a product of genuine collaboration. I would like to thank Dirac Twidwell, Pheasants Forever, Game and Parks, the Nature Conservancy, the Volunteer Fire Chiefs Association, our natural resources district, Audubon, Great Plains, and many landowners who contributed their expertise and experience in shaping this proposal. As our climate changes and fire season lengthens, as eastern red cedar continues its march across Nebraska, we need prescribed fire to be accessible, well understood, and supported by good information. LB823 takes modest but meaningful steps toward that goal. I'm willing to answer any questions. Thank you, Chair.

DeKAY: Senator DeKay.

DeKAY: Thank you. Thank you for bringing this today, Senator.

WORDEKEMPER: Certainly.

DeKAY: The difference between pre-- prescribed burn and controlled burns are basically small, controlled brush piles, road ditches, and stuff, and prescribed burn is a bigger allotment of land. Is there more forms to fill out or any more detailed reports to put together before getting a prescribed burn?

WORDEKEMPER: No. Nope. The same thing. We just want to define which one is happening so that hopefully we can, you know, down the road be tracking this to show that prescribed burns are happening. You know, they're happening all over our state now, and they're very beneficial. And, and it seems like the only ones we hear about are

the ones that might get out of control or, or something like that, and, and that's not the case. Those are minor, minor ones that happen. You know, it's few and far between when it happens. Even though all precautions have been, been taken and the prescribed fires, like you said, are on a bigger area, they have a burn plan. And, you know, it's probably 25, 30 pages. I know you dealt with it. It's a lot. And, and it's detailed. And we're not adding or detracting from any of that.

DeKAY: OK. Well, that's, that's what I was wanting to make clear, is that there wasn't more hurdles to cross to get it to a prescribed burn. Obviously, if you're going to do a prescribed burn, I do think you need to be educated on reading barometric pressures, weather fronts changing, and make sure you have a plan in place and, and follow that plan and be willing to say we're not going to go today because of changes in the weather and not be bullheaded and go ahead with it and call the fire department after the fact, so.

WORDEKEMPER: Correct. Yup. And, and we don't want to interfere with any of that. We want local control on that. And working with Dirac Twidwell-- he works with the university. He's a wealth of knowledge on this. He's unable to be here today because of an illness. But he sees that this is very important to, to start tracking and understanding where we're going so that it can be utilized by landowners and in no way inhibit that.

DeKAY: So by tracking it, are you saying if we apply to get a burn permit, then we have the burn take place, does the fire department send that information on to Dirac or whoever so that-- for future reference of how it's tracked or anything? Or who reports that to him?

WORDEKEMPER: That's what we'd like to get to. But as for now, it's just going to be kept how it is now. And then we'll, we'll look at that down the road.

DeKAY: OK. Appreciate it. Thank you.

WORDEKEMPER: Yes.

BRANDT: Senator Hughes.

HUGHES: Thank you. I'm going to piggyback a little bit on what-- first of all, thanks for bringing this, Senator Wordekemper-- on what Senator DeKAY said. So when you were saying you're add-- I saw you're

adding the-- basically, is it prescribed, is it controlled. Where does that reporting go? So you, you contact your local fire-- volunteer fireman in my neck of the woods-- is-- every month he sends-- they send in a report to somewhere? Like, I-- just walk me through what the recording mechanisms are.

WORDEKEMPER: Currently, if you want to do a burn on your property, you would get ahold of your local fire chief--

HUGHES: Yup.

WORDEKEMPER: --and fill out the report. And I believe he keeps that on file.

HUGHES: But-- so the local guy doesn't send it to some state--

WORDEKEMPER: Not to my--

HUGHES: --collection point?

WORDEKEMPER: --knowledge. There could be somebody behind me that could answer that question.

HUGHES: OK. And then to-- because kind of-- part of-- I feel like what you're getting at with this is so that you can have a percentage of, we had this many prescribed burns, you know, 1% maybe got out of control or whatever. We don't have that tracking. But if you're not collecting it in one place for the state, how, how are you getting the information? Because you said you did an interim study. How'd you get that information initially then? Did you just contact all the fire chiefs and say, send me your stuff?

WORDEKEMPER: We really don't know right now how much burning is happening in this state.

HUGHES: Oh, really?

WORDEKEMPER: No.

HUGHES: So maybe that might be a next step after this, is let's get a central data point-- or, collection point for--

WORDEKEMPER: And that would be hopeful in, in my goal. And that's why the, the university is involved. I think they, they can do maybe some research on that and go that way. There's a lot of different ways

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Natural Resources Committee January 22, 2026

Rough Draft

that you can apply for a permit. Some fire chiefs just do a paper permit. Some fire departments, fire districts have it online. You fill it out, and it's, it's logged there. But to my knowledge-- and somebody can speak to this behind me if they know-- I don't know that any of that is getting sent to a central location.

HUGHES: OK. Thank you.

WORDEKEMPER: Yes.

BRANDT: Senator Raybould.

RAYBOULD: Thank you, Senator Wordekemper. And sort of to follow up on this, I know in Lancaster County, we, we permit this, but there's under, under certain conditions or restrictions, like wind velocity, what is your backup plan? Do you have a water supply nearby? What is your firewall protection, ditches or berthing? You know, things like that. Is, is that taken into consideration for the prescribed burn, which is a larger, more expansive area? Do they have-- I thought you said checklist, maybe, or check-something. Do they have to be sure that, you know, the wind velocity is under, like, 10 miles per hour or that they have to verify that they have a water tank or, you know, water truck nearby or something like that for so-- for a prescribed burn of greater space?

WORDEKEMPER: I believe that is the case. I have not been on a prescribed burn, but I know Senator DeKay has, and he would probably be able to speak to those a little better than I could.

RAYBOULD: OK.

BRANDT: Any other questions? All right.

WORDEKEMPER: Thank you.

BRANDT: You'll stick around to close. Maybe.

WORDEKEMPER: Yeah, let me see.

BRANDT: We'll see, we'll see.

WORDEKEMPER: I don't know if anybody else wants me anywhere.

BRANDT: Yeah, we'll see. OK. First proponent. Welcome.

