

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 26, 2025

BRANDT: Welcome to the Natural Resources Committee. I am Senator Tom Brandt from Plymouth. I represent Legislative District 32: Fillmore, Thayer, Jefferson, Saline and southwestern Lancaster Counties. I serve as chair of this 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 probably a three-minute light system today because we're going to have a number of 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 it up-- 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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HUGHES: That would be me.

BRANDT: Yes.

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 and northern part of Dixon County.

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

RAYBOULD: Jane Raybould, Legislative District 28, which is pretty much midtown Lincoln.

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

BRANDT: OK. Also assisting the committee today, to my right is our legal counsel, Cyndi Lamm, and on my far left is our committee clerk, Sally Schultz. Our pages for the committee today are Kathryn and Arnav. And I think you both attend UNL, is that right? Get big smiles on that. With that, we'll begin today's hearings with the gubernatorial appointment of Randy Gard. Randy? And while he's walking up here, Randy resides in Grand Island, Nebraska. He has been appointed to a position on the Nebraska Ethanol Board. The length of the term is September 2024 to August of 2028. He was first appointed in 2016. Mr. Gard represents the petroleum marketers on the board and serves as secretary of the board. Currently, Mr. Gard is the chief operating officer of Bosselman Enterprises. Welcome.

RANDY GARD: Thank you very much, Senator. Very pleased to spend a little time with the Natural Resources Committee. My name is Randy Gard, R-a-n-d-y G-a-r-d. And like Senator Brandt talked about, I'm the COO of Bosselman Enterprises, and am here for confirmation hearing to the Nebraska Ethanol Board. So, if you would allow me, I, I did pass out a single, kind of a one-page summary of, of what the ethanol industry really is in Nebraska, and then I'll get to what the Ethanol Board really does with that. So, Nebraska is the second largest ethanol-producing state in the nation, only second to Iowa. We think we probably should be first, but we got to work to that, so currently, we're number two. There's currently 24 ethanol plants in Nebraska that produce just north of 2 billion gallons of ethanol per year. That equates to over 8,000 jobs in the state of Nebraska. So, if you look-- if you go back to when's-- when now-Senator Ricketts was, was, was

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governor, there was three things that made up the economic engines for the state: it's corn, cattle, and ethanol. He called it the Golden Triangle. So, the ethanol industry in Nebraska is one of the most important industries in the state. And where the Ethanol Board comes into play in that, very simply put, we promote and help drive the production and consumption of ethanol and everything around it, from the chemistry to some of the, the studies that we're currently involved in, where we're using state vehicles to test E-30 in non-flex fuel vehicles, and those types of things. So, we're closely, closely in hand with some of the-- some of the other state agencies through the state ethanol associations, and I'm excited to have an opportunity if you choose to allow me to continue to serve in, in, in the role of it-- being on the Ethanol Board. So, with that, I would take any questions or comments you might have.

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

JUAREZ: Thank you. So, I wonder, do we-- do you have any concerns as far as our ethanol industry goes in our current administration on any negative impacts that might happen for the industry?

RANDY GARD: Well, sure. I think-- and I'm, I'm probably not speaking just for myself, but I think it-- just in general, there's a lot of uneasiness in D.C. right now in terms of renewable energy, in terms of electric vehicles and, and those types of things. A lot of it comes down to, in the ethanol industry, that directly affects price and our ability to blend it and sell a higher-blended, ethanol-based fuel to consumers. Has to do with small refinery waivers that the EPA and this-- and the federal administration has the ability to, to, you know, issue these small refinery waivers. And to make a long story not so, not so long, if the administration and the EPA and some of those entities in Washington choose to go down the path of allowing some of these small refinery waivers, a gallon of ethanol has an attached number called a RIN-- a Renewable Identification Number-- and that RIN has a value against it. If those waivers are granted, the RIN value of that gallon of ethanol basically falls through the floor. That changes the blending economics-- blending ethanol into traditional gasoline-- which could raise the price of higher-blended fuel. So, like today, we sell as a, as a-- as a retailer, we sell E-15 for about a nickel less than E-10, and sometimes \$0.30 less than traditional gasoline that doesn't have any ethanol in it at all. I'm not sure we could do that if some of the things in D.C. happen, you know, like small refinery waivers. Now, we've got-- Nebraska's blessed; we've got a great group of, of, of Congresspeople in D.C. that understand all those economics, understand the, the year-round E-15 waiver that's got to get done

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hopefully by the middle of March. And so, we're well-represented, in my opinion, in D.C. to negate some of those risks.

JUAREZ: OK. Thank you for updating. Thank you.

BRANDT: Senator Raybould.

RAYBOULD: This question sort of builds on what Senator Juarez was saying, too. On the handout you provided us, our top export is-- number one is to Canada, and number six is to Mexico. Can you tell us a little bit about how the ethanol is handling that concern of potential tariffs. What, what will that do to our ethanol market in Nebraska?

RANDY GARD: Well, it certainly has a ripple effect. You know, if they-- if you look-- Nebraska is blessed with the ability to produce enough ethanol, not only to supply all the retail fueling locations in Nebraska, but they can export a significant amount of that. If tariffs are-- you know, I-- and I, I don't know what the percentage is or what they're talking about doing-- it will change the pricing of our product, and could significantly hurt our ability to export ethanol to either border. It's a, it's a, it's a, it's-- in my opinion, it's a dangerous game.

RAYBOULD: OK. Well, thank you.

RANDY GARD: You bet.

BRANDT: Other questions? Senator DeKay.

DeKAY: Thank you. This might be not pertinent to this conversation, but do you deal with biodiesel and all that too, within the Ethanol Board industry? Or--

RANDY GARD: We do not. As a retailer, we're the second--

DeKAY: And I will go to that.

RANDY GARD: Yeah.

DeKAY: So, if I can, I'll ask a question or two about biodiesel then, just from my curiosity. How much through your-- how much of your-- the percentage of biodiesel are you able to move throughout your--

RANDY GARD: Are you talking Bosselman as a retailer?

DeKAY: Yeah.

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RANDY GARD: Well, like, our travel center, we, we sell about 30 million gallons a year diesel through that one travel center. And we-- not so much last year, but the year before, we blended about 3 million gallons of biodiesel through that. So, a lot of it comes down to-- and, and, and the-- somewhat, we have the same threats on the biodiesel side today as we have on the ethanol side, that there are federal rules and potentially legislative laws that are go into place that changes the economics of blender-- there's blender credits that help lower the price of biodiesel down so you can blend it, just like we do ethanol into gasoline, and make the economics viable for the retailer and viable for the trucking company to buy it at a lower price. There were also things going on in D.C., like, you know-- 45Q-- it's a legislative bill that's out there that changes-- it moves where the blender kind of moves from, from the retailer to the producer, and it changes the economics. So, a lot of things in D.C. today, when it comes to renewable fuel, be that ethanol, be that biodiesel, renewable diesel, SAF-- and all those things, we watch really closely. And once again, I think we're blessed to have great representation in D.C., that between all those folks, they've got their thumb on almost all of it. There-- there's, there's some risk there.

DeKAY: Two quick questions. How-- can-- do you blend that down, like, to 10%, 15%, or how--

RANDY GARD: Yeah, there's a couple of ways. We, we traditionally blend biodiesel between B5 and B20, and that has to do very specifically with temperature. So, what we do is we have an underground blending facility where we'll drop B99 or B100 in the ground, and then depending on the temperature and the range from our travel center, which-- about 600 miles. We look at the-- we look at the temperature, and if it's going to be 22 below like it was a couple weeks ago, we won't blend any at all because it, it gels at a much higher temperature than traditional diesel does. During the summertime, we'll blend up to B20, if we can get it.

DeKAY: How does that affect emissions then, with the higher percentage?

RANDY GARD: Well, actually, what's really interesting about when you're blending B20-- gasoline has octane, you know, like, the button you push, it says 88 or 89 or 91 octane; diesel has what's called cetane, which is exactly like, like octane. Biodiesel actually increases the cetane value of traditional #2 diesel. Now, we can't-- we've never been able to really pin down if it helps the fuel economy of a, of a Class 6, 7 or 8 truck, but it certainly doesn't hurt it. Emissions-wise, it is significantly better emissions-wise than traditional just #2 diesel.

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DeKAY: All right. Thank you.

BRANDT: Any other questions? I guess I've got, got a couple. Looking at the map on here, being a senator from southeast Nebraska, I notice there's a real dearth of ethanol plants down there. Is there still room for expansion in Nebraska?

RANDY GARD: This-- my personal opinion, this is not the Ethanol Board's position, but my personal position is yes. I, I think that if you look over the next decade where the demand for cleaner energy, cleaner emissions, and the higher compression ratios that are going to be built into, you know, all the traditional cars and pickups. You know, not only is ethanol significantly better in terms of emissions and those types of things, it also is an octane-adder, so you could run a higher-compression engine. So, in my opinion, I think there's room for probably another eight plants in, in it-- just in Nebraska.

BRANDT: And then, the--

RANDY GARD: I think eight would put us number one, I think.

BRANDT: OK, we want to be number one. And I guess-- in your worksheet here, you just showed corn ethanol. There are other types of ethanol, are there not?

RANDY GARD: Yeah, there's-- like switchgrass that would come out of, like, Brazil and, and, and the South, that type of stuff. But we, we hone in very specifically on just corn.

BRANDT: We aren't using milo anymore in the state of Nebraska?

RANDY GARD: Say again?

BRANDT: We aren't using sorghum anymore in the state of Nebraska?

RANDY GARD: To my knowledge, no. That might be-- Ben, our executive director, might be a question to him. But not to my knowledge.

BRANDT: OK. All right. I see no more questions. Thank you.

RANDY GARD: Thank you. Appreciate your time.

BRANDT: Yep. Any proponents? And while he's coming up here, we had another senator come in.

CONRAD: Hi, I'm Danielle Conrad.

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BRANDT: OK.

BEN RHODES: Well, good afternoon, Senators.

BRANDT: Welcome.

BEN RHODES: My name is Ben Rhodes, that's B-e-n R-h-o-d-e-s. I'm currently serving as the interim executive director of the Nebraska Ethanol Board. The NEB is an independent state agency working on behalf of its ethanol producers, consumers, and ag producers to grow the renewable fuels industry in Nebraska and beyond. I'm here today before the committee in support of Randy Gard's reappointment to serve as the petroleum representative on our board. As the COO of The Bosselman Enterprises corporation, Randy has extensive experience in the petroleum and renewable fuels industries, as he just demonstrated for you all here. His expertise in and advocacy for moving more gallons of ethanol has proven to be extremely valuable to the NEB during his two terms so far. Bosselman Enterprises currently retails the most E-15 fuel in the state of Nebraska, and under Randy's leadership, that trend is expected to continue. Randy has also stood up important programs like Bossfuels Management Solutions, which helps small retailers across the state gain access to higher blends of ethanol. Across his first two terms, Randy has been one of the most active members of our board, including serving as secretary for the last seven years and consistently offering his expert perspective on many critical issues along the fuel supply chain. Randy is very well-respected in-- by the key stakeholders in several industries, including the ethanol producers themselves, our ag producers, economic developers, truck stop owners, and the fuel retailers. All of us here at the NEB would consider it a pleasure and a privilege to continue working with Randy as the petroleum representative. At this time, I'd be happy to answer any questions the committee may have.

BRANDT: All right. Let's see if we've got any. I see none. Thank you.

BEN RHODES: Thank you, sir.

BRANDT: Next proponent. Welcome.

DAWN CALDWELL: Thank you. Chairman Brandt and committee members, my name is Dawn Caldwell, D-a-w-n C-a-l-d-w-e-l-l. I'm the executive director at Renewable Fuels Nebraska, the statewide trade association for the ethanol industry. We are a resource to encourage public policy that ensures the growth and expansion of the renewable fuels industry in our state. I'm here today to testify in support of the reappointment

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of Randy Gard to the Nebraska Ethanol Board. Renewable Fuels Nebraska appreciates being able to work lockstep with the Nebraska Ethanol Board. I personally sit in the Ethanol Board meetings, and see firsthand the level of engagement and sincere thoughtfulness that is portrayed from the members as they consider research projects, promotional opportunities, and educational endeavors. Having a person from fuel retail who helps to create a market for ethanol is truly valuable. Randy demonstrates a genuine interest in the long-term viability and success of the ethanol industry, and he has a keen business mind to assist in executing programs and opportunities via the Nebraska Ethanol Board. Additionally, his willingness to assist other retailers in offering higher ethanol blends has been greatly appreciated by RFN membership. In summary, on behalf of Renewable Fuels Nebraska, thank you in advance for your positive vote to reappoint Randy Gard to the Nebraska Ethanol Board.

BRANDT: OK. Any questions? I see none. Thank you.

DAWN CALDWELL: Thank you.

BRANDT: Any more proponents? Opponents? Any opponents? Anyone in the neutral capac-- are you an opponent? Opponent?

NANCY PACKARD: Opponent.

BRANDT: OK.

NANCY PACKARD: I'm sorry. I don't have the right number on this sheet. I'm Nancy Packard, N-- N-a-n-c-y P-a-c-k-a-r-d. Have you all tested ethanol gasoline against regular gasoline? Ten years ago, I visited my mother every week in Sutton, and one week I would put in ethanol, one week I would put in regular. It came out a wash. The lower price of ethanol, and then the reduced mileage equaled the higher price of regular and the greater mileage. We're talking about our aquifer. Our aquifer could be used for food, and we're using it for gasoline. I guess that's all I have to say about it. I, I, I would like each of you to test it yourselves. It seems to me such a waste to use our aquifer for momentary pleasures without the long-term sustainability of food for our people. Thank you.

BRANDT: OK. Before you leave, Nancy, you've marked your sheet that you're a proponent, but actually--

NANCY PACKARD: I know, I had the wrong-- I'm sorry, I had the wrong--

BRANDT: OK, I-- just for the clerk, then, you're an opponent.

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NANCY PACKARD: I am an opponent.