RYAN McINTOSH: Good afternoon, Chair Brandt, members of the committee. My name is Ryan McIntosh, R-y-a-n M-c-I-n-t-o-s-h. And I appear before you today on behalf of the Nebraska State Volunteer Firefighters Association and the Nebraska Fire Chiefs Association in support of LB823. We appreciate Senator Wordekemper's leadership on this issue and we thank him for including us as part of the interim study on LR235. As part of that, we did work with Senator Wordekemper to do a, a membership data collection on how permits are issued. What we found is, with over 200 different departments responding, permits are issued in a very-- different ways and under different conditions all across the state. So LB823 with that maintains the, the central role that local volunteer fire departments play in the safe management of open burning and land mana-- burning across Nebraska. This bill continues to maintain the empowerment of local fire chiefs to assess local risks and issue burn permits based on their expertise and community knowledge. As mentioned, LB823 provides important new definitions to better understand what types of open burns are occurring to enable better data collection in the future. The NSVFA and Fire Chiefs recognize the important purpose and role of prescribed burning and land management, and we applaud the committee's effort in enabling this tool. With that, we urge the committee to advance LB823. And I'd be happy to answer any questions.

BRANDT: OK. Let's see what we got. Senator DeKay.

DeKAY: Thank you. Thank you. When it comes to discretion of a fire chief on, on Red Flag Day, is that brought down-- can they use their own discretion or do they follow procedure coming from the National Weather Service and state government? Or how--

RYAN McINTOSH: Yeah, yeah. There's been a variety of times over just even the past few years that there have been a statewide burn bans issued. Last year, just about ten months ago, we had the Plum Creek fire, which was a prescribed burn that got out of control that led to Governor Pillen issuing a, a statewide burn ban for a, a number of days. So yes. When those are issued, there's absolutely no discretion. During Red Flag Days, typically there would not be any burning, period.

DeKAY: Gotcha.

RYAN McINTOSH: But in other times, even in different parts of a county, there will be different conditions. We have lots of examples of one part of the county there might be snow on the ground, the

other part is dry. And so maintaining within that, local chief's jurisdiction has really worked well over time, and we appreciate that this bill doesn't change that.

DeKAY: All right. Appreciate it. Thank you.

RYAN McINTOSH: And I guess if I-- [INAUDIBLE]-- there was a question earlier. I don't remember if it, it-- I, I think it might have come from Senator Raybould. There, there are a number of guides out there. The University of Nebraska has one readily available that measures wind speed, relative humidity, last time there's precipitation to kind of gauge where you're at with fire risk as well that our chiefs rely on.

BRANDT: I guess I have a question. So my son's a volunteer firefighter, and every fire district down there does it a little bit different on how they do burn permits. So he's not the chief, but he can write burn permits. And it's just a, just a pad of burn permits that does a duplicate. So-- and I assume a lot of small volunteer departments do it that way. So if somebody comes on my-- where I'm burning, I can show them that I've got a burn permit. And he-- you know, he called in to the, to the, the--

RYAN McINTOSH: Dispatch.

BRANDT: Yeah. Dispatch. And so they know about it. So who's tracking this? I mean, I think that's the goal of this.

RYAN McINTOSH: Yeah.

BRANDT: So, you know, we've got a, a pad of papers there and he's called in to dispatch and told them this is a-- just a, just a burn pile. So are-- is dispatch the, the-- all the dispatch centers keep this data and then somebody asks for it and then they compile it for the state?

RYAN McINTOSH: There-- to my knowledge, there's no compilation that's occurring even, even on the local level. So fire chiefs maintain a log of every burn permit that's issued. What this bill will do is allow them to distinguish-- the fire chief can now distinguish whether it's a-- whether it's a controlled burn, whether it's a, a, a prescribed burn. And that data will be available so that when we get to a point that we can find the best way to collect it-- there's a-- again, there's a lot of different ways. Some chiefs will issue a permit for a period of, of, of a number of days and you just need to

call in and get approval that very day at that very time to start your fire. Others, it's just for a 24-hour period or even a shorter period. And so there's a lot of differences. We've worked with, with Senator Wordekemper and had those discussions with the stakeholders. There's-- I don't know that there's a clear path forward on the best way to collect that data. We-- we're working towards that, and I think this is the first step to start collecting the data at the local level so that it can be pushed up and, and aggregated at some point when we best find out how to do that.

BRANDT: So is this basically so the chief gets a head start when the call comes in that the pre-- prescribed burn's out of control that he would know right away that's 160 acres and the, and the location and where the burn started so-- for deployment of, of fire protection?

RYAN McINTOSH: They should know that now. And, and, and when they're issuing burn permits, they, they know what it is. I see this as a head start to gathering the data to be aggregated later down the road--

BRANDT: OK.

RYAN McINTOSH: --at the state level.

BRANDT: All right. Any other questions? Senator DeKay.

DeKAY: Playing off of what Senator Brandt was asking about, number one, those-- you would agree that the required burn permit usually is within a prescribed amount of time, 12 hours, 24 hours. Even if it's 24, a lot of times, I would think the chiefs would want to say, hey, are you starting a fire at 10:00, 11:00, 12:00? And then-- obviously, you want to have those burn permits I-- so that if somebody is driving down the highway, sees a smudge, that they're not calling in and sending out a fire [INAUDIBLE]. They've got a burn permit. Until we hear from them, they've got it under control. Do, do you agree with that? Is that--

RYAN McINTOSH: Yes. And, and, and even when they're issued, you know-- like in, in-- my local fire department issues burn permits every Wednesday night. You can come in at, you know, 7 to, to 9 p.m. to get your burn permit. It might be for that weekend or the following week. Even if it's issued for just a, a short amount of time, there's still that requirement that be-- that, as you're getting ready to start that, that fire, that you do-- either call

dispatch or call the chief under those specific, exact conditions before it starts. So yes, I, I would agree with what you say.

BRANDT: OK. I see no other questions. Thank you.

RYAN McINTOSH: Thank you.

BRANDT: Next proponent. Welcome.

BILL HIATT: Thanks. Good afternoon, Chairman Brandt and members of the Natural Resources Committee. My name is Bill Hiatt, B-i-1-1 H-i-a-t-t. And I am testifying in support of LB823. I'm a resource conservationist with Central Platte Nat-- Natural Resources District located in Grand Island. Part of my duties is to be the burn boss for the district. Cent-- the Central Platte-- the NRD fire program began in 2004 due to landowner demand for help with burning their land. It assists landowners in planning, preparing, and implementing prescribed burns through different means: education and training, cost-share, advice, or contracting. Fire is a natural and important process of rejuvenation, especially in grasslands. For too long, fire has been excluded from environments that need it to thrive. Prescribed burning brings that process back but under conditions that allow for targeted application. It is vital in our state's fight against woody encroachment and for healthy, resilient grasslands. The changes made by this bill may seem semantic but will have a big impact. In my 26 years of experience, the differences between controlled versus prescribed burning has consistently been a topic of misconceptions and confusion. Differentiating-- differentiating between the two in statute and on a plan will cut down on the time it takes to explain the process of prescribed fire and to allow for clearer communication with fire departments and to the public. While it is already standard practice for most, having acreage required in statute will also add an important detail that will allow local fire chiefs to get a fuller picture of the burn they are providing a permit for. On the data side, this small change will make for more efficient reporting, collection, and research. Overall, these small changes are a positive step to encouraging more reporting while also not changing any current pur-- burn-- burning practices and respecting the privacy of individuals. Thank you for the opportunity to testify. And I would be happy to take any questions.

BRANDT: Let's see what we've got. Senator Raybould.

RAYBOULD: Thank you, Mr. Hiatt, for being here. I, I bet, since you're a burn boss, you would know the re-- restrictions or conditions, like, do you have to have a fire break and what is wind speed that you're prohibited from--

BILL HIATT: We-- I mean, we develop a burn plan.

RAYBOULD: OK.

BILL HIATT: And it, it-- there's no standard-- there's no standard template for that, but it, it will lay out what kind of breaks you're going to use, what kind of fuels you're burning, a description of the area it's in, usually a, a local intersection or something so then they-- you know, the fire chief would know where it is. And then the actual prescription part of it is typically, typically wind speed, wind direction, temperature, relative humidity. And then-- those four are the-- kind of the basics of it. If, if, if the unit calls for it, we can add to that or take away, but those are the basics that we always lay out. And that's what, to me, makes it a prescribed fire rather than just going and lighting something on fire.

RAYBOULD: Thank you.

BRANDT: Senator Moser.

MOSER: So are there certain times of the year when it's optimum to burn pastures or even fresh plows?

BILL HIATT: Yeah. It, it really depends on the situation. You know, units-- different units might require di-- a different approach. Overall, most of the burning gets done in the spring because the main goal of the burn is to get the grass ready for summer grazing.

MOSER: So you want to do it while it's [INAUDIBLE]?

BILL HIATT: Typically, you can do it while, you know, while in the growing season. And-- because if your, if your goal is to control, like, cedar trees, you can kill a cedar tree any time of the year. It doesn't matter. It just--

MOSER: There's no season on cedar trees?

BILL HIATT: No. It-- it's just more about how you're going to approach your burn. And there will be differences in how you plan it and what kind of breaks you use, that kind of--

MOSER: Do you have to go out and actually start the cedar tree on fire or does the grass burn up to it and--

BILL HIATT: Ty-- no. Typically-- so typically, we want enough what we call fuel load. So we want a lot of that fine fuel-- which is grass, leaves, small stuff-- to start the trees on themselves. And that's what makes it the most efficient method of control of them. Be-- because you're not going to each separate tree. You're treating a whole area all at once.

MOSER: OK. Thank you.

BRANDT: Senator DeKay.

DeKAY: Thank you. You said you had a-- burn boss. Are you a-- for the whole district or are there different groups that you facilitate the burns for--

BILL HIATT: Yeah.

DeKAY: --different groups?

BILL HIATT: So we-- I, I am just for Central Platte NRD. So if, if, if we are running the burn, I'm the-- I'm in charge.

DeKAY: OK.

BILL HIATT: We do work with quite a few different prescribed burn associations where we are acting more in advisory capacity, and usually a landowner will be the burn boss on those.

DeKAY: Can you get an exemption to be a one-day burn boss? The reason I bring this up, we had a-- these conversations in committee a couple years ago. And Senator Wayne wanted to come up to our district and be a burn boss, so I'm wondering if that was appeasable or not.

BILL HIATT: I'm--

DeKAY: Just kidding.

BILL HIATT: I mean, a, a big part of my job is training. So the-- there's lots of times where-- you know, if, if it's a new burn boss, I might act as just-- I, I might be with him just as a-- you know, to bounce an idea off of or if I see him missing something, but yeah.

DeKAY: All right. Thank you.

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BILL HIATT: Yeah.

BRANDT: Any other questions? Real quick. I guess there's kind of two here, but what will this-- what will this change solve for you?

BILL HIATT: So for me, it's-- like, like I said-- and, and it's been kind of a personal pet peeve-- trying to explain the difference between a controlled and prescribed burn has always been frustrating when you have to have the same conversation over and over. So having it actually defined in a common place where people can learn will be extremely helpful. And it also-- it, it, it somewhat helps, you know, make sure that, you know, a-- as burners, we, we affect each other. So we're kind of-- it, it, it helps to, you know, make sure everybody's including the same information and that the fire chiefs then, then can make better decisions based on it.

BRANDT: OK. Senator DeKay, you had another question?

DeKAY: Thank you. When it comes to getting a burn permit, probably you have a lot more-- I'm not-- I, I guess I won't say it that way. You have more engagement with prescribed burns than you do controlled burns where people and-- just burning a brush pile or two, say, no big deal, I'm just going to go out and light off and, and-- or do, or do most people still in your district call in and get a burn permit for a brush pile or--

BILL HIATT: I, I think most do. Not, not all do. But-- I mean, we, we always do when we're running it and-- but yeah. I, I think-- most still call in for a permit. They might light it beforehand and then say, oh, I need a permit. No.

DeKAY: When--

BILL HIATT: But--

DeKAY: When that-- if they don't get a burn permit and say-- it gets called into-- hey, there's a fire out an X Highway- number-- and fire trucks end up out there, are they assessed a fine, or how's-- or the-- how's that work for you guys?

BILL HIATT: For-- well-- so we, we don't actually, you know--

DeKAY: That would go to a county sheriff?

BILL HIATT: --issue anything. That, that, that would be a more-- question for a fire chief or, yeah, the county sheriff.