BRANDT: Let's see if there's any questions.

NANCY PACKARD: Yeah.

BRANDT: I don't see any. Thank you.

HUGHES: Thank you.

BRANDT: Any more opponents? Anyone in the neutral capacity? OK. That will close the hearing for Randy Gard. We had no proponents, no opponents, and no one neutral online. Our next appointee is Stephen D. Mossman. And as he's making his way up here-- he resides in Lincoln. He is going for a position on the Nebraska Game and Parks Commission, District 8, which is roughly Lancaster County. Length of term is January '25 to January of '29, a four-year term. Currently, Mr. Mossman is a practicing attorney. Welcome.

STEPHEN MOSSMAN: Welcome. Chairman Brandt, members of the Natural Resources Committee and committee staff, as the chairman said, my name is Steve Mossman and the district is district number eight, and that is Lancaster County in its entirety. I've been an attorney and a partner at Mattson Ricketts law firm since law school. Worked for-- I've been in the same job since 1990, which is kind of cool, I think. I specialize in water, environmental, agricultural, natural resources, zoning, and property law, which I think is a, a nice addition to the commission. I've been very active in both the, the American Bar Association and the Nebraska--

BRANDT: Mr. Mossman, could you spell your name for the record, please?

STEPHEN MOSSMAN: Oh, you bet. Steve Mossman, M-o-s-s-m-a-n. I've been very active in the, in the state, especially, bar association. I was the chair a couple of years out of law school of the Natural Resources/Environmental Law section, and then I was later the chair of the ag section. And then, the last few years, I led the merger of those two sections into the section on Agriculture, Natural Resources, Environment and Energy; we pronounce that on-ray, with the French pronunciation. And I think as punishment for being involved in the merger, I was the inaugural chair of that, that committee. I've also been active in the Nebraska Cattlemen, director for the State Chamber of Commerce and Industry for over two decades, and I'm very proud to also currently serve as chair of Keep Nebraska Beautiful; it's a statewide group with a mission to inspire Nebraskans to take action to improve and beautify their communities. I understand that there were

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three letters submitted in opposition to my appointment, and I think my-- among other things that I've done in my life, I think my services, Keep Nebraska Beautiful with that mission is, is really contrary to the, to the opponents, what they've said about me. So, I, I grew up in central Nebraska, in Kearney and Grand Island. I spent my childhood catching walleye and white bass with my father-- who I have described as the best walleye fisherman in central Nebraska for several decades-- first at Medicine Creek Reservoir near Cambridge, later at Sherman Reservoir near Loup City, and finally at Harlan County Reservoir near Alma. Beginning about age seven, I started pheasant and quail hunting with my father and my two older brothers, and I, I-- to this day, I will say that my favorite childhood memories of all are, are pheasant hunting in Greeley County. We would take the lunch hour and we'd listen to Husker football on a, on a dirt road up in O'Connor, Nebraska. When I was 18, I began rifle deer hunting with a high school friend, his father, and three of his father's friends, and that was on the South Loup River near Poole, and I say with great pride that we celebrated our 42nd deer camp on the South Loup River just last November; I harvested a very tasty whitetail doe. And it's still the same group. We've buried two of the members, but, but there are four of us that are still getting together for 42 years straight. I have three daughters, and we use the park system an awful lot-- the state park system, particularly between Lincoln and Omaha, and I've, I've been a park user since I was three years old. I-- the commission has a lot of responsibilities, a lot of roles. I did have a chance as a, as an appointee to, to, to attend the commission hearings that they had, and the meetings that they had in January, and I'm very impressed by the dedication-- that's very obvious-- for the commission members that I would be serving with and the, and the commission staff. And I know there's a lot of, of big important issues that we'll be facing over the next four years, and I look forward to, to addressing those issues in a fiscally-responsible manner. So, with that, I'd turn it over and see if any of the committee has any questions.

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

RAYBOULD: Thank you, Mr. Mossman. I'm, I'm really intrigued by all your water law expertise, and particularly the fact that you're admitted to practice in Nebraska and Colorado. As you know, we have some disagreement about the water in the Platte River, and I'm sure your knowledge would be helpful. Tell me a little bit about what you wrote on "Whiskey is for Drinkin', but Water is for Fightin' About."

STEPHEN MOSSMAN: Yeah. So, I had a, a really neat opportunity-- a couple of really neat opportunities early in my career. One of them was

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Nebraska in law had never recognized any interconnection between groundwater and surface water. Groundwater is regulated by the NRDs; surface water was regulated by the state-- at that time, Department of Water Resources. And I had an opportunity-- there was a, a, a-- Senator-- Chairman Buetler of the Natural Resources Committee and Director Jess formed a committee to look at starting to merge those two systems, and there were four attorneys that went to all of the meetings that they had, and I happened to be one of them, and the only one in private practice at the time. And I actually helped draft the first bill to merge the two systems together. And then, after that, I was asked to write that law review article, which is-- which was about the bill, LB103 [SIC] back in 1993 [SIC]. And it, it, it, it worked out really well that I was able to, to practice and, and work in that field for so long. I mean, there's a, there's a-- most areas of law, the 32 years that I've been a lawyer, have not changed at all. And the water law that was in place in 1992 when I began practicing and the water law that's in place now, through a lot of efforts of a lot of people on this committee to start with, but then there was also been a lot of court cases, Nebraska Supreme Court cases that I've been lucky enough to have been an attorney on, and it's, it's just changed it dramatically, and, and changed it for the better in, in pretty much every way. We now-- the systems are now pretty fully merged together and, and regulated.

RAYBOULD: OK.

STEPHEN MOSSMAN: Thank you, Senator.

RAYBOULD: Yeah. Thank you.

BRANDT: OK. I see no other questions.

STEPHEN MOSSMAN: OK.

BRANDT: Thank you.

STEPHEN MOSSMAN: Thank you, Chairman.

BRANDT: Let's, let's see what we've got. Proponents. Any proponents? Opponents. Any opponents? Neutral capacity. Anyone in the neutral capacity? Seeing none. Online, we had no proponents, three opponent comments, and no neutral and no ADA comments. And we will close the hearing on Stephen Mossman. And our next appointment will be Kurt Albright [SIC]. As he is walking up here, he resides in Valentine, he's going for a position on the Nebraska Game and Parks Commission District

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6, which is north central Nebraska. Length of term, January of '25 to January of '29, a four-year term. Currently, Mr. Art--

HUGHES: Arganbright.

CONRAD: Arganbright.

BRANDT: Arganbright. Well, the first one was wrong. Arganbright is a practicing attorney and a rancher. Welcome to the committee.

KURT ARGANBRIGHT: Thank you, Chairman Brandt. My name is Kurt Arganbright, K-u-r-t A-r-g-a-n-b-r-i-g-h-t. Members of the committee, thank you for affording me the opportunity to be here. Miss Lamm was my legal research and writing instructor in law school a few years ago. On the name thing, my, my dad, Warren, was quoted in the paper one time, and they cited his name as "Warren Dogandbite." So, you can kind of [INAUDIBLE], so. As they said, I, I am from Valentine, Nebraska, which is in Cherry County, God's country. I'm an attorney, and we also own and operate a ranch in north central Nebraska and south central South Dakota, a cow-calf operation. I brought my two sons with me today, Kase and Kade. They are playing hooky for a little bit, but I think it's educational. I want to thank Governor Pillen for appointing me to this position so far. I, I, I appreciate the confidence that he's had in me, and I, I look forward to serving on the Game and Parks Board [SIC]. I think that Nebraska is blessed with some amazing natural resources unparalleled by many other states, and I think Game and Parks is in the best position to preserve and maintain and improve those resources, and to get future generations involved. I do some of my legal work on the Rosebud Indian Reservation in South Dakota, and one of the adages I see when I go to the Saint Francis Indian School up there says: we don't own the land, we borrow it from our grandchildren. And I think that that's an important concept to keep in mind here, because if you can educate them to understand and appreciate it now, I think it will be around for future generations, and that's, and that's my goal. I'm an avid outdoorsman, I've been hunting and fishing my whole life, and I, I go with my children now, hoping that they will one day take me when I'm old and decrepit, like I took them when they were young. But I think through education and appreciation, that's how we maintain and preserve these things and improve them for future generations and future access. And I think that it's a worthy endeavor, and I think that Nebraska's got some amazing natural resources to preserve. With that, are there any questions?

BRANDT: OK, let's see what we've got. Senator DeKay.

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DeKAY: Yeah, talking to the young men earlier, they said they wanted to take you hunting next week, so.

HUGHES: Wheel him out.

DeKAY: If they were going to testify today, would they be a proponent or opponent?

KURT ARGANBRIGHT: Right.

HUGHES: Maybe we'll see.

KURT ARGANBRIGHT: If they want a ride home.

DeKAY: No, I don't have any other questions or comments. Thank you.

KURT ARGANBRIGHT: Thank you, Senator.

BRANDT: OK. Other questions? Senator Raybould.

RAYBOULD: Well, this is going to be a real tough one. I just noticed some of the companies and LLCs you have, and I saw Dam LLC, the Dam Cattle Company, the Dam Ranch, and I was thinking, is he-- are you being a play on words? And then I looked more into your resume, and that's your middle name.

KURT ARGANBRIGHT: It is. My, my--

RAYBOULD: So, so tell me about that unusual middle name.

KURT ARGANBRIGHT: My grandfather was Dwight Dam. Dwight-- he went by "Butzie" Dam, and it was his name, and my middle-- my mom's maiden name was obviously Dam, so that they put-- gave it to me for my middle name, and my, my oldest son's middle name is Dam, and my grandpa actually had a trucking business originally, and on the back of every truck it said "another dam truck." So, now we have the Dam Ranch, and things like that.

RAYBOULD: OK. I was just curious. Thank you. I'm not sure it's totally relevant to your position, but thank you for the information.

BRANDT: Any other questions? I guess mine is maybe of a little more serious nature. Obviously, you studied this a little bit, the Game and Parks, and hopefully you've been to a, a meeting. Is there anything you'd like to see changed in the, in the current way Game and Parks is run?

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KURT ARGANBRIGHT: The-- I was appointed after their most recent meeting, so I have not been to a meeting yet. I don't think that I have any bones to pick at this point. I-- I'm not as familiar with it as possible because I haven't been to any of the meetings, but I-- I'm not a-- I don't want to rock the boat until I have a better solution. So I, I want to get involved and get-- and learn how it's being operated and things that we could do to improve, but I think at some point maybe there are some ways to improve, but at this point, I don't have anything for you.

BRANDT: OK. Senator Moser.

MOSER: One issue that you might bump into at some point is balancing the interests of producers and then the sportsmen, because in some areas-- I don't recall now if Valentine was where-- I think it was further west from there-- there were huge herds of elk and other animals kind of trampling some of the crops, and-- I suppose in your area you probably don't have as much row crop.

KURT ARGANBRIGHT: But not as many row crops, but there are some elk that, that have been in some [INAUDIBLE].

MOSER: Kind of come through and tear up your fences and stuff.

KURT ARGANBRIGHT: Yes.

MOSER: So, we had bills in the last, oh, couple of years to try to come up with some compensation for farmers, ranchers that had damages from wild animals either eating their crops or trampling them or whatever. So, that's something you'll have to read up on. I've-- I don't-- I haven't suffered any damages from roaming elk, but that is an issue that may come up.

KURT ARGANBRIGHT: Well, as I mentioned the natural resources earlier, there are many natural resources in the state that are mostly privately owned, and so I think some private and public partnerships between the Game and Parks and those owners of those resources, we're, we're going to have to learn to work together and with one another. And I understand that. And I, I do own some land that has received some damage from elk on the fences and things, and I guess it doesn't bother me that much. But it-- but that's minimal damage, too, I understand.

MOSER: Yeah, I suppose a certain amount of that kind of goes with the territory.

KURT ARGANBRIGHT: Right.

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MOSER: There just have been some crazy incidences where, you know, they'd have a herd of 50 or 60 elk, and they'd tromp into a fresh cornfield that's, you know--

KURT ARGANBRIGHT: Right.

MOSER: --still pretty tasty to animals, and they'd mow it all down and, and chew it up.

KURT ARGANBRIGHT: They can cause some great damage at times.

MOSER: Yeah. Well, thank you.

BRANDT: OK. Senator DeKay?

DeKAY: Thank you. Do have a question. Do you have any thoughts on how you promote tourism in Nebraska, specifically northwest, north central, northeast?

KURT ARGANBRIGHT: Well, hunting is a big draw to-- I'll speak to Valentine, Cherry County. We obviously have the Niobrara River, lots of people that come up to go down that-- the river, tubing and kayaking and whatnot. We have Merritt Dam; we also have some state parks with Smiths-- Smith Falls, the waterfalls, things like that. But hunting is a big draw, with-- whether it's turkey, deer, elk, or, or antelope or, or other upland bird. And I think that Nebraska is well positioned to benefit from those natural resources and hunting similarly to South Dakota. But I don't know that Nebraska's hit it real hard yet, and I think that it would be a very good economic boon to the entire state, and obviously the area, if we somehow work to develop through education or, or promotion, to get people to come up and spend their hard-earned dollars in our, in our state and our area. I think it's, it's a, it's a, it's a big-- it could be a big impact.

DeKAY: And that's what I was leaning toward, is how do we enhance that business in northeast Nebraska, north central and northwest. All the way across the top, from Highway 20 all the way across the top.

KURT ARGANBRIGHT: Well, part of it's going to be promotion. I think the other thing-- it's an interesting thing that I've thought about. Do you, do you increase the number of tags to get more-- for deer, for example-- to get more people to come out and, and hunt so they can do it easier? Or, do you limit the tags so that-- so the trophies are bigger, so it's more sought-after and people are more willing to spend money and come out to do it? I don't know the exact answer to that, but I think that we need to work to develop that. And, and the-- probably

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the easier thing to do is to somehow to get the grouse to be a sought-after bird, similar to pheasants in South Dakota. There's lots of people that come from all over the world to, to shoot pheasants in South Dakota. I think the grouse will be the unique thing to do in Nebraska, and pheasants as well, up there.