BRANDT: OK. I see no other questions. Thank you.

BILL HIATT: All right. Thank you.

BRANDT: Next proponent. Welcome.

ED HUBBS: Good afternoon, Chairman Brandt and members of the committee. Thank you for the opportunity to testify in support of LB823. And thank you, Senator, for, for bringing this bill forward. My name is Ed Hubbs, E-d H-u-b-b-s. I serve as the habitat and private lands manager at Spring Creek Prairie Audubon Center, a nature center within Audubon Great Plains, a regional office of the National Audubon Society. Audubon works to conserve burns and the places they need. Through partnerships with landowners, agencies, and local communities across Nebraska, we promote land management practices that sustain both wildlife and people. Historically, naturally occurring wildfires burned across the grasslands and provided strong benefits to the tallgrass prairie ecosystem. Spring Creek Prairie Audubon Center began conducting prescribed burns as a land management practice in 1998. Burning has been so successful that, today, much of our land management practices revolve around our prescribed burn rotation. Prescribed burns not only benefit wildlife by controlling invasive species, improving soil health, and increasing species diversity but also improved forage for cattle. In addition, prescribed fire reduces flammable material around our buildings to help prevent-- protect them in the event of a wildfire. Both on- and off-site, we conduct burns with the help of committed volunteer prescribed burners. Through regular use of prescribed fire, our burners participate in real-world trainings and share these skills with others. This opens opportunities for our staff and volunteers to share and receive knowledge and training with community members and even local fire departments, ultimately increasing fire education across our communities. Our staff plan and implement prescribed fires on Audubon properties and we provide technical guidance and hands-on assistance for prescribed burns for landowners in surrounding counties. Additionally, we host meetings and trainings and serve as a central location for equipment storage for the Tri-County Prescribed Burn Association, a local, landowner prescribed burn association. This neighbor-helping-neighbor approach has been employed successfully not only at our location but throughout the state. Implementing a prescribed fire requires many considerations,

including state laws. One of the largest differences between a prescribed fire and an uncontrolled fire is the prescription, which prescribes the goals and conditions in which the prescribed burn can be safely conducted. Nebraska law currently has requirements dictating what will be included in the prescription for the burn, such as weather and terrain considerations of the burn area. With decades of burning and research in Nebraska, the components of a prescription are well understood and applied to ensure burns are conducted safely. In addition, individual landowners and local authorities are best positioned to understand localized conditions and have the benefit of being in location to immediately acknowledge changes in weather or other conditions that influence fire behavior. Prescribed burning in Nebraska is not without risk, which is why we work to provide educational and technical assistance to our neighbors and communities. The vast majority of prescribed burns are conducted safely and responsibly. Following a site-specific prescription allows Nebraskans to not only benefit natural ecosystems but also realize human benefits through improved economics related to forage quality for grazing and reducing the buildup of flammable material on the landscape. For these reasons, we support LB823 and the clear definitions it provides for controlled burning, land management burning, and prescribed burning. We believe it will help ensure Nebraska law accurately reflects how these site-specific practices are responsibly conducted and used to achieve land management objectives. Thank you for-- again for the opportunity to testify. And I'm happy to answer any questions.

BRANDT: Let's see what we've got. Senator Juarez.

JUAREZ: Thank you very much for coming. I'm just curious here. You talk about this Tri-County Prescribed Burn Association. How many associations are there in the state?

ED HUBBS: I don't know off the top of my head how many there are. There are at least, I think, nine or ten. Some of them have kind of come and gone over the years. Ours was established in 2009, the Tri-County Prescribed Burn Association. I am also currently the president of that association. I'm not here representing them today, but I could give you-- you know, if you have questions about generic information about them, I'm happy to share. But that one, like I said, has been in, in existence since about 2009, and we cover roughly three counties. We say Lancaster, Seward, and Saline Counties, but we do go a little bit outside of there. It's a volunteer group, and so the volunteers dictate where we end up.

JUAREZ: So-- I'm-- I guess I'm getting confused. I'm surp-- surprised about the entities. That's what I love about being on this committee because I learn so much, you know? And-- so he-- this other letter describes a burn boss with the natural resource district. So do you guys now interface with each other?

ED HUBBS: We-- yeah. Bill and I know each other. The fire community is a lot of Nebraska. Fire community knows each other and we do work together. There are occasional conferences and workshops too where we'll, we'll run into each other. You know, Bill works for natural resources district. I work for Audubon, who is not a government entity. We're a-- just a private nonprofit. But we do work together. We-- you know, we'll, we'll coordinate often and even help each other on actual burns too. Both of us and others have-- we'll call each other if we have a burn upcoming and, and share resources with each other. And it's, it's-- works pretty well with the fire community, I think.

JUAREZ: OK. And I have one more question. So it-- you mentioned here about prescribed fires on Audubon-owned properties. If I went to your website, would I find out about all your properties all over the state?

ED HUBBS: Audubon is a national-- or [INAUDIBLE] national organization, so there are properties across the country. In Nebraska, you'd be most familiar with us near-- we're just southeast of Lincoln here. And there's one close to Kearney, are our two properties. But yeah, you can find-- we have an internet presence and you'll be able to find links on there.

JUAREZ: OK. Thank you.

BRANDT: OK. Other questions? See none. Thank you. Any more proponents? Proponents. Any opponents. Opponents. Neutral. Anyone to testify in the neutral capacity? Senator Wordekemper, you are welcome to close.

WORDEKEMPER: Thank you, Chair Brandt, members of the committee. You brought up some points. Right now, it's hard to say what's being tracked. Local control is what we don't want to get away from. But if, if a fire chief in one district might give out a burn permit, I think it would be helpful if he would know if somebody in his neighboring fire chief also gave out a fire-- burn permit so that they know who's burning close. If they-- one gets out of control,

they have to do mutual aid. I think that'd be useful. At this point, we're just trying to get definitions ironed out. We'll figure out if we need data points. And I certainly don't want to do anything without the input of the volunteer fire chiefs, their association. Ryan McIntosh was very helpful with this, got us some data. And there are systems out there. As you suggested, a lot of them just do paper permits. Some do online permits. I know in my jurisdiction, you can get on an app, you can fill it out. It notifies the fire chief that so-and-so wants to do a burn, and he can approve it right there. And all they gotta do is call into dispatch. It-- it's very useful. There was some input from the volunteer fire chiefs that, you know, some are doing that, some would be interested in doing that. So I don't want to take a big leap here-- and, and some might not have internet access. So whatever's going to work, we want to maybe look towards that maybe in the future. I want to work with Dirac Twidwell with the university. He's very interested on tracking this data and things like that. So I think it would be very useful down the road on that, to have a central location for that. But that is not on the agenda right now. We just want to iron out what everybody's doing and go from there. And to Senator DeKay, I guess I'm willing to work with, with everybody on this if there's any amendments to this and, and we move forward with this. But if the committee wants to recommend that we open up an amendment for Senator Wayne, I'm certainly open to, to do that at your recommendation, so. At that, I'll try to answer any questions. I appreciate your time today.

BRANDT: All right. Any questions? I see no questions. Online, we had 8 proponents, 0 opponents, 0 neutral, and 0 ADA testimony. And that closes the hearing on LB823. We'll go to LB979. And if Senator Moser could run the committee.

HUGHES: Well, that emptied it out. Brandt stands up and everybody leaves.

BRANDT: Yeah. We know how to clear a room--

HUGHES: You have power.

BRANDT: --don't we?

RAYBOULD: Popular.

HUGHES: Yeah. This is my kind of bill. Great.

MOSER: Senator Brandt.

BRANDT: Good afternoon, I guess, Vice-Vice Chairman Moser and members of the--

MOSER: Former vice chairman.

BRANDT: Yeah, former vice chair-- and members of the Natural Resources Committee. I'm Senator Tom Brandt, T-o-m B-r-a-n-d-t. I represent District 32, which consists of Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster Counties. I am here today to introduce LB979 on behalf of Nebraska Game and Parks. This bill makes a series of updates to the Nebraska game law to modernize enforcement tools, clarify agency authority, and adjusts certain fees to better reflect current costs and practices. The bill updates statutory language related to wildlife damage abatement to reflect the full range of activities the agency already performs. It clarifies how abatement funds are used and aligns statutes with existing wildlife management practices. It also expands the allowable uses of the Game Law Investigative Cash Fund so conservation officers can use modern investigative tools, training, and equipment necessary to investigate complex and organized poaching activity. In addition, the bill authorizes the Game and Parks Commission to recover costs for wildlife education programs requested by outside groups, updates license, permit, and application fee caps to allow for future adjustments within existing statutory limits and provides additional flexibility in administering preference points and landowner permit programs through rulemaking rather than statute. The bill also updates boating-related statutes by adjusting motorboat registration fees to reflect increased enforcement and access costs, modernizes life jacket requirements to align with current Coast Guard standards, and establishes a new statute aimed at combating the unlawful commercialization and trafficking of fish and wildlife by strengthening penalties for large-scale and repeat offenders. Tim McCoy with Game and Parks is here to go into more detail and answer any technical questions. And with that, I would try and answer any questions, but the director of Game and Parks is here to drill down on specifics.

MOSER: Questions for Senator Brandt? Seeing none. Thank you, Senator.

BRANDT: OK.

MOSER: Next person to testify in support of LB979. Did we have online? We have 8 proponents and 0 opponents, 0 neutral, 0 ADA

testimony. Did we cover this [INAUDIBLE]? OK. Director McCoy, welcome.

TIM MCCOY: Thank you. Senator Brandt did a nice job of sort of summarizing this. I have a more extensive set of testimony. I actually have it in writing and am sharing it with you. So I'm going to go over some of the-- some of the more, more major changes. The first one is the definition of abatement. For some reason, when falconry was established in Nebraska, they identified that that was the only abatement that can be done for wildlife, which doesn't really match what we do as an agency because our staff in our wildlife division do a lot of work with-- especially with landowners when they're having wildlife damage. The other, the other thing that is-- that this helps us reflect with the change in the Game Cash Fund to identify that we don't have any statutory program authority to pay claims to landowners for damage by big game species, but we do have authority-- we do a lot of abatement in that same framework. And so it tries to correct that to better match what our agency already does. We have depredation damage biologists that we have around the state that-- their full-time role is working with landowners to address those issues. Sen-- the senator, you know, talked about the Game Law Investigative Cash Fund. The-- part of this is a recognition. We've now established a couple of full-time ve-- investigators in the state to help address and are really unscrupulous actors that are acting to try to-- for profit, do illegal activities. And in many cases, those activities involve either not buying permits, often people from out of state coming in, harvesting animals illegally, trespass, all the not nice things we deal with. In the modern investigation world, this statute currently can pay for paid agents or informants, purchases of illegally taken wildlife, and front money. And the front money is normally then identified to-- trying to schedule some sort of a paid hunt in some illegal manner. Given modern cases, modern technology, a lot of this is now done utilizing technology, which can provide way more concrete evidence to successfully prosecute these. So that would-- that is an important need. We have needs for training, technology, equipment. It also includes potential to be able to buy inves-- an investigative vehicle or vehicle. The reason for that is our standard law enforcement officer truck, you know, they are a-- they are a-- licensed in-- under Nebraska law and to enforce the law. So they have a computer stack that's in there. They have a lot of equipment. Really hard to be undercover in that. So our team has asked the question in the past, could we buy an older truck, make sure it