DeKAY: Well, from the water sports and stuff, and you mentioned Merritt-- I would to be intrigued-- you know, you have your Sunday morning shows and stuff that promote fishing and stuff, to get people to realize that there are walleye out there that are worth catching in the river system and the lake systems up, you know, all across the state, but in particular, in our area.

KURT ARGANBRIGHT: Absolutely. It's going to be promotion and advertising throughout the country, and, and just making people more aware that it's-- that they can come, and that we do have those things, and that it's easily accessible.

DeKAY: All right. Thank you.

BRANDT: Any other questions? I'm not seeing anything. Thank you.

KURT ARGANBRIGHT: Thank you all.

BRANDT: Yeah. Proponents. Do we have any proponents? Opponent-- oh, is this a pro-- OK. Opponents. Any opponents? Anyone to testify in the neutral capacity? Online, we had zero proponents, zero opponents, and zero in the neutral capacity, and that will close our hearing on Kurt Arganbright for Game and Parks. And we're going to let some people shuffle around here because we know our next hearing is, is pretty good size. So, let's just give it a minute and let ev-- anybody that wants to leave, leave, and we can let that many people in for the empty chairs. Yeah. Go ahead. We'll take about a two-minute break.

JUAREZ: Bye, boys.

DUNGAN: Two minutes?

BRANDT: Two minutes. Two--

DUNGAN: I was ready to go.

[BREAK]

BRANDT: Welcome, everybody, back to the Natural Resources Committee. Welcome, welcome, Senator Dungan. You are cleared to proceed.

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DUNGAN: Thank you. Good afternoon, Chair Brandt and Natural Resources committee members. I am Senator George Duncan, G-e-o-r-g-e D-u-n-g-a-n. I represent Legislative District 26 in northeast Lincoln, and today, I am proud to introduce to you LR22CA, or, as it's more commonly referred to, the "Green Amendment." This past October, I attended my second Nebraska Youth Climate Summit. Of the many great speakers that were there, one stood out in particular, and that was Miss Sheridan Macy. Miss Sheridan Macy is an attorney, a Nebraska native, and I think she mentioned earlier today she actually used to be a tour guide for this Capitol and was a page as well, so she has quite a bit of familiarity with this Capitol. And she presented, at the Nebraska Youth Climate Summit, about the Green Amendment. Multiple conversations and Zoom meetings followed, and now here we are today. Once I wrap this up, you will also hear from Miss Sheridan Macy herself. The Green Amendment is a book that's authored by Maya K. van Rossum. Her book is the catalyst for this legislation, and as of right now, there are three states-- New York, Pennsylvania, and Montana-- that have adopted green amendments in-- with different language and in different ways. At least nine states are currently considering this legislation. The Nebraska Green Amendment will allow the people of Nebraska to proactively protect our environment, communities, and state economy. Our state constitution provides the overarching legal structure, principles, and obligations to which all state government actions must conform. A Nebraska Green Amendment will ensure that all of the government in this state, including the branches of government at both the state and the local level, will work to advance proactive environmental protection at every level of the decision-making process. A Nebraska Green Amendment will help ensure that existing environmental laws and regulations are implemented to their full potential. It will also provide a basis for advancing new needed protections through legislation, regulation, or other government action, and will provide a basis to secure protective government action when a gap in the law is identified. The Nebraska Green Amendment will legally rank the right to a clean and healthy environment alongside other fundamental rights such as property-- private property rights, free speech, and religious freedom. When two rights such as property and environment are implicated by government action, the government must work, then, to balance and protect both sets of rights. To deviate from my testimony real quick, I've heard already some opposition comments regarding what this possibly could do, and I want to clarify what the purpose of a constitutional amendment is. As I'm sure many in this room understand, our Constitution, specifically the Bill of Rights portion, enshrines rights for individuals. What this bill does not do is create a private right of action against another citizen. The same way that you can't sue me for

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stifling your speech under the First Amendment, you would not be able to, for example, sue a neighbor who's using a fertilizer you don't like, or something like that. The goal of this is to provide protections to individuals against government action that is taken that infringes on the principles enshrined in this provision. The provision is specifically made up of language that's been taken from other amendments that have been implemented in other states. People behind me are far more experts than I am, so please save some of your logistical questions for them. But amendments in Pennsylvania and Montana and New York all have different parts of the language that is included in what we've included here. The reason that some of this specific language is included, such as self-executing language, the necessity to ensure, for example, abundant native flora and fauna and a healthy environment all come out of case law that has sort of been derived from a number of these other cases in Montana specifically, but also New York and Pennsylvania. This is not a new idea. In Montana and Pennsylvania, I believe their amendments were adopted in the '70s, and it was in 2021 that New York joined them in adopting their own green amendment as well. Many states, including Nebraska, do include provisions that pertain to hunting, fishing, and the right to utilize those. However, the language of this seeks to make it so this amendment would actually essentially have teeth to it. Many of the states that have so-called environmental protections in their constitutions are toothless in that it doesn't allow any individual to actually bring a cause of action if the government infringes on those rights. This seeks to provide, again, individuals the option to defend against government action that's taken that impends [SIC] on these rights. As you can see, there are many people here today in support of the Green Amendment. We have folks here from all across the state, and others who have come to Nebraska because they're so excited about this. I specifically want to make sure that they have the time to talk here today and explain why they're so excited about it. I've been incredibly encouraged by the youth that I've worked with in getting this whole day organized; we had a press conference earlier, there was a rally. It really is amazing to see people get involved, and so I will generally defer to them here today and let them speak, because I think when we're talking about protecting our environment and protecting our world, it's the future generations that we need to care about, not just us. So, with that, I will stop talking, and I'm happy to answer any questions the committee might have.

BRANDT: OK, let's see what we've got. Senator Hughes.

HUGHES: Thank you, Chairman Brandt. Thanks for bringing this bill, Senator Dungan. So, like-- and I-- I'm hearing it's not yet from

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individual to individual, but we've got a nitrate issue, right? With some of our water. So, you're saying that everybody has a right to pure water. So, let's say I bought some land out near Seward, Nebraska, and I go to dig my well, and my well has a higher than ten parts per million concentration of nitrates in it. Does that-- is that something that then, now, I can turn and do something to the state because of that? Or is that-- or is it more the govern-- the, the state did something specific to--

DUNGAN: The way that I understand it would be the latter of the two. So, in other states where cases like this have been brought-- specifically-- you, you might hear about this later, but there was a Montana case where essentially the government made a decision and, for example, granting a mining permit or something like that, that then a suit was brought and can say that the permit that was granted violates the rights under that Green Amendment. So, you wouldn't just be able to bring a cause of action without actually being able to prove that it was government action or decisions by the government that were unconstitutional.

HUGHES: OK, but-- so, in that case, let's say that the state of Nebraska-- and we do have a-- has permitted a-- or given a permit for one of the feedlots in a county, and then that feedlot didn't follow-- broke the rules and didn't do a containing pit, you know, whatever.

DUNGAN: Mm-hmm. Well, I will defer that to the attorneys who are going to be testifying after me--

HUGHES: OK.

DUNGAN: --who I think have a little bit more experience in that. One thing that I think is important to keep in mind is this is not a novel concept. So, there are many cases that can be drawn on in determining the case law to see what does and doesn't apply. I don't personally have a good example here in Nebraska right now of a particular case that this would apply to. Again, I think it's more proactive and protective at this point, but I do think that the people coming after me might be able to answer that.

HUGHES: OK. And if, if I may, I-- just one more thing. You-- you know, you say "pure water," "clean air." Do we have a definition of what that is?

DUNGAN: So, again, a lot of the case law that's already out there defines that.

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HUGHES: OK.

DUNGAN: I mean, in our Constitution we use a number of languages, but the difference between our Constitution and our Bill of Rights and then statute is there's not usually definition sections. So, if you go through, for example, and look at the Nebraska Constitution protections for due process, that's not defined in the Constitution; you just go and look at the case law to determine what the courts have previously used as definitions. And I think in the case of Nebraska, if we were to implement this, the courts would be able to look at Montana, Pennsylvania and other states where there's been a multitude of litigation in making determinations of those definitions.

HUGHES: Because-- it does seem, though, that a lot of our bills, starting now, are doing a lot of intent and definition language prior to.

DUNGAN: Right. We don't--

HUGHES: I don't-- because I think prior, it was, yeah, go back to old statutes and review, but--

DUNGAN: Right. That's generally different in a constitutional amendment.

HUGHES: Because it was a constitutional [INAUDIBLE] OK.

DUNGAN: Yeah. So, if this was an LB and we were creating statute, I think that's oftentimes where you'd put in that intent language.

HUGHES: OK. I'm not a lawyer, so, yeah.

DUNGAN: Well, I'm just a criminal defense lawyer, so this is all new to me too. But that's why I would defer your questions to the other experts.

HUGHES: OK.

DUNGAN: The one thing I will add is in the states that have implemented this, what we've seen is not some floodgate opening. So, my understanding is, in the states that have implemented this, you see anywhere between 3 to 10 cases a year that are brought, which is not a lot in the broader scheme of the court system. My understanding is none of those have ever been dismissed with summary judgment saying they were frivolous. So, the notion that this is going to open up some

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floodgate to just a multitude of cases has not borne out in the states where this has been implemented.

HUGHES: But would those cases have been brought without that in their constitution?

DUNGAN: Again, I don't know the specifics of the statutes.

HUGHES: So, it's ten cases that wouldn't have been brought. Just saying.

DUNGAN: But none of them were frivolous, and I think that that's important to note. In the case where they're not frivolous, that means that looking at the facts, on the face of it, there's clearly enough evidence to proceed in the case. And in fact, like I said, in Montana, the courts have found in favor of the folks who brought that case, so. There, there were good reasons to do so.

HUGHES: Thank you.

BRANDT: OK. Other questions? You'll stick around to close?

DUNGAN: I would love to.

BRANDT: That would be good.

HUGHES: We got all day.

BRANDT: All right. So, now I'm gonna ask--

MOSER: He better.

BRANDT: --how many people are here to testify in support? Raise your hand. How many people are opposed? Raise your hand. OK.

HUGHES: Should let him go first.

BRANDT: Yeah, I think, I think to start the hearing, we'll go two proponents, two opponents, and then when we run out of opponents, it'll pretty much just be the proponents. This is typically how we do a hearing like this where it's pretty lopsided. So, proponents. Who is a proponent of this CA? Please come up. Three minutes. Yes, we're doing three minutes. Yeah. Just so everybody knows. I, I think we announced that at the beginning of the hearing, if you weren't in the room. Welcome to the Natural Resources Committee.

SHERIDAN MACY: Hi, my name is Sheridan Macy, S-h-e-r-i-d-a-n M-a-c-y. I'm here to speak in support of LR22CA. I am an attorney from Omaha who helped draft the language for this bill, and one of the people who brought it to Senator Dungan for introduction. The Green Amendment gives Nebraskans the right to a clean and healthy environment, supporting legal action when that right is violated, whether this be by government action or inaction. In the states where such amendments already exist, the law has enabled communities to push back against a number of environmental harms, including those posed by improper waste management, fossil fuels, and contamination of drinking water. The latter of these is a really important issue in Nebraska, as we've mentioned already, which the state government has failed to adequately address to this point. Nitrate contamination already costs the state millions of dollars in tax money for water treatment each year. It's contributed to a number of health issues, including multiple kinds of cancer. Nebraska actually has the seventh-highest pediatric cancer rate in the country. And a Nebraska Green Amendment is a tool of accountability for exactly this kind of environmental harm. The amendment enables the Nebraska state government to address these problems more proactively by requiring adequate attention be given to environmental impacts in policy making, and if the state fails to proactively protect Nebraskans, the amendment allows these experience-- those people experiencing environmental harm as a result to take legal action. It is the duty of the state government to protect and serve the Nebraska people. When the state is not doing its duty-- which, in the case of environmental issues, there are a number of instances where it has not been-- it is up to the Nebraska people to hold the government to those responsibilities. The Green Amendment enables communities to do just that. Although this amendment does enable Nebraskans to sue the government, it has not led to an influx in any of the three states where this exists of lawsuits, nor has it had any measurable negative economic impacts. In fact, the Green Amendment may enable Nebraska to save money in the long term by avoiding creating environmental harms in the first place, and by protecting the natural resources and ecosystems which are vital to our agriculture, energy and tourism industries. We've talked a lot about hunting and fishing already today; those are both things that would be protected under this. On a more personal note, I grew up going to see the sandhill cranes with my Nana multiple times, kayaking and tanking with my family out in Mullen, and traipsing through various state parks and wildlife refuges. I want to be able to show future generations of my family the natural beauty of my home state, but without some serious action on the part of the state government like the implementation of a green amendment, I am concerned I will not have that option. Nebraska is and was a great place to grow

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up and to raise a family. This is one of the big selling points of our state, to prevent ongoing brain drain especially. But if we do not take steps to preserve our environment, that will not continue to be true. This is an issue young people care about, and if Nebraska decision-makers do not start listening to that, we will continue to leave the state in large numbers. I ask that you advance this bill to both support the environmental protection necessary for the well-being of the state and to support the well-being of the people and their access to a tool of government accountability. I'm happy to take whatever questions you have. I am a lawyer, so I can answer some of those that you had earlier.

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

RAYBOULD: Thank you very much for your testimony, Miss Macy. Can you tell us a little bit about how-- and what tools do people have to hold that political subdivision or the state accountable?

SHERIDAN MACY: Do you mean generally as, like, existing now?

RAYBOULD: In general and legally.

SHERIDAN MACY: So-- I mean, the most obvious is voting. People also do have the ability to sue their government in certain situations, depending on the regulation, depending on what causes of action are available. With environmental law, this is an issue because there aren't really a whole lot of causes of action which are still available to individuals. A lot of those have been taken away by previous court decisions which have kind of made that tool of accountability not as accessible. More of the legislative, electoral process tools, those are really good and useful for people, like elections. But in issues like this, where-- for instance, nitrates have been a problem for 40 years; we've known about them for 40 years; we know they're causing cancers-- elections haven't really seemed to change much, so having an additional tool that people can use to get access to clean water is something that is very helpful and important.

BRANDT: Sure.

RAYBOULD: Just a follow-up. So, you've probably read and have heard a lot about Mead, Nebraska and the contamination that has happened, and the, the runoff and the noxious smells, and so on. So, in a brief moment, can you tell us how, how you think that should have been handled? What could, what could the citizens and the folks that live

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around Mead-- what could have and should have they done differently, as well as what could have the state done differently?

SHERIDAN MACY: So, I'm not sure that I can speak to what the citizens necessarily could have done differently. But in terms of the state, there have been similar cases around especially noxious odors in other states which have green amendments. And so, having a green amendment has enabled those communities to both prevent the causes of that noxious odor-- odors, or to have the government step in and impose additional regulation to assist in that. So, for example, with that plant having some additional regulations about what kind of contamination can be going into the water and at what amount. And if that's not met, then you have fines. And that's how, for instance, one of the New York cases was addressing a waste treatment plant which was leaking sewage and noxious odors into the nearby community. When they sued, they were able to get the state government to work with that treatment plant to address those issues and to reduce both the smell and some of the noxious contamination coming out of the plant. So, in part, it'll help the government just continue to enforce its existing regulations that they might not necessarily be bringing to bear, but also there are additional regulations that may be necessary that don't already exist.

RAYBOULD: OK. Thank you.

BRANDT: OK. Senator Hughes.

HUGHES: Thank you, Chair Brandt. So, you probably heard what I asked Senator Dungan before. If you get-- so, two issues. I go dig a well myself, it has nitrates in it over the amount. Is that something that's-- would fit into this? And then, the state has granted a permit to--

SHERIDAN MACY: Yeah. So, on your first question, I would say that if that is something-- that nitrate in the water is something that is caused by lack of government action, say lack of sufficient regulation, then you would potentially have the ability to sue the government.

HUGHES: So, who would determine that? Because that-- potentially those nitrates in there were from 40 years ago.

SHERIDAN MACY: I mean, that would be part of the legal process in determining whether or not the case goes through--

HUGHES: OK.

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SHERIDAN MACY: --doing research into what caused the nitrates, whether or not it would have been prevented by a regulation at this point.

HUGHES: And, and I guess who would determine that all-- I, I, I feel like that's--

SHERIDAN MACY: It's-- it would be a judicial-- it would be a judicial decision.

HUGHES: Yeah.

SHERIDAN MACY: It would involve a lot of bringing in of experts. You'd have, essentially, a trial that would go with that.

HUGHES: OK.

SHERIDAN MACY: And so, for your second question regarding, like, the vagueness of the language-- that kind of vagueness of language is true of any constitutional right. Your right to free speech doesn't define what's considered speech; it doesn't define what's considered free; it doesn't define the different places in which you're able to speak. But we have a ton of case law, both federal and state, that points out and explains "here are your different public forums where you have X rights of freedom of speech" and how in each of these different places, that speech may be limited. So, like, those kinds of vague terms in a constitutional amendment are deliberately designed to be more wide, both to encapsulate a lot of different issues that might come up, but also because they're going to be defined later by judicial proceedings and, potentially, by legislative history discussions.

HUGHES: OK. And then-- sorry-- there was what [INAUDIBLE] like, if the state had granted a permit to a feedlot, and then the feedlot had not done all the things that they were supposed to do--

SHERIDAN MACY: The feedlot would be obligated to either do the things that it's supposed to do according to the law, or you would--

HUGHES: But that-- and that happens today.

SHERIDAN MACY: It does happen today, and that is an existing [INAUDIBLE]--

HUGHES: Yeah, I guess that's-- I guess that's a little bit where I'm at. Like, too, we have the NDEE--

SHERIDAN MACY: Yes.

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HUGHES: --and that's their job, is really to follow through, and they go out-- I mean, my husband owns a manufacturing company and we've got the EPA, we've got, you know, other entities that come in and they do air checks and and water checks and there's many, many rules and guidelines. What makes this different, I guess? What-- or-- why do we need this on top of that?

SHERIDAN MACY: So, for a lot of the regulations, at least at the federal level, there are Supreme Court decisions which prevent individuals from making any kind of case on that. And so, if the government does not choose to pursue that case itself-- which, often they do not, if they don't have the resources or the time or the energy-- then that case might just not be addressed, and someone may have to continue living with a power-- or, a feedlot that's violating regulations.

HUGHES: Because in the-- in these cases, another individual can't say, hey, they're not following the EPA guidelines or the--

SHERIDAN MACY: Yeah. You would not have individual standing in a lot of those kinds of cases to be able to bring that--

HUGHES: OK. That answers my--

SHERIDAN MACY: --whereas this would give you that ability.

HUGHES: Thank you.

SHERIDAN MACY: So, it's essentially just a bolstering.

BRANDT: OK. Any more questions?

JUAREZ: I have a question, please.

BRANDT: Senator Juarez.

JUAREZ: Thank you. So, I'm trying to understand the way that the ballot language has been written when it says state and political subdivisions shall serve as trustees. So, if someone wanted to bring a-- you called it a cause of action, is that how you said it? How would we determine-- I mean, it-- would both of these entities be the ones that you would go against, or it depends on what the issue is, whether or not you're going against the state or you're going against a political subdivision? Could you clarify that for me?

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SHERIDAN MACY: Yeah, it would depend on what the issue is, and that would also be something that would be decided when the case is brought to court. A lot of times, people bringing cases tend to be over-inclusive in their choice of people they're suing, and so they may choose to do both the state and the city or both the state and the subdivision, but in a court that might just be knocked down to one or the other, or it may be kept at both; it kind of depends on what the situation is. And it would depend, too, on who has the responsibility for whatever issue is occurring.

JUAREZ: OK.

SHERIDAN MACY: In, in terms of city and municipal things on here, this has actually been used in Pennsylvania at least as a tool to bolster municipal autonomy, so it, it can really kind of depend on what the issue is that's being used.

JUAREZ: OK. Thank you.

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

SHERIDAN MACY: Thank you for your time.

BRANDT: Next proponent. Welcome.

EVALINA SAIN: Good afternoon, Chairman Brandt, and members of the Natural Resource(s) Committee. My name is Evalina Sain, E-v-a-l-i-n-a S-a-i-n, and I am the executive director of Students for Sustainability speaking today on behalf of our members in the broader Nebraska youth community as a proponent of LR22CA. I would like to begin by drawing attention to a particular line in this legislative resolution: "the state, and each subdivision thereof, shall serve as trustee of the natural resources of Nebraska and shall conserve, protect, and maintain such resources for the benefit of all the people, including present and future generations." Future generations. The youth in this audience embody the weight of that phrase. We sit before you because we want to believe that our state is willing to invest in our futures, not only by preserving the health of our environment, but also by recognizing the growing political and economic importance of environmental priorities to my generation. The U.S. Census Bureau's 2022 Community Survey data revealed that Nebraska experiences an alarming annual net loss of nearly 5,000 individuals with bachelors, graduate, or professional degrees, and that this, quote, has been on the rise since 2010, signaling a concerning pattern. End quote. Yet, in 2024, Forbes ranked Omaha as the best city in the country to move to. This contradiction

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largely stems from the diverging priorities of our state and the young people residing within it. A lack of career opportunities in environmental fields has harmed both these parties. However, this amendment has the potential to echo the passions of the youth while also spurring job opportunities and permitting resource management, policy and beyond. Take, for example, the renewable energy sector. In 2022, state grant awards led to expanded energy-saving initiatives, driving a 4% increase in clean energy jobs; twice the growth rate of the overall economy, according to Nebraska Public Media. Greater investment in conservation efforts is not just an environmental necessity, it's a direct investment in Nebraska's youth and economic vitality. While environmental progress is a moral imperative, it is also a pragmatic one. According to an analysis by Pale Blue Dot, the organization leading the development of the Omaha City Climate Action Plan, every \$1 invested in climate action yields an average return of \$4 through climate resilient infrastructure, job creation, and disaster mitigation. That is a 400% return on investment. So, when I say that this investment is an investment in our future, I mean both a moral and financial investment. Reversing brain drain, stimulating job creation and retaining youth talent are all implicit in its passage. My own desire to remain in Nebraska for my post-secondary education has been dampened by legislative inaction and delayed progress in sustainable advancement. I plan to pursue environmental law, a field that will not thrive in a region where environmentalism is inherently politicized. And I'm not alone; the talent exodus from Nebraska can be directly linked to a failure to embrace forward-thinking politics. On behalf of Students for Sustainability and the broader network of young Nebraskans, I urge you to consider the profound impact this legislation could have on our state's future. And I'm open for any questions.

BRANDT: OK, let's see what we've got for questions. Senator Hughes.

HUGHES: Sorry. Thank you, Chairman Brandt. Thanks for coming in.

EVALINA SAIN: Of course.

HUGHES: I love seeing young faces out there. This is not-- I never did anything like that when I was your-- y'all's age, so.

CONRAD: But you were recycling.

HUGHES: I am a recycling person. Yeah, I am all over that. So, you guys can come talk on my, yeah, recycling bill on, on batteries. But you said, you said legislative inaction here makes you maybe want to leave the state. Can you give me any specifics on that, on what you're

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looking at? Because I feel like we have done some things that are very good for the environment, very-- I don't think any of us want, you know, not-clean air, not-clean water. And if-- and then my-- a second side to that, there's three other states that have passed something like that. So, are you only going to move to those three states? So, there you go. Those are my questions.

EVALINA SAIN: No, I think-- actually, I am moving to New York next year--

HUGHES: Oh!

EVALINA SAIN: --but not because it has a green amendment, but maybe if I tell you that, it will, I don't know, sway you. But no, I think there has been substantial progress within the state, and I am very glad to see that. With Students for Sustainability, we go to Washington, D.C., and we have the opportunity to talk to senators. And there has been-- they've been very reciprocal, and they've-- we've had productive conversations. But I think comparatively, to states on like the East Coast or the West Coast, there is just a greater amount of action and support, and I think a lot of the legislation that does circulate in those states correlates with increased industry and job expansion within environmental fields, and I think that is very, very important to the youth. And I think that seeing the legislative support and involvement of our representatives is also notable because it makes us feel like our representatives are safeguarding our passions and our future. Like, climate change is an increasing and emerging interest for young voters and all those involved in civic engagement, so I think it's-- it speaks a lot to how the representatives consider youth voices within the state. And as for specific examples, I think The Green Amendment serves as an adequate one in itself.

HUGHES: Well, we were just introduced to it now, so--

EVALINA SAIN: Yes.

HUGHES: --it wasn't like we had it last year [INAUDIBLE] about it.

EVALINA SAIN: Yes, I completely understand, but--

HUGHES: So, I-- that leads me to one more question, if I may, just because this is another interest of mine and an interest of this committee, energy policy. Where are you at with nuclear?

EVALINA SAIN: I-- that's interesting. I think, I think there are some controversial opinions on nuclear, especially with, like, the recent

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events in Michigan. And I think it has the potential to do a lot in our state for things like job creation, but I think that there are some necessary steps to regulating and ensuring that standards are being met before it's integrated into a state's energy portfolio, but I--

HUGHES: And, and you know, we have nuclear.

EVALINA SAIN: Yes, we--

HUGHES: OK.

EVALINA SAIN: Yes, I-- yes, I do. But I think it's a great opportunity for expansion; I think the amount of power it can produce and it's so consolidated, I think it provides potential for a lot of economic investment within the state.

HUGHES: Thank you. Thanks for coming. It's been great to see you.

EVALINA SAIN: Yes. Of course. Thank you.

BRANDT: I believe-- Senator Juarez, did you have a question?

JUAREZ: Yes I do. Thank you. First of all, I would like to say welcome to all of you that have come today. I-- honestly, I have to admit that I haven't even heard of your group before, so it's extremely impressive that all of you have attended this, and you seem far more knowledgeable in the topic areas I'm sure that you're concerned about than I am, which is one of the things that I appreciate being, being appointed to the Natural Resources Committee, because I am learning a tremendous amount of information about concerns for, you know, our state and the environment. And I just want to encourage you to continue to communicate for-- with me, anyway. I don't know if anybody else-- how much they have room on their plates for more feedback, but I'm new to the, to the Legislature and I welcome your feedback. And I just wanted to let you know that there is a tool that you might not be aware of called Poll the Vote, and you might be able to get your opinions out there and get feedback from people about issues that concern you. And I am in District 5, which is in south Omaha, and I don't know if any of you are from that district. And the other south Omaha representative is Dunixi Guereca, and he is where Mr. Vargas' old district is, so some of you might be from that area. And we're going to have a town hall in April, so if you want to keep in touch with our offices, we can let you know about that, and you can come and provide us more feedback on other issues that might be concerning to you. Thank you.

EVALINA SAIN: Thank you.

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BRANDT: Other questions? Oh, Senator DeKay.

DeKAY: Thank you. Just to touch a little bit more on nuclear, where do you think nuclear plays a part, if we're going to have a carbon-free generation in this state, as far as electricity?

EVALINA SAIN: Where do I think nuclear plays a part in that? I think, I think there's a lot to consider with nuclear, and I think having the necessary infrastructure in place first is a prerequisite to even considering that, but I think it does have the potential to not only mitigate the impacts of climate change in carbon emissions, but I think it is, again, a-- like, an area of economic investment for the state. And so, I think there-- it's sort of twofold, I think. There's a lot of potential within that industry, but I think it's a future consideration for the state, and I think in Nebraska specifically, it's not something that has been as fervently pursued as other energy policies, but--

DeKAY: OK. Thank you.

EVALINA SAIN: Yes.

BRANDT: OK. I don't see any other questions. Thank you.

EVALINA SAIN: Thank you.