operates well for something that's just used as an investigation vehicle? Next-- and this one may garner some questions, I expect-- and that is, allow us the ability to set some fees to-- for some of our wi-- fish and wildlife education programs. Right now, we do get a lot of requests for programs from outside groups that would offer to pay. We have no way to either let them pay or, in the language for the Game and Parks Educational Fund, it also doesn't clearly say we can accept donations, grants, or other contributions. We, we have a huge demand for these. Many of these programs are programs requested where we bring one of our educational animals and do an educational activity. In other cases, these are programs where our staff are providing materials or ta-- a lot of times take-home materials or books that go with those programs. This would allow us to offset those costs. And as we have looked at this in my wildlife education team that brought this forward, the fees would be very moderate. We-- our goal is not to recover all of our staff costs or recover all the costs of a program, but it's to just help balance a little bit of that for these requested programs. And those would be done as our other fees for our fees in parks through-- going to our board of commissioners to approve a fee schedule. The other part of that discussion is there are several things that we will-- that we would exempt. Obviously, anything that would involve, you know, Title I schools or schools that, that, that want to do a program and just don't have a way to pay for it. Work-- you know, we do a lot of grant-funded programs. Obviously, if it's a grant-funded program, those-- we did not do that. We do some program exchanges with other partners where we help with their programs, they help with ours. Service learning and, and also just volunteer training. Those are all-- you know, this is, this is really tied to those more time-intensive, special programs that would be requested. When we get to the fee increases, there's several in here. I'm going to try to not go through them individually if, if you would prefer, and, and give you the overview. The last time these-- the last time most all of the fees that were in here, especially any of the fees for residents that are identified, the last time the fee caps were increased was in 2010-- or, 20-- 2016. Sorry. Ten years ago. Those fee increases have, you know, been done through time by our commission. Every time we have a fee increase with our commission, there are a lot of questions about-- we loo-- we look at-- first, we look at, is this really a budgetary need? What's, what's it tied on? We also have a lot of discussion about wanting to make sure that these recreational opportunities are affordable. And that is-- it's a, it's a challenging game because we do have needs. And if you look

at what's happened with inflation since 2010, we've saw a lot of increase in costs. So we have hit those caps on our resident fees. We've also-- since 2010, we came back once in, I think, 2022 or 2023. We did, we did some increases in the caps on nonresidents. We're also at the caps on those nonresident fees. So that's why we're requesting those. But this is a discussion every time we do regulations. The other thing, part of the regulation process, we have to provide fiscal information both to our commissioner and then al-- also, as these are reviewed by the Attorney General's Office, Policy Research Office, and eventually the Governor, those all require that financial-- the justification for is this really needed. So we don't take any of, any of these increases lightly. And-- you know, there's a few-- a, a few other things that we're requesting in here in terms of the, the-- trying, trying to, to maybe reduce a few of the very many fees that we have in statute for our, for our lifetime-- for our, our-- so-- some of our lifetime permits. Our lifetime stamps are 20 times the fee of an annual-- the cap is a fee of 20-- is 20 times the annual fee. That has worked very well through time. However, when we look at the hunting-- lifetime hunting, fishing, or combo permits, for, for, for some reason, those were developed with a very specific number. And we would propose to just change that to up to 20 times the annual fee. That simplifies it from our perspective. None of that would change any of our lifetime fees right now. That would all have to be done by the commission. And then the other thing is the lifetime-- for the lifetime aquatic habitat stamps. All of the other lifetime funds have language that the commission is-- has some authority to spend some of those lifetime funds except for aquatic habitat. It basically-- as it's written right now, we can't spend any, any of the lifetime funds. We can spend the-- we can only spend the interest. And so that would mirror better what we do with the other lifetime stamp funds, the lifetime habitat and lifetime water problem. And, and, and the other, the other-- you know, a couple of the other changes that are very similar in here. We would like to change the language regarding how we can-- when we can-- how and when we can sell preference points outside of an application period. Those are for several big game species. The reason that was written the way it was, when we first got those, we had a permit system that the only way we could make it work was to only allow people to buy those during an application period. We often have hunters that would like to buy a preference point or a bonus point if they're elk hunters after that application period if they miss it. This would allow us to do that. They get to gain one more point for that year, which does-- we get a little bit of revenue from. But they don't sit out if they

miss the application period. And there's many of the other states that we know around the country that do this that don't restrict these just to the application period. I'm trying to remember anything else, but. Really, most of these fees, the amounts that we're talking about in the cap increase, by the way, is 30%. That's normally what we've done when we've looked at it, is a 30% increase the, the commission--

MOSER: O-- over the 15 years or--

TIM McCLOY: Yeah, that the commi-- that the-- and there's other limitations in statute. We cannot increase the fee. If it's, if it's-- was increased within a year or two or three years. It's 6% a year, but it stops at three years. We rarely do 18% increases, although I think we have done one at a time when we were looking at our nonresident fees and how much lower we were than surrounding states. And there is one other specific point in here on antelope permits. When we look at our-- an antelope permit cost in Nebraska compared to other states, we're over a hundred dollars lower than when we look at South Dakota, Wyoming, Colorado, Kansas. We would request making the nonresident antelope permit fee match what the nonresident deer fee is right now, which is \$369. That would put us in the midpoint for the surrounding states. We could try to just move that cap up, but with those percentages that we have, we will, we will always be the cheapest antelope state surrounding us. And so that's a little different than anything we've ever done before, but I think it's a, it's a fair problem for us to try to address. I would note that when you look at the fee for an annual-- for a resident deer permit and a resident antelope permit-- for residents, they're exactly the same. But for some reason, through time, our nonresident antelope fees are cheaper than our nonresident deer permit fees, which didn't make a lot of sense either. So that's kind of an overall summary. I'm trying to think if there was any-- the-- you know, the other piece that I would identify is motorboat registration fees. Those are not caps. Those have always been-- have typically been set as a straight fee. Part of that, that really helps DMV because those registrations are done through the Department of Motor Vehicles. And we have not increased those fees. The last increase was 2020. When you look at the dollar signs on those, please remember those are three-year registrations for a boat, so. They're, they're-- they wor-- they work fairly well. And then the other new statute is this wildlife commercialization and trafficking, and that's really meant to help us be able to strengthen our enforcement of the game law, where we have commercialized-- usually illegal commercialized

activities that are pretty large scale, organized, repeated, involved, exploitation-- exploitation of our fish and wildlife for profit. And that would create a-- that would include a felony provision, but it's tied to an aggregate value of \$10,000 or more within three consecutive years. And I know that my law enforcement team did talk with some of the prosecutors they work with and they thought that was, that was, that was reasonable. The idea is not-- this only would apply to these re-- most serious offenders, not to somebody that accidentally does something wrong. Does not fall into this category.

MOSER: Questions? [INAUDIBLE] Senator Conrad.

CONRAD: Thank you, Senator. Thank you, Director. I'll, I'll tell you I-- it-- it'll be no surprise to you or members of this committee, but I have a, a great deal of concern about increases in fees particularly for Nebraska residents that are littered throughout this cleanup bill. So I'm not going to be supportive of, of those efforts for a variety of reasons. But I want you to talk perhaps in greater detail about the felony component contained in the legislation because it's not something we hear a lot on Natural Resources but definitely goes into kind of some broader policy debates we have about criminal justice reform and et cetera. Obviously, exploitation, commercialization of our natural resources, manipulation by bad actors, no, no one supports that, right? That's a terrible thing. But it is a serious matter to create a new felony. It i-- it is. I don't un-- understand why that's contained in a cleanup bill. Has the commission done any sort of analysis beyond informal conversations with prosecutors about existing laws on the books and why they are insufficient and why a new felony must be created?

TIM McCOY: We--

CONRAD: Because there are host of felony charges on the books. And so in the most egregious cases, is it your position that they're evading prosecution?

TIM McCOY: Everybody that we-- that my law enforcement team talked to-- and, and there are many other states that have similar provisions like this-- it does not-- we could not find an-- they could not-- we could not find anywhere. And the legal folks we talked to indicated there's no other place this can be captured because it is so specific to illegal activities related to wildlife. And that's-- I am not a legal expert, so I will--

CONRAD: Sure. Sure. No, I appreciate that, but I want to-- I definitely want to get more information about that component be-- before we, we rush this through to make sure that it's as targeted as it needs to be to address the perhaps gap or public policy issue that-- that's here, so. But beyond-- I don't ask you to have a complete laundry list understanding of the criminal code. Are there-- I mean, I've read cases in the paper and et cetera where people were flagrantly abusing their licenses or, you know, way above their bag or possession limits or not getting the licenses they need or some commercial hunters or operations coming in and doing some, some pretty drastic things. But are there specific examples that you know of that you're bringing forward that have evaded prosecution because we don't have a felony on the books here?

TIM McCOY: The, the bo-- well, there ha-- there haven't been any, and I'll explain why. So we have had several very large cases that involved illegal hunting of deer, hunting at night, using, using-- and, and very large fines. Those ended up being prosecuted federally under the Lacey Act because there was interstate commerce.

CONRAD: OK.

TIM McCOY: And so if there's interstate commerce and it falls under the Lacey Act, what, what we started to think about-- what-- the question was asked, what if we have something that is just going on within the state and they aren't exporting anything across borders, which kicks in the Lacey clau-- Lacey Act because it's that interstate movement? The question was, if we had one of those big cases but everything was confined in Nebraska, could they be charged with a felony? And that's where we ended up with, was it does not look like there's a way to do this. We also know several of the other states that have the same law enforcement capabilities we do. And our wildlife division have very similar provisions. That's what these were modeled off of.

CONRAD: And then, Director, could you tell me-- because there's a, a series of existing, graduated punitive measures, primarily civil, maybe bleeds into the criminal justice area a little bit that you currently have available to remedy bad actors in regards to our game and parks laws. So I know you could do, like, lifetime bans. I know you can revoke licensures. You could take away records. I've read about those instances in, in the paper, but you, you do have a significant list of remedies to punish bad actors.

TIM McCOY: Yeah. The-- probably our strongest remedy in many cases just within the state is, is really tied to the, the-- their license--

CONRAD: Right.

TIM McCOY: --privileges being suspended or part of the interstate vi-- like, violation-- compactors' violations. That's not the sort of things that we envision this would-- that this would, this would address. Those are typically a single person doing something illegal.

CONRAD: Mm-hmm.

TIM McCOY: I would not see that getting into this, because that's not really this organized, repetitive were it's-- you know, it's for-- somebody's charging people money, typically, or-- and really done for profit at the expense of the wildlife research.

CONRAD: So, like, I'm just thinking, for exis-- example, like, why wouldn't conspiracy or fraud or things like that cover those kinds of bad actors? And we can, we can--

TIM McCOY: Yeah. I, I will, I will, I will give you-- my first response is, is most of those are tar-- tied to-- you have-- fraud is, is interesting because I don't know that illegally-- you know, facilitating the illegal take of wildlife would fall into that, and that's-- I mean, that's the cha-- that's the challenge we have with something like this. It, it would be fairly-- very narrow, which is why it would be in our statutes. So it's-- it came to me through our law enforcement team that's been doing these investigations and asking that what-if question.

CONRAD: Mm-hmm. OK. Well, that-- that's hopefully something that we can talk more about off-- offline to figure out if maybe there are some existing statutes out there that would help you accomplish the same purpose or goal without creation of a new felony, so. Thank you. Thank you.

TIM McCOY: Absolutely. Thank you. I will, I will try to provide some more information to follow up.

CONRAD: Yeah. I'll dig into it too. Thank you, Director.

RAYBOULD: I do--

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Natural Resources Committee January 22, 2026
Rough Draft

MOSER: Senator Raybould. She asked first.

RAYBOULD: Yeah. So-- thank you very much. And so I just have a couple of questions. How did you land on the 20 times the-- for-- annual fee for residents, the lifetime, and 20 times the fee for nonresidents. Is, is the annual fee \$36 now for a resident?

TIM McCLOY: The annual fee for a hunting permit right now for a resident, I believe, is \$17.

RAYBOULD: OK.

TIM McCLOY: So it's--

MOSER: 340 bucks.

TIM McCLOY: Yeah.

RAYBOULD: OK.

TIM McCLOY: And, and the reason we-- the reason I-- the reason I brought that up as we went through this is it's not consist-- when you look at what we do for the lifetime stamps, like a lifetime habitat stamp, lifetime waterfowl stamp, those identify it as 20 times the annual fee.

RAYBOULD: OK.

TIM McCLOY: And that i-- and that has worked. And it-- we-- it's not going to create a whole difference in terms of what that fee cap is. It just-- it would just be maybe one less in here because we do have a lot of fees in statute. And that has, that has worked well on those. We've not had any problems. It's a cap, all of our fees, typically, unless it's-- or, all of our lifetime fees when we look at hunting and fishing are well-- none of them are above that cap. Many-- most of them are, are below the cap quite a bit.

RAYBOULD: OK. The other question I had was the Game Law Investigation Cash Fund can now be used to purchase investigative vehicles that you explained would be probably more discreet in an investigation.

TIM McCLOY: Yeah.

RAYBOULD: But what else-- did that normally allow the funds to be used for the regular vehicles that have more high-tech--

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TIM McCOY: No.

RAYBOULD: No?