BRANDT: Like we announced earlier, we're going to two proponents and two opponents. Opponents. If you're opposed to this. Welcome.

DAVE BEGLEY: Welcome. Good afternoon. My name is Dave Begley, D-a-v-e B-e-g-l-e-y. I'm an attorney in Omaha. I'm also the special Knox County attorney, but I'm not appearing here in that capacity. I'm a graduate of Creighton University and the Creighton University School of Law from 1982. I remember Senator Raybould from undergrad; it was obvious then she was going to be a star. In my opinion, this is-- and I want to be real clear about this-- this is the most extreme and expensive bill that has been ever offered in the Unicameral. You've got a budget deficit right now. If this amendment passes and is in our constitution, our budget deficit will absolutely skyrocket. What will happen is that every liberal lawyer in Omaha and Lincoln, and there's plenty of them, will file lawsuit against the state of Nebraska, and--

BRANDT: Excuse me. There can be no outbursts. If there are, you'll be removed. Does everybody understand that? Treat everybody with respect. Please continue.

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DAVE BEGLEY: And the lawsuit will be for breach of the trustee's duty. The Sierra Club has a staff of 45 lawyers, and they will line up and start filing lawsuits. You know, Senator Hughes said 3 to 10; well, it's-- you know, that's a big deal if you're out in Cherry County or whatever. And the caption of the lawsuit will be Sierra Club v. State of Nebraska. And Senator Dungan asserted that there'd be no implied right of action for citizen or versus the state. I don't know. I wouldn't bet on that. I wouldn't bet on that one bit. I have actually filed a lawsuit for a breach of a trustee's duty in Furnas County, and I won it. And I'll tell you right now, Neb. Rev. Stat. 30-3893 allows for attorney's fees in the event of a lawsuit. The first lawsuit that's been kind of referred to here is for a breach of duty to provide clean water and healthy soils. The left wing Flatwater Free Press ran a series of stories claiming Nebraska's rural water supply had been poisoned by nitrates from normal farming activities. Safe climate means net-zero will be the law of the state; our electric rates will triple. And last week we had super cold weather. I didn't feel safe. Can I see the state of Nebraska because it wasn't a safe climate? I think so. Diverse floral and fauna? We've got way too much corn, wheat and soybean ground in Nebraska. State of Nebraska should use the power of eminent domain, condemn at least 5% of our ag land, and turn it into butterfly farms and virgin prairie. Rather than passing this bill, I think it'd be a lot cheaper for the Unicameral to send some of these Sierra Club people to Santa Monica and go down to the beach and say "tides, stop coming in," just like what King Cnut tried to do centuries ago. They'll find out mankind cannot control the climate. So again, if this legislative resolution becomes the law, the state will be on the hook for millions in attorney's fees and billions in damages.

BRANDT: OK, let's see if we have any questions. Do we have questions? No questions? I don't see any, Mr. Begley. Thank you.

DAVE BEGLEY: Thank you.

BRANDT: Thank you for your testimony. Next opponent. Are there anybody else opposed, opposed to this legislation?

ALLIE BUSH: [INAUDIBLE] any neutral?

BRANDT: We, we will-- well, are you neutral? We will go to neutral next, and then we'll go back to the proponents.

ALLIE BUSH: Good afternoon, everybody.

BRANDT: Welcome. We'll try and talk quiet here.

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ALLIE BUSH: Oh, you're totally fine. We train them to sleep even when it's loud, right?

BRANDT: OK.

ALLIE BUSH: My name is Allie Bush, A-l-l-i-e B-u-s-h. I represent the grassroots group Nebraskans Against Government Overreach. We are taking a neutral position on LR22CA mainly because when we first read it, and when you see "Green Amendment," we assume that you guys would like to attack cow farts. That's just what, what the group assumes. That being said, we wanted to take the time to address other environmental concerns that we have had that aligns with this, but nobody really wants to address. I'd really like to draw your attention to state statute 2-3237, where Nebraska has allowed the NR-- the NRDs to contract with other entities for weather modification. I think our group specifically would really like to see a ban on weather modification. In some states, they've gone as far as banning chemtrails. I don't-- not to-- don't need you guys to be so specific, but please take a look at that statute; if we're concerned about a clean and healthy environment, that might be a great place to look at. As we know, there are a number of-- what's the word I'm looking for-- not contracts, but different methods are out there that we know they're putting heavy metals and chemicals into our air, it's raining down. The other thing I wanted to mention, because it was stated that-- we-- we've talked a lot about nitrates, and I don't know if you guys know this, but in both Ceresco and in Columbus, the nitrate levels have gotten so high that the microbes have quit breaking down the uranium, and we now have uranium that's turning radioactive. So, we recently had a farmer in Ceresco who tried to go and recycle some of his irrigation pipes, and they rejected it because it tested positive for radiation. So, there's some validity here, to this. And I can't say that, you know, if the government gets sued over things like that, I think you guys kind of deserve it, because people don't want these things; it's unhealthy, and people from both sides of the political spectrum have been asking you guys to take a look at these things. So, that was what I had to say. We don't necessarily support this constitutional amendment because I think the language is vague. And while we can all agree we want a clean and healthy environment, I do think that it will be abused for the sakes of people who don't like the smell of cow manure.

BRANDT: OK. Let's see if we have any questions for you. I don't see any. Thank you for your testimony.

ALLIE BUSH: Absolutely. Thank you all.

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BRANDT: Anybody else in the neutral capacity today? Now we're going to go back to proponents. Welcome.

ANTHONY ROGERS-WRIGHT: Thank you, sir. Good afternoon. I apologize in advance, my last name is hyphenated. Anthony Rogers-Wright, A-n-t-h-o-n-y R-o-g-e-r-s-W-r-i-g-h-t. I'm here representing myself as a concerned resident of Nebraska and north Omaha. My friends, the great James Baldwin once said "not everything that is faced can be changed, but nothing can be changed until it is faced." There are many interpretations of this sage aphorism, but I take it to mean that only by facing issues head-on can we collectively begin this-- take the steps towards collective positive change. Whether you believe in the science of climate change or not is not really my concern. What concerns me is ensuring everything is done to confront the challenges preventing all Nebraskans from the right to pursue and enjoy the good life. And we must face these challenges head-on, with fervor and with a conviction of morality and righteousness. From Scottsbluff to Grand Island, the Sandhills, and north and south Omaha, farmers and ranchers, our great indigenous nations, and those who reside in urban environments collectively agree that protection of our natural resources-- our lakes, rivers, aquifers, and world-renowned family farms and the quality products that they produce-- is necessary to maintain a robust economy and allow the good life to extend to, as our indigenous friends instruct us, the next seven generations. But the environmental rights amendment you are considering today is more than a proclamation of environmental protection; it is also an affirmation of the idea of democracy itself. The proposal in front of you maintains an epochal idea, a social experiment which infers that the people of Nebraska are the second house of legislation, continuing the tradition of the great George Norris, the architect of this estimable body known as the Unicameral. Senator Norris argued that the Legislature is supposed to be close to the people, as well as more responsive to the needs of the people. The intergenerational, "intergenerational," multiracial, multiethnic coalition of testifiers you have heard and will hear from today are asking you to be more responsive to the needs of the people by providing us with the opportunity to decide if we want an amendment to the state constitution that enshrines the rights of all Nebraskans to clean air, clean water, a safe enviro-- climate and a healthful environment. Because while we all may have different stories that furnish and inform the lives we live as individuals, we have been fused together by a collective narrative of environmental protection, an inalienable self-affirming right for, by and with the people. There's nothing radical, elitist, or extraordinary about this amendment. When you think about it, the idea of equal access to clean

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water and clean air and a healthful environment is quite banal. I would argue that it would be more radical to deny the people the opportunity to make this decision as part of a larger process of democracy; it would be more radical to institute a culture of interdiction as it pertains to the Tenth Amendment of our nation's Constitution that enshrines the rights of the states to define how to interpret and exercise those laws and issues not covered by our federal government. As someone integral in shepherding the passage of the environmental rights amendment in New York State, where 70% of New Yorkers voted for it, I can assure you of two things in closing. One, it was not just voted for and passed by city slickers, Madison Avenue or coastal elites, nor Wall Street brokers; it was passed by farmers in Albany, Syracuse and Plattsburgh who don't want poisonous pipelines traversing their property and reducing their property values and ability to farm.

BRANDT: OK, Mr., Mr. Rogers-Wright--

ANTHONY ROGERS-WRIGHT: Thank you very much.

BRANDT: Let's--

ANTHONY ROGERS-WRIGHT: I would just say in closing, I would remind you of one of my favorite sayings by a Catholic thinker who said justice without power is impotent, power without justice is tyranny. You have an opportunity to demonstrate your commitment to justice by placing the power in the hands of the people to pass or reject this amendment. Thank you so much.

BRANDT: OK. Let's see if we've got some questions. Any questions?

CONRAD: Thank you.

BRANDT: I don't see any.

ANTHONY ROGERS-WRIGHT: Thank you for your time.

BRANDT: Thank you. Next proponent. Welcome.

MIA PERALES: Welcome. Just a moment. Good afternoon, Senator Brandt, and members of the Natural Resources Committee. My name is Mia Perales, M-i-a P-e-r-a-l-e-s, and today, I am here in support of The Green Amendment bill. I am a sophomore environmental engineering student at the University of Nebraska-Lincoln, and as an environmental engineering student, I can attest to the dire need for climate action in Nebraska. And I could continue to talk as an environmental engineering student; I can give you facts and statistics, but today I want to testify as a

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girl who was born and raised in south Omaha. South Omaha is a culturally-rich community with a predominantly Latino population. We are known for our restaurants, artwork, and cultural festivities like the Cinco de Mayo Festival, which brings over \$7.5 million annually in a single weekend to our local economy. We are an asset to Nebraska. I cherish my community, which is why I believe it is important to address one of the most noticeable characteristics of south Omaha. If you've ever been to south Omaha, as soon as you get off the freeway, you notice you are there from the smell. The smell originates from the meatpacking plant and slaughterhouse in the heart of my community. This smell generates from the improper or insufficient treatment of wastewater, which leads to foul smells as the water stagnates or breaks down. These industrial facilities have continuously contaminated our water and polluted our air, and this issue is not exclusive to south Omaha. In fact, pollution from the Tyson slaughterhouse and beef processing plant in Lexington, which is situated-- situated less than two miles from the Platte River and among four federally designed [SIC] critical habitats, risk the conservation of whooping cranes, an already endangered species. Now, by no means does a green amendment wish to close any slaughterhouse or meatpacking plant facilities. It simply wants to put into effect the constitutional right to clean air, pure water, and a healthy environment. The meatpacking industry is a critical job source for many immigrants in Nebraska. In fact, my grandmother worked there for over 20 years to provide for her seven children as a south-- as a single mother. Meat production and packaging is essential to Nebraska's economy, and it should not-- but it should not be contaminating our waterways and polluting our air. The University of Nebraska Medical Center has found a direct linkage to increased pediatric cancer rates and asthma rates in communities near factory farms and packing plants. In closing, I would like to say that a green amendment would protect marginalized communities that continue to face the repercussions of highly polluting industrial facilities through adverse health effects and environmental "degradation." My community is extremely important to me. It's where I grew up-- it's where I grew up going to church, learning Psalms 24:1: the earth is the Lord's and everything in it, and the world and all who live in it; for he founded it upon the seas, and established it upon the waters. It is my belief that the earth is God's sacred creation. Therefore, we must care for his creation and protect it instead of letting polluters damage it beyond repair. So today, I urge you to support LR22CA. Thank you, and I will take any questions you may have.

BRANDT: OK. Let's see.

JUAREZ: I'll make a statement.

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BRANDT: Oh, there you go. Senator Juarez.

JUAREZ: Thank you very much for coming. I'm glad that you brought this documentation for me, and I encourage you to come to our town hall in April and to interact with you about these issues and see how we can get them resolved. Thank you.

MIA PERALES: Thank you.

BRANDT: OK. Oh, Senator DeKay.

DeKAY: Yes. Thank you very much. Thanks for being here today. Quick question. Living in South Omaha, how-- do you have a plan or thoughts on how the meatpacking community and the residents could live in harmony there and what can be done?

MIA PERALES: Yeah, I think right now it's kind of hard to assess the full extent of the pollution that comes from the meatpacking plant because they aren't required to kind of publish all of their pollution; they aren't even required to publish their carbon emissions. So, it's hard to see the full extent, but if we compare it to other similar industries in Nebraska or in states similar, I think we should definitely be regulating them more. They are contaminating our water and our air, they have continuously failed EPA regulations, and there's probably more regulations that they're failing. It's just hard to get a feel for how badly they are. So, I think through something like a green amendment, we can assess the emissions that they are putting out, and hopefully reduce those.

DeKAY: Do you feel that they're in compliance with the EPA standards that are coming down from the federal government now?

MIA PERALES: They are in compliance, but it's hard to know if they are always in compliance because they have continuously failed. I did put some documentation in my testimony, if you would like to further research it. It-- I think it's really important that just because they have passed some things doesn't mean that they have passed everything, so this amendment would definitely help with that.

DeKAY: [INAUDIBLE] thank you.

MIA PERALES: Thank you.

BRANDT: OK. Senator Clouse.

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CLOUSE: Yes, thank you. And I apologize for being late, I had-- I was in another committee hearing. So, if you mentioned this, you do have a listing of all their violations from the EPA? You-- have you had that or seen them?

MIA PERALES: I do not have a full list on my testimony just because I wanted to keep everything pretty concise, but if you look it up, it is all readily available on the EPA website.

CLOUSE: Thank you.

MIA PERALES: Thank you.

BRANDT: Senator Raybould.

RAYBOULD: Thank you, Miss Perales. Could you just read that part of your testimony where you address the meatpacking plants in Nebraska?

MIA PERALES: Yeah, I can re-read it. Is there-- sorry, is there a specific part that you wanted me to read?

RAYBOULD: It's in your first page, last two sentence in the last paragraph. "Additionally, meatpacking plants"--

MIA PERALES: Yes.