TIM McCOY: No. The-- that fund can only be used for-- can only be used for-- I believe it's, it's for front money, for paying, paying agents or informants, and for making, like, buys of illegally taken wildlife that somebody is selling.

RAYBOULD: OK.

TIM McCOY: Which is a lot different now from what it was when that was enacted.

RAYBOULD: OK. So normally, how would, how would Game and Parks pay for additional vehicles? What fund would that come out?

TIM McCOY: That-- oh, that would come out-- that would come out of our agency cash funds.

RAYBOULD: OK. OK. Thank you.

MOSER: Senator Juarez, do you have a question?

JUAREZ: Yes. Now, to me, there's a lot in this bill, really. I'm really concerned about the depth of the bill. But a question that I have here in regards to the education fund being able to accept donation, grants, or contributions and having donors interested, you know, in supporting the program. So I guess my concern is, from a budget perspective-- just a hypothetical, OK? Is this a fund that if the Governor wanted to that he could take funds from this to try to meet our budget deficit? Is that possible that he can do that?

TIM McCOY: It would be possible, as it has been in other cases, if they change the language that says funds can be transferred. Right now, that language is not there. This fund is-- this fund has, I believe, under \$50,000 in it. It is the-- one of the op-- main operating funds that our fish and wildlife education program uses to be able to do programs.

JUAREZ: OK. So because it doesn't have transfer language this is protected for now.

TIM McCOY: Yeah, that--

JUAREZ: Your understanding?

TIM McCOY: That, that requires, that requires-- that all requires legislative statute that would change those-- that language.

JUAREZ: OK. Because-- the reason that I asked the question-- I don't-- I think other funds should have that so that they can't-- their money can't be taken because I'm very concerned about our deficit and what's going to happen. But I think that, in the future-- I'm just making a comment here-- if things would change with the agency, that-- I think that donors should be aware-- be made aware that their donations might be used in other ways versus what the intent is that they make the donation. Do you understand what I'm saying?

TIM McCOY: I, I, I do, but that's beyond my agency's control. I, I do understand that. And we are very concerned about that when that happens on a fund where we have donations that come.

JUAREZ: Yeah. I think that anybody who's making do-- donations should be aware whether or not their donations really get to stay in place for what the intent of the donation was. But I appreciate that you clarified that there's no issue of transfers. For now, anyway. But that's it. That was-- oh, wait. And one more thing. I'm trying to understand here, create-- Section 17, creating a new statute to help with wildlife commercialization and trafficking. So in this context, could you explain to me what the word trafficking means?

TIM McCOY: Well, typically, this is, this is trafficking of dead wildlife that's been illegally taken. So they are shooting big deer. They are getting them mounted. They are then shipping them to whoever this individual is that did that act-- all for money.

JUAREZ: OK.

TIM McCOY: And-- now, the other pla-- the other place it could come in is if we ever had an issue with nongame animals that are illegally being harvested and potentially transferred outside of Nebraska or within the state, that they're be take-- being taken out of the wild and, and put into, like, private pet trade.

JUAREZ: OK. Thank you.

MOSER: OK. Seeing no other questions. Thank you for your testimony.

TIM McCOY: Thank you all for your time. I definitely will be doing some follow-ups. If you guys have more questions, you can-- any of you know how to reach me. I'll-- we'll provide answers.

MOSER: Thank you. Senator Brandt, you're welcome to close. Well, let me ask: is there anybody here to speak against LB979? Anybody here to speak in the neutral on LB979? OK. Now technically we're done. Senator Brandt.

BRANDT: Yeah, I don't have much. I-- it was-- I, I found it interesting. I didn't know about the federal Lacey Act. I'm sure maybe you did.

CONRAD: I did.

BRANDT: And I guess maybe my question would be, out of [INAUDIBLE] the potential people that get caught with this, what percent fall outside of the Lacey Act?

CONRAD: You have to turn around.

HUGHES: You can't do that.

BRANDT: I know I-- I know I can't, but it just-- it was just talking out live if I heard some noise behind me.

MOSER: [INAUDIBLE] follow up [INAUDIBLE].

BRANDT: Yeah. So-- but anyway-- yeah. So if the felonies are a problem with this bill, I'm sure we can, we can adjust accordingly. So we will invite you to the meeting that does that. I know you have an interest in that. There are a lot of fee changes in here. They don't arbitrarily ask for these things. And a lot of these instances, the commission slowly works its way up to that cap. It isn't tomorrow we're going to go to-- hit the, hit the top of this. There-- they, they will raise it 50 cents or a dollar. They don't want to discourage people from using our parks, buying hunting permits. It's the total opposite of what we want to see happen. And, and I know Senator Conrad is a big fisherman and some of you in here are, are hunters and, and you want your kids and grandkids to do this. And it's, it's, it's been tough to get the younger, younger generation interested in hunting because it doesn't involve a cell phone. So-- anyway. I guess I'll, I'll end on that note. Do you have a question?

MOSER: I do.

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Rough Draft

BRANDT: OK.

MOSER: A lot of the-- or, the-- all of the expense of Game and Parks is paid by the fees they charge or do they get appropriations as well?

CONRAD: About 11% General Fund.

TIM McCLOY: We're about, we're about 93% cash, 7% General Fund.

CONRAD: All right. Even less.

MOSER: 93% from fees?

TIM McCLOY: Cash fund. From cash funds.

MOSER: From user fees.

TIM McCLOY: User fees and federal grants [INAUDIBLE].

MOSER: Yeah. It's a question I shouldn't ask so much.

BRANDT: It was just somebody random back there talking. I don't know who it was.

MOSER: Yes. Well, Senator Brandt could repeat that to me--

BRANDT: Yeah. So we think it's probably about 97% is funded, funded with the, with the fees, and, and a small 7% comes from-- 7-- 7-- possibly 11% comes from the General Fund.

MOSER: All right. Any other questions? Going, going, gone.

BRANDT: Did you read proponents?

MOSER: I think I did, but just for the sake of argument.

HUGHES: 8 pro.

MOSER: There's 8 proponent, 0 opponents, 0 neutral, 0 ADA.

BRANDT: OK. I would ask the committee just to stick around for a few minutes to exec.

MOSER: All right. Thank you. That concludes our hearing on LB979.