RAYBOULD: --where you talk about the reporting.

MIA PERALES: Additionally, meatpacking plants in Nebraska have continuously failed EPA water and air regulation, and Tyson's five largest plants in Nebraska dumped more than 100 millions-- million pounds of pollutants into waterways between 2018 and 2022, accounting for a third of their nationwide total emissions. This research study was published by the Union of Concerned Scientists, which-- if this were online, you could click on the link, but it is not, so-- this is readily available.

RAYBOULD: OK. Thank you. I just want to substantiate a lot of the things they are bringing to our attention. I know in the state of Nebraska, we have \$2.3 billion of request for water infrastructure projects all throughout the state of Nebraska. About a third of them deal with nitrate and phosphate contamination, runoff, et cetera, so-- that can be found on the Natural Resources Commission website, on their 2024 Water Report. So, there is a tremendous amount of validity to what you're saying, and there's a lot more information on that-- their website about all the requests from villages and towns and counties and

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cities, requesting for water infrastructure assistance to help them take care of some of these contamination issues.

BRANDT: Any other questions?

JUAREZ: I want to make one more comment.

BRANDT: OK. Senator Juarez.

JUAREZ: I just wanted to say that, you know, with the current environment that there is, the EPA website, who knows how long that that will be up. Thank you.

BRANDT: Senator Clouse.

CLOUSE: [INAUDIBLE] more of a question, and when you start quoting numbers-- oh, thank you, Senator Brandt. Do you have any idea how many pounds of pollutants that-- from the Omaha combined sewer that gets dumped into the, the waterways? And-- I'm just-- in a comparison. Because that's a huge issue.

MIA PERALES: I personally--

CLOUSE: Probably not, I would think.

MIA PERALES: --would not be able to speak on that.

CLOUSE: No, I-- I'm just saying that when I look at these numbers, I'm thinking, well-- my mind goes, well, how much is Omaha dumping in, in the Missouri River from the combined sewer? It's not separated, and [INAUDIBLE]--

MIA PERALES: I do know that-- just from what I've learned in my engineering classes, wastewater is treated pretty seriously from the sewer, and it is-- it goes through an extensive process to remove the contaminants before it is put back into the stream, which is not always found in the case from streams from meatpacking plants or slaughterhouses, so I think there is a different extent of what is getting put back into our waterways and what the contamination levels are.

CLOUSE: Thank you.

BRANDT: Senator DeKay.

DeKAY: Thank you. Thank you again for being here. Just a follow-up question. Where it-- we're talking about where they can continuously

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fail EPA water and air regulations. Do you know what kind of penalties or sanctions were brought to them because of those failed regulations?

MIA PERALES: Usually it comes in the form of a fine, I believe. They have faced threats for closure if they do not meet those standards, though.

DeKAY: So, did they pay a fine and just go along business as usual, or did they try to--

MIA PERALES: Usually--

DeKAY: --rectify the problem they had?

MIA PERALES: Yeah, usually they will have to rectify the problem. They will be sent-- they'll given a short amount of time to fix the problem, and then someone from the EPA or whatever administration will come down and see if they have fixed the problem, or if it is still at hand.

DeKAY: Thank you.

BRANDT: I guess I find it interesting that you referenced the Lexington IBP plant, seeing as how I was an engineer on that plant when we built that in 1990. I can assure you that meatpacking plant has the same type of water treatment system that a city does. That water is then piped cleanly underneath the Platte River into a canal, and then all that clean water gets dumped into the Platte River. I would encourage you as a, as a future engineer to tour these facilities. They have some very top people that work there. They do not ever want to be out of compliance, because that's our nation's food supply. I don't know, have you ever had an opportunity to go into these packing plants and, and work with the engineering staff there?

MIA PERALES: I have toured a packing plant before. Not as through an engineering perspective, but just as a concerned citizen of south Omaha. But I am interested to learn more about all the engineering ins and outs of that.

BRANDT: You bet. All right.

MIA PERALES: Thank you.

BRANDT: Thank you. OK. Just for clarification, do we have any more opponents here, or anyone in the neutral capacity? Seeing none, next proponent. Welcome.

LAKE LIAO: Hello. Hello, everyone. My name is Lake Liao, L-a-k-e L-i-a-o. I am a 19-year-old climate organizer originally from Michigan, a fellow midwesterner here, and a current sophomore in college. And I'm the founder and executive director of the Capitol Hill Academy, a national youth-led movement organizing for the constitutional right to a livable climate at both the state and federal level, which includes members from here in Nebraska. I've been working with Senator Dungan on organizing and advocating for this amendment, and was asked to come testify to support the senator and the youth climate movement here. Since I was 14, for the past half decade, I've been alarmed by the climate crisis. The 2018 IPCC report alarmed the world by declaring that we only had until 2030 to reduce carbon emissions by 50% to avert the worst effects of this crisis. This is the defining political problem of my generation, and it's not just a scientific report. I grew up watching deadly wildfires, hurricanes, floods, and heatwaves destroy my community and the communities-- and the communities across the country. We're the generation that will face the worst effects of this crisis, even though we played no part in creating it. Oil executives knew about this before I was even born. I'd like to give this committee some context on the legal history of these climate and environmental amendments, based on my experience working in constitutional climate law. Last year, I worked at a law firm that works to secure these rights by filing lawsuits and exclusively representing youth plaintiffs in court. I saw the power of constitutional rights and landmark legal victories in Montana in 2023, *Held v. Montana* and Hawaii just last summer. In Montana, out of concern over pollution from the coal mining industry, a constitutional convention in 1972 added an environmental rights amendment to the state constitution, which guarantees, among other things, the right to a clean and healthful environment for all present and future generations. This became the basis for the landmark lawsuit *Held v. Montana*, where a judge declared that the state's support for a climate "crisis" fueling-- fossil fuel-based energy system was unconstitutional. This led to the nullification of a previous statewide law that prohibited greenhouse gas considerations from statewide permitting decisions. Legal precedent shows that these amendments have teeth to achieve real change to climate and environmental policy that decarbonizes our society while building an economy that works for all. Hawaii and Montana's historic lawsuits are not symbolic or abstract wins; they have teeth. They're tangible demonstrations of the power of constitutional climate rights and building a better future; they show what's possible when young people step up and lead without asking for permission; they show what's possible also right here in Nebraska, if we have the courage to stand for our values and fight for it. As young people, we know it's our

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future on the line. It should be unconstitutional to sell our future to line the pockets of billionaire oil executives. It should be unconstitutional to perpetuate cycles of environmental racism and economic exploitation of our most vulnerable communities for the comfort of a few. It should be unconstitutional to settle for a status quo that will cause mass suffering and the death of billions of people, including current youth and future generations.

BRANDT: Mr., Mr. Lao [SIC], your, your light has come on. Do you want to wrap up with a final thought here?

LAKE LIAO: Yes, the-- I'm literally on the last sentence.

BRANDT: OK.

LAKE LIAO: So, perfect timing. And we're already at 1.5°C warming, the warming-- warning from 2018. A future for our generation should not be up for debate, and that's why we need this amendment right here in Nebraska. Thank you.

BRANDT: OK. Let's see what we've got for questions.

JUAREZ: Very interesting.

CONRAD: Good job. Thanks.

BRANDT: I don't see anything. Thank you.

LAKE LIAO: OK. Thank you.

BRANDT: OK. Next proponent.

NICK WILLIAMS: My name is Nick Williams, N-i-c-k W-i-l-l-i-a-m-s. I'm a proponent. I think it's a baby step. I think it's a necessary step. I think it means accountability where there's responsibility. I think the assumption of that accountability is very important. Otherwise, things like AltEn occur again. There was six notifications to the state of the issue that was happening there, and the state responded with investigating, seeing that, yeah, there was a problem, and nobody did anything because there was no accountability. There's a lot of other issues in the state with the same regard. If we don't lean towards assuming that accountability, then we're not actually trying to change anything. That's all I have.

BRANDT: OK. Let's see if we have any questions. I don't see any. Thank you for your testimony.

NICK WILLIAMS: OK.

BRANDT: Next proponent. Welcome.

KEN WINSTON: Good afternoon, Chairman Brandt, and members of the Natural Resources Committee. My name is Ken Winston, K-e-n W-i-n-s-t-o-n, and I'm appearing on behalf of Nebraska Interfaith Power and Light. So, Nebraska Interfaith Power and Light supports LR-- I see I put "LB22CA." I know better. LR22CA, and there are both spiritual and practical reasons for our support, and I note that, that Mia quoted Psalm 24 that the Lord-- the earth is the Lord's and everything in it, and I want to, to repeat that. If we believe the earth is divinely created, it follows that we have an obligation to care for it. I also wanted to tell a couple of Bible stories from my-- from-- well, these are kind of the stories that you heard back when you were in, in Sunday school as a kid. But one of the stories that, that I've always found really inspirational was the story of the young boy-- shepherd boy, David, taking on the giant Goliath and, and the fact that you have this young, young person who stands up. And he, he uses a new technology; he uses a slingshot and he defeats this supposedly and undefeatable giant. I mean, Goliath was supposed to be invincible, but he, he beats him because he's-- because he has courage and because he's going to try something new. And I guess what I'm saying is, I'm encouraging the committee to listen to the voices of the young people here; that they are coming forth, they've got some new ideas, they're showing courage and vision. And so, that's, that's one story I'd like to share with you. The other story that I was thinking about is the story of Joseph-- also an, an Old Testament story-- because he had visionary dreams when he was a teenager and his brothers got mad at him for that, and so they threw him in a pit and sold him to the-- off into slavery. But it turned out that he rose to a position of power because he was able to correctly predict the seven years of plenty, followed by seven years of famine. And so, I think there's some-- a message here about the wisdom of young people. I guess I'm-- and I'm encouraging the committee to recognize that. And I also have a list of practical reasons why we support it. I guess one that I want to particularly mention is the Ogallala Aquifer, because that's a resource that we have no other state has, and this would be a ability to protect that. And one other thing I wanted to mention, there was a question about the AltEn situation. AltEn violated NDEE rules for years before anyone took any action against them, and there were letters that were sent to them saying, "stop doing that; that's bad; don't do that anymore," and they kept doing it and they kept getting worse. Something like a green amendment would, would enable us to take action there. I guess the oth-- the other thing that I also wanted to mention is a green amendment also

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provides some opportunity to kind of incentivize things like renewable energy and, and, and making sure that, that we're-- that we have healthy soils in our state, things of that nature. So--

BRANDT: Mr. Winston, your red light is on.

KEN WINSTON: OK.

BRANDT: You want to wrap up?

KEN WINSTON: Yeah. And anyway-- well, with that I'd like to encourage the committee to, to advance LR22CA. Thank you, Senator.

BRANDT: All right. Let's, let's see if we've got questions. I don't see any. Thank you.

KEN WINSTON: Thank you, Senator.

BRANDT: Next proponent. Proponent. Welcome.

JACKI PETROW: Thank you, and good afternoon to Chairman Brandt and the members of the Natural Resources Committee. My name is Jacki Petrow, that's J-a-c-k-i P-e-t-r-o-w. I'm here to testify in support of LB22CA [SIC] for myself and also on behalf of Sustain UNL. Sustain UNL is a recognized student organization at UNL which works to promote sustainability in our schools and communities. We support this constitutional amendment because it will help protect our futures in Nebraska. In 2022, the United Nations passed a resolution declaring an inherent right to a clean environment. This helped solidify an international framework for what is, quite simply, a human right. Today, we're asking for what is, is-- what essentially is implementation of this at the state level. As college students, we want to settle somewhere where we don't have to worry about medical issues from avoidable pollution; we want to be healthy; we want our siblings, our nieces and nephews, and our future children to be healthy. With this amendment, Nebraska can do better. On an individual level, I've lived in Nebraska my whole life and have always enjoyed spending time in our natural spaces. I grew up in Bellevue, and am now attending the University of Nebraska at Lincoln, where I live in Senator Conrad's district. I love this state, and I'm worried about the impacts of climate change on our people. When I was in middle school in Bellevue, we were hit with really destructive flooding, which destroyed homes, parks and parts of Offutt Air Force Base. This led to the temporary movement of STRATCOM, which is a movement of control over our country's nuclear weapons, which really scared me. So clearly, climate change poses a threat to our national security since this event was likely

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exacerbated by climate change, and natural disasters like it are only likely to get worse. This is just one reason why this bill is so pertinent. Mitigating the climate crisis, which this amendment would allow us to do with more ease, is key to our futures and our country's future. I love-- I would love to remind us all of the adage that Mr. Arganbright brought up earlier in this hearing: we're borrowing this land from our grandchildren. This is how we protect our land for our grandchildren. Thank you for your time today. I'd be happy to answer any questions.

BRANDT: OK. Let's see what we've got. I see none.

RAYBOULD: Oh.

BRANDT: Wait, excuse me. Senator Raybould.

RAYBOULD: I enjoyed your testimony, Miss Petrov [SIC]. Can you tell us what, what are you studying at UNL?

JACKI PETROW: Yeah, so I'm studying environmental studies and also political science.

RAYBOULD: OK, great. Thank you.

JACKI PETROW: Thank you.

BRANDT: I don't see any other questions. Thank you for your testimony.

JACKI PETROW: Thank you.

CONRAD: Great job. Thanks.

BRANDT: Yep. Next proponent.

DAVID CORBIN: Good afternoon. Thanks for this opportunity. By the way, I only had ten copies. I'll, I'll give this an extra one. Sorry about that. My name is Doctor David Corbin, D-a-v-i-d C-o-r-b-i-n. I'm a professor emeritus in health education and public health after teaching there for 31 years. I've been the president of the Public Health Association of Nebraska, and for several years, I was the Nebraska representative to the governing council of the American Public Health Association. It's the oldest and largest public health association in the United States. Obviously, I'm here to support LR22CA, the Green Amendment. Environmental health centers on relationships between people and their environment. When people are exposed to hazards like polluted air and lead, and nitrates in their drinking water, they can develop

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serious health conditions such as asthma, heart disease, cancer, and even dementia. The Nebraska Green Amendment will strengthen healthy economic growth that comes from environmental protection, and will help state and local governments to avoid costly impacts of environmental harm, including illness and health care costs, emergency response services, and cleanup costs associated with flooding, wildfires and drought. The Green Amendment will ensure that government actions avoid environmental degradation rather than responding to it after the fact. Just this morning in the World Herald, there was an article about my next paragraph, which is the \$307 million ONE RED Comprehensive Action Plan, which seeks short-term and long-term greenhouse gas reduction measures across all sectors. For a while, we thought that money was going to be drawn back. According to the article today, we have that \$307 million, which will go for just the kind of things that we're talking about here today. This plan will propose voluntary measures-- this is from their own website-- voluntary measures and financial incentives that could produce environmental and economic benefits across Nebraska. The plan will assess potential benefits of these measures statewide, and for low-income and underserved communities, which include both rural and urban areas. Governor, Governor Pillen said about the grant, the widespread output received across Nebraska was instrumental to the success of this highly-competitive grant application process. We are grateful for the investment in our state's agriculture and energy projects that will make an incredible impact now and in future generations. Both Omaha and Lincoln have plans to improve, so they can-- they could piggyback off of this amendment. And I have something about AltEn, but we've already talked about that, but-- so I will leave that. And I will just say that my second page, which was my closing, is not there, so I can assure you that it was very compelling and very moving.

BRANDT: All right.

JUAREZ: Thank you.

BRANDT: Let's, let's see if there's any questions.

DAVID CORBIN: Oh, sorry.

BRANDT: Senator Raybould has a question.

RAYBOULD: Thank you, Dr. Corbin. Could you tell us a little bit your thoughts on AltEn and the conditions in Mead?

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DAVID CORBIN: Yes. As was referred to earlier, AltEn was violating the law for many, many, many years. At first, nobody even knew that they were doing it, and then, when they found out, there was a thing called coach to compliance: don't do that. And, and then they'd say, "don't do it," and they kept doing it. And so, they kept doing and doing it. And I live in Douglas County, so right now that waste with, with all those insecticides which is in this last paragraph here is going to the landfill in, in Douglas County. Claims not to be hazardous, but when they take it there, they put-- they protect the tires of the trucks, they wear masks, they put all this stuff in there, and then they take it to that and they dump it. And so, there's a lot of us who think that that's hazardous. If it's hazardous on this end, why isn't it hazardous on the other end. So, there's many things that we've been working on for AltEn for a long time, and I did quote Governor Ricketts, who added AltEn is a company that's "terribly managed," and it was terribly managed, but not much was done about it until many-- it, it, it was first revealed by The Guardian, a British newspaper. That's where the, the revelation came.

BRANDT: OK. Any other questions? Oh, Senator Raybould again.

RAYBOULD: Just a follow-up, Dr. Corbin. Are they doing testing on the dumping-- or, the grounds where they're dumping the waste?

DAVID CORBIN: I didn't hear you.

RAYBOULD: I'm sorry. Are they doing testing in Douglas County--

DAVID CORBIN: No.

RAYBOULD: --on where they've dumped the waste?

DAVID CORBIN: No, we've tried to get permission to do that. And, you know, also UNL has done things, and there's-- they found neonicotinoids, the, the insecticides in the home. They only looked at 11 homes in, in Mead, and they all had neonicotinoids inside their house, and most of them had it outside the house, and they compared that to other areas not near there, and they did not have it. So, there's a lot of things we don't know. The Legislature for-- fortunately allowed \$1 million a couple of years ago to do the study for UNMC and Creighton, and that's how we found out some of the things. Not just what it does to humans, but what it does to bees and other animals and plants.

RAYBOULD: OK. Thank you.

BRANDT: Senator DeKay.

DeKAY: Thank you. In the highlighted paragraph number four, about halfway down, it says this plan will propose voluntary measures. How are those voluntary measures carried out, and, and what's being done on that front of them?

DAVID CORBIN: You'd have to talk to NDEE about that. There the-- that's a-- those are their words. And so, basically, I think what they're trying to say is they're not going to make you do something, but they will offer incentives to do things that they think will help.

DeKAY: So, with the other part of that statement-- on a voluntary basis is probably not working out very well unless there-- there's a financial gain from them to do that?

DAVID CORBIN: Yes. I mean, that's what, that's what their plan says. And so, a lot of that is for agricultural, a large percent of that \$307 million. And that's what the, the governor speaks so highly of. And, and the fact that they got \$307 million is a testament to the fact that, you know, it's going to be helpful.

DeKAY: OK. Thank you.

BRANDT: Senator Clouse.

CLOUSE: Thank you, Senator Brandt. When you talked briefly about hauling off that, that-- to the landfills, do you know if they were going to landfills that had cells so it was protected?

DAVID CORBIN: Well, all landfills, you know, they cover it up each day. But the-- you know, and they're all aligned.

CLOUSE: Right.

DAVID CORBIN: But so were the lagoons at AltEn, and those lagoons had formed what was called "whales." So, they came up from the bottom, the gas was coming up, and they were compromised, and they leaked. We don't know that that will happen at the, the landfill, but we don't know that it doesn't. So, it would be nice to know those materials and if they took any special precautions.

CLOUSE: Yeah, thank you. And I was talking to someone that runs a landfill yesterday. In fact, they were talking about the dumping fees and the increased costs on landfills. And they were saying sometimes when they get that hazardous waste, they need to make sure it gets in

where it's lined, because to your point, if they have to set it outside, they're not gaining anything. So, that's why I was asking if you knew.

DAVID CORBIN: Yeah.

CLOUSE: At least the cells that are lined offer some protection.

DAVID CORBIN: Yeah. And I know they're writing grants to try to improve the kind of things that go in the landfill, but you may remember when there was a Keystone Pipeline leak in Kansas, that waste came to Douglas County, too. And I don't think that was appropriate, but--

CLOUSE: Well, I live upstream, so I'm good.

BRANDT: All right. Any other questions? I don't see any more questions.

DAVID CORBIN: Thank you very much.

BRANDT: Thank you. Next proponent. Welcome.

SHIRLEY NIEMEYER: Welcome. Shirley Niemeyer, S-h-i-r-l-e-y N-i-e-m-e-y-e-r. Honorable Senators, I support LR22CA. Why? And I know many of you already know this, but I want to summarize some of the things that are happening with our climate. Thousands and thousands of scientists throughout the world report devastation of climate change happening now. The climate tipping point risks can occur within 1.5 to 2 degrees centigrade; that's the climate range, according to scientists. And the world is heading well beyond this range at more than 2.5 in the future. Scientists have warned about the potentially devastating and irreversible breakdown of the Gulf Stream. The ocean current global experts indicate a serious risk of major ocean circulation change in the Atlantic in the decades to come. I've cited all this with my citations, if you want to check some of them, and you go to other sources as well. Recent studies link nitrate to a variety of diseases, birth defects, pregnancy complications, and various cancers. Nebraska has the highest pediatric cancer rate west of Pennsylvania. Nebraska has the seventh-highest pediatric cancer rate in the U.S. And they did a study; Nebraska counties with slightly elevated nitrate levels showed a sevenfold increase in the leukemia rate from-- compared to counties with minimal nitrate levels, the research shows. These counties had lymphoma rates four times higher than counties with low levels, and that's from UNMC. Extreme heat events likely will kill more and kills more people than any other event disaster. Nebraska had a record \$2 billion in damage from just one storm, the bomb cyclone storm, combined with blizzard, rain, and widespread flooding and

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massive destruction. Nebraska could be an energy-producing state; Nebraska's-- and these figures vary-- Nebraska is the top-- in the top 5% for wind resources and the top 10% in solar resources, and that depends on whether they're talking about the amount, you know, the wind-- it, it varies. Nebraska, as of now, does not have a climate action plan, but it's working on one, I believe, and it's supposed to be August of this year, I think. The next topic is the disappearance of nature. Science has-- scientists are sounding the alarm about a catastrophic extinction crisis that threatens the biodiversity of our planet. And this is from the source there, the U.S.-- approximately 12,000 wildlife species need conservation assistance to avoid extinction. The disappearance of bees and other pollinators is reducing crop yields and threatens food security. There are 3 billion fewer birds in North America than there were 50 years ago. OK. And I do hope that you'll read the rest of the bullet points. I really do. And yeah, figures vary a little bit, but I try to read a variety of research reports and, and systems, so-- and--

BRANDT: Let's see if we have any questions.

SHIRLEY NIEMEYER: OK. Thank you.

BRANDT: OK. Senator Raybould.

RAYBOULD: Ms. Niemeyer, I want to thank, thank you very much for all the facts and statistics. I'm going to help you summarize it in ten words about climate change: it's real. It's us. It's bad. Scientists agree. There's hope. So, thank you. But these-- the facts are great.

BRANDT: OK. Any other questions? Senator DeKay.

DeKAY: Thank you. You talked about Nebraska be-- could be a top energy-producing state.

SHIRLEY NIEMEYER: Uh-huh.

DeKAY: And we talked a little bit about wind and other resources on the renewable side. What's your thoughts on nuclear generation in comparison with carbon-free emissions?

SHIRLEY NIEMEYER: I think there's been some research being done, and there are some movement toward doing small underground nuclear operation systems for communities, not the big ones like we've seen. Because of all the problems we've seen in the past, people are scared of it. But I think we need to address that issue and see, perhaps in Nebraska, trials. You know, I thought Berkshire Hathaway invested in

some trials in, in U.S., or is-- another part of the world. So, I would like to see that explored. We're going to need many more options for energy; if we reduce oil and coal, we're going to need wind and solar and cellular from unique species, and we're going to need nuclear and wave action. We're going to need a broad spectrum of sources so that we can reduce the amount of not only carbon dioxide, but also we need to reduce methane. And methane can be a source of energy, too, but you have to weigh the outcome of what comes out from using it.

DeKAY: As a source of baseload generation, do you think nuclear could be-- answer to those questions?

SHIRLEY NIEMEYER: I'm sorry, I have a hearing problem.

DeKAY: OK. As a source of baseload generation, do you think nuclear could be an answer to some of those problems?

SHIRLEY NIEMEYER: I, I don't think it can be the only answer. I don't think it can be the biggest step. I think it's going to have to be a variety. That's just my personal thought. I'm not an engineer, and, and I haven't studied in depth, but it's-- right now, we do have some basis. But some of the other countries are well ahead of us in terms-- China is moving way ahead with a lot of solar, and, and we should be leading. We should be leading.

DeKAY: But China's also way ahead of us on coal generation, too.

SHIRLEY NIEMEYER: Yeah. And maybe that's why they're trying to push, push their solar more.

DeKAY: Just for, just for reference. With nuclear, SMRs-- we've talked about that a little bit-- are going to be coming into production in the very near future, if you call within the next 6 to 10 years.

SHIRLEY NIEMEYER: Good.

DeKAY: And there's other aspects where we can take nuclear waste and the spent rods and repurpose them, and produce hydrogen out of that. And there's prototype studies taking place in Nebraska as we speak now, so--

SHIRLEY NIEMEYER: Wonderful.

DeKAY: So anyway, I just--

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SHIRLEY NIEMEYER: Thank you. And that's-- I just want to say-- and I didn't want the students to hear what I just said, but there's hope. I really believe that. But you have to let loose with the research and the technology, and it's going to take a lot of people across the world to solve this problem. But we've got to move fast. So-- but I really happy that you told me that, and thank you for knowing that.

BRANDT: OK. Senator Clouse has a question.

CLOUSE: Yes, thank you, Senator Brandt. Good information. Thank you for providing this. As I was reading through it, and we, and we just talked-- packing plants are fairly localized. Even though when it gets in the water, it moves. Mead was [INAUDIBLE] but nitrates, they're all across the state. I mean, that, that is an issue all across the state. So, the information, I think, is, is critical. Thank you for providing that.

BRANDT: OK. I don't see any other questions. Thank you.

SHIRLEY NIEMEYER: Thank you very much.

BRANDT: Yep. Next proponent. Welcome.

AUBREY BRUCK: Hello. My name is Aubrey Bruck, A-u-b-r-e-y B-r-u-c-k, and I'm present today in support of LR22CA. I'm a high school senior in Blair, Nebraska, and I'm also a founding member of New Voices. While growing up in Blair, a town of approximately 8,000 people, I had a pretty typical childhood playing in my backyard and in creeks. Our clothes would be covered in grass stains, and we came home caked in mud up to our knees. However, while I do look back fondly of my childhood, it does ring some alarms. Our creeks were often full of glass and rusty metal, and the water's polluted with oils, pesticides, and heavy metals from highway and lawn runoff. To look back on these memories of splashing in and sometimes even drinking this water has sirens going off in my head. Even this being said, my childhood experience in my suburban wilderness crafted who I am. I'm now a passionate conservationist, and spent much of my time researching current events and volunteering at our local wildlife refuges. DeSoto and Boyer Chute National Wildlife Refuges, located just outside of Blair, are my secondary homes. At these refuges, questions are no longer answered with made-up facts by my third grade buddies. The magic held in the creeks is alive there too, and I've seen through my 121 hours that I've clocked there that it has not weakened, but grown stronger because these issues are worsening and not just in my home town. I have a lot of stuff in here about nitrates, but I'm sure you all know about that

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already. Nitrate contamination is expected to worsen, especially for those in rural communities, and pollution is heavy in Nebraska, especially non-point source pollutants. Pollution like this keeps the state's children in line-- or, inside, where they will no longer have their eyes open to the wonders of the Nebraskan outdoors. It's sad to admit it, but I no longer hear yelling and laughter from the creeks. What once were magic forests run void of childhood wonder. This is why I urge you to vote for this bill: so that all children of Nebraska, young and old, can continue to live here and have the good life. Thank you for your time.

BRANDT: All right. Let's see if we have any questions. I don't see any. Thank you.

HUGHES: Thank you.

AUBREY BRUCK: Thank you.

BRANDT: Next proponent. Welcome.

SARA HOLLER: Thank you. Good afternoon, Chairman Brandt, and members of the Natural Resources Committee. My name is Sarah Holler, S-a-r-a H-o-l-l-e-r, and I'm here today as a young person who cares deeply about the future of this state and the country, and the role we can play in protecting our environment for generations to come. I strongly support the Nebraska Green Amendment because it affirms the fundamental right of every person-- especially young people and our future generations-- to clean air, safe water, and a healthy environment. The question before us now is how can-- how effective can our government be when the natural environment that sustains it is falling apart right before our eyes? Destroying the lives of the people that the Constitution claims to protect. As I grew up, I watched farms in my community slowly lose their functional capacity, my friends' families lose their livelihoods, and the produce stands on the side of the road where my family frequented to buy produce become few and far between. As young people, we are inheriting a world shaped by the policies you enact today. The consequences of environmental degradation, rising temperatures, extreme weather and pollution are threats-- and threats to our water supply are not abstract issues to us; they are lived realities that affect our communities, our health, and our future opportunities. Without strong constitutional protections, our right to a livable environment remains vulnerable to political shifts and corporate interests that prioritize short-term profits over long-term, life-sustaining policy. This amendment ensures that the state government continues and considers environmental impacts before damage

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is done, rather than responding to harm after it has already occurred. By passing the Nebraska Green Amendment, you are making a promise to young people that our right to a clean and healthy environment is not negotiable. I urge you to stand with us, the people, and support this amendment. Our future depends on it. Thank you.

BRANDT: OK. Let's see if we have questions. Senator Clouse.

CLOUSE: Thank you, Senator Brandt. You mentioned-- and, and I'd mentioned to Senator Dungan this-- so, that first part where it says including pure water, he said clean water. So, you would be OK if that was the wording that would be changed in that?

SARA HOLLER: No, I, I think that pure water is the-- I feel that, as was mentioned before by multiple of the other testifiers, that the broad language does not necessarily have specific nailed-down definitions, and that pure water is what was chosen in this case, but I know that in other states the language slightly varies, but the principle still stands. And the litigation that can come from that will be, will be equivalent, and the values that it will instill in both Nebraska and its potential to inspire future environmental movements across the country will be a [INAUDIBLE] one.

CLOUSE: OK. That's a good answer. I was thinking that clean water is, is, is a good definition to me, because pure water is-- you know, that's a-- that is very specific and narrow, but--

SARA HOLLER: Mm-hmm.

CLOUSE: But you did good. Thank you.

SARA HOLLER: Sure.

BRANDT: OK. I don't see any other questions. Thank you for your testimony.

SARA HOLLER: Thank you.

BRANDT: Next proponent. Welcome.

SOFIA HAYES: Thank you. Good afternoon, everyone. I hope everyone's having a nice day. I appreciate the opportunity to speak to you all today. I'm Sofia Hayes, spelled--

BRANDT: You might have to lean into the mic a little bit. Yeah, there you go. Or talk a little louder. Go ahead.

SOFIA HAYES: Good afternoon. I appreciate the opportunity to speak to you all today. I am Sofia Hayes, spelled S-o-f-i-a; Hayes, H-a-y-e-s. I am from Kearney, Nebraska, the district of Senator Stan Clouse. I'm an environmental and sustainability studies major at the University of Nebraska at Lincoln. I'm here today to speak in support of LR22CA. I grew up on the outskirts of the town of Kearney, wake-- walking around with my friends in the cornfields surrounding my neighborhood and running through the sprinklers, as well as riding my bike to my friends' houses. It was a pretty, pretty typical upbringing, and thankfully I was spared of any grave health issues, but the drinking water used by my neighborhood likely had dangerously high levels of nitrates. Our tap water coming from a well right under the middle of what is-- has recently been predicted to have nitrate levels of over ten parts per million. I am close to multiple people that have been diagnosed with cancer, and I'm very frightened by how prevalent these health risks are in my community. The University of Nebraska Medical Center has found that Nebraska watersheds with high nitrate levels have shown correlations to high occurrences of pediatric brain cancer, leukemia, lymphoma, as well as all-- other health issues. This major socioecological issue is having consequences on the environment and the health of almost 2 million inhabitants in the state who rely primarily on groundwater for daily necessities. Although I can't provide proof, a direct cause to the nitrate pollution in the water to these diseases, it seems very likely that these issues have been caused by this contamination. I'm very afraid for the many different health impacts this poison is having on my community. Throughout my life, nature has been a very integral part of my existence. I grew up primarily outside, bouncing around different parks, fishing with my family, and visiting the farms of family friends in the area, as well as walking around the Audubon Nature Sanctuary south of Gibbon. Having the opportunity to experience the wildlife and the great sandhill crane migration in these areas has been incredible throughout my life, but there has been a decline in the wildlife population since I was a child. This decline in wildlife can be traced back to excessive pollution, which this amendment could improve. I want to protect this wildlife and the natural spaces in an effort to carry on the legacy of our beautiful Nebraska landscape that greatly benefits the economy of our state. I would like to have the option to stay in the state of Nebraska and raise a family here, but the thought of exposing my future children to the effects of nitrate-infested water sickens me. Clean air, a stable climate, healthy ecosystems and environments, and therefore, clean water are basic human rights, and I believe that the state constitution should reflect them. Thank you very much for your time, and I believe that if we all work together, we can create an equitable and clean

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environment for the future of Nebraska with significantly less childhood cancer.

BRANDT: OK. Let's see if we have questions. OK. Thank you for your testimony.

SOFIA HAYES: Thank you.

BRANDT: Next proponent. Any more proponents?

AL DAVIS: Good afternoon, Senator Brandt, members of the Natural Resources Committee. My name is Al Davis A-l D-a-v-i-s. First of all, I just want to say how impressed I am with the testimony that's been delivered here today by the young students who are actively interested in this bill, and I, I hope for the best here. So, we are-- I'm with the Nebraska Chapter of the Sierra Club and its 3,000 members. We are really pleased to support LR22CA, and want to thank Senator Dungan for introducing this important piece of legislation. I also want to show my appreciation today to the many young Americans who have taken on the environmental mantle, and are focused on concrete solutions to the issues associated with the burning of fossil fuels. Nebraska is a unique state, and is often overlooked as one of the nation's most beautiful states. While the state is not home to dramatic vistas, the Sandhills offers a quiet beauty, and the butte country in the Panhandle is spectacular. But it is what lies under the ground what sets Nebraska apart from neighboring states. The economy of the state has been amplified significantly during the past 70 years by mining the water in the aquifer to produce crops on our loamy soils. The state leads the nation in irrigated acres, which produces countless tons of soybeans, corn, and other crops. Nebraska is also the epicenter of the livestock feeding industry. Unlike our neighbors to the south, Nebraska has managed its water resources by recognizing that mining the water without focusing on depletion will eventually produce a ruined ag economy as the aquifer dries up. The citizens should be forever grateful to those who offered solutions decades ago which have protected the aquifer in most of the state from depletion. The goals of LR22 [SIC] are not unlike the goals of the senators who had the vision to sculpt policies which use water, but with an eye to perpetual recharge. That does not mean that all our problems are solved. The state's aquifer is contaminated with too much nitrogen, which is hazardous to human health; other parts of the aquifer are contaminated with pesticides, uranium, benzene, and other chemicals. The young Nebraskans here today face a climate which will be hotter, drier, and more unstable. Global warming is not a myth but a fact, and truly an inconvenient truth, as it was labeled decades ago. As elders of the

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planet, it is our duty to offer solutions rather than shrug our shoulders. Theodore Roosevelt, a Republican and the 26th U.S. President, was the nation's leading conservationist in his day. President Roosevelt said this about the environmental movement: "there can be no greater issue than that of conservation in this country;" "conservation is a great moral issue, for it involves the patriotic duty of ensuring the safety and continuance of the nation." I do not intend that our natural resources shall be exploited by the few against the interests of the many, nor do I intend to turn them over to any man who will hope-- who will wastefully use them by destruction, and leave to those who come after as a heritage damaged by just so much; "the rights of the public to the natural resources outweigh private rights, and must be given his first consideration." Roosevelt's message is timeless and important, and the world's population faces the possibility of what seems like unlimited resources are, in fact, running out. Nebraskans must join other states like Montana in adopting initiatives like the green amendment to protect not only our livelihood, but the livelihood of the creatures who have come to rely on us to provide for their needs, and also for the generations to come. Again, thanks to Senator Dungan for introducing the bill. We look forward to working with him and this committee.

BRANDT: Questions? Any questions? I don't see any, Al.

AL DAVIS: Thank you.

BRANDT: Thank you for your testimony. Next proponent. Any more proponents? OK, come on up.

JAMES REED OLSON: Do we need to have something submitted [INAUDIBLE].

BRANDT: Yeah. Do you--

JAMES REED OLSON: I didn't have my [INAUDIBLE].

BRANDT: I mean, did you want to testify?

JAMES REED OLSON: Yes. Yes.

BRANDT: OK, then just hand the sheet to the-- yes. If, if you just want to be counted-- if you just-- if you don't want to testify and be counted, please fill out the yellow sheets. Yeah. So, otherwise, we're good to go. Welcome to the committee.

JAMES REED OLSON: Thank you. Thank you, Committee. My name is James Reed Olson, J-a-m-e-s; middle name, R-e-e-d; last name, O-l-s-o-n. I go

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by my middle name, Reed, so that's why I'm giving that to you. Thank you for giving me the opportunity to speak to you, committee. I wrote some-- I wrote these up, but I submitted them a little bit late, so I just handwrote some of my comments. And I have a cold, I'm sorry. I want to comment about-- obviously, you've pointed out the unhealthy and dangerous levels of nitrate in drinking water of many rural Nebraskans, including children that are impacted. That's very obvious whenever you visit any-- well, we travel to northeast Nebraska once a month, and we don't drink their water because they have high nitrate levels. That's very concerning. Obviously, that's been pointed out here at length. It's not acceptable and it should not be tolerated, and when I hear that this has happened for three decades-- I've, I've lived in Nebraska about four, five, five years, and I, I didn't realize that this was an issue for three decades. It's really unbelievable that this is happening. When you hear seven times the level of leukemia and cancers, that's-- that-- that's alarming, when you've encountered that in your family. This can all be resolved by correcting and complying with EPA and Nebraska regulations. I don't know, apparently these cases-- and they've been cited, communities have been cited multiple times, and this hasn't happened. The AltEn situation was disastrous, and unbelievable that this happened. If for no other reason, we should also embrace sustainable energy such as wind. Nebraska should be the number two, number two in this country for sus-- for wind power. Absolutely no reason they can't reach that. We're in the top 3 to 5 nationally in wind power-- wind-- high winds. Why not use this terrible wind that we have? Why, why don't you-- why don't we use it to our benefit? We could, we could make \$150 million, \$200 million-- maybe \$300 million could be applied towards property taxes in this state by building wind turbines, as well as-- there's huge potential in solar in the state as well. Just because you don't want to see it out in the-- out in your backyard or in your 500 acres, that just-- not-- does not seem to be a reasonable solution. There's a lot of economic benefits, and we can really gain by using renewable energy in, in this state.

BRANDT: OK, Mr. Olson, your time is up. Let's see if we have any questions. Senator Clouse.

CLOUSE: Yeah. Thank you, Senator Brandt. I just have one. It's kind of off-the-wall a little bit, but yet we're going to be facing this, and revenue and all those things. When you talk about bottled water, and we talk about, you know, some of these are going to come with a price tag. What's your thoughts on taxing bottled water to generate revenue? Just-- I'm, I'm not picking on you, I'm just saying think about that a little bit, because we got to fund some of these things somehow, and presently we don't do bottled water.

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JAMES REED OLSON: I, I, I would-- I don't understand why you'd tax bottled water when-- in a lot of cases, when we travel to Cuming County, we buy bottled water if we buy it. We take our water with us. We buy bottled water because the drinking water has a high nitrate levels. And I know that's a big concern for children, the, the-- but we're cautious as well, that's-- so, I, I don't under-- I think taxation-- there should be taxes on plastic bags. That's could be a way to gain quite-- millions of dollars. Plastic bags-- 500 million plastic bags are used by Nebraskans annually. I estimate that-- I say-- I, I, I would use probably 500 bags a year, so taxing things like that, the use of plastic, that, that makes much more sense.

CLOUSE: OK. Well, thank you. Be careful what you ask for.

JAMES REED OLSON: No, I'm-- I, I would gladly pay--

HUGHES: [INAUDIBLE] next bill.

JAMES REED OLSON: I'd gladly pay the--

CLOUSE: Yeah. No, thank you. I just was kind of trying to [INAUDIBLE]

JAMES REED OLSON: Yeah. Yeah. No, that's the problem. What if, what if the-- what if the water is unsafe?

CLOUSE: Yeah.

BRANDT: OK. I don't see any more questions. Thank you for your testimony.

JAMES REED OLSON: Thank you.

BRANDT: Next proponent. Welcome.

SARAH SHU: Good afternoon, Senators. I am Sarah Shu. First name, S-a-r-a-h; last name, S-h-u. I am a junior at Elkhorn South High School, and I am here on behalf of the Students of Action and Representation, which I am the founder and president of. And I just want to thank you all today for inspiring me with this, with this testimony, and thank-- I want to thank you all for giving me this opportunity to share my voice, for representation of those who can't be heard. So, many of the opponents from earlier today have highlighted the impact of this amendment and what it could do to businesses, but I want to rather highlight that it's not about the health of the businesses, but it's about the health of the people. We're not asking to just sue companies for no reason or plummet our economy. No, we are

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asking to protect our livelihood and our future. We aren't here to put an end to industries, but rather we are here to promote our own futures and our health. We are here to ask for the benefit of the citizens and not for a future of scarcity or illness. It's not about prioritizing the industries over the people. And even in this situation, there are still benefits for these industries and these businesses, where better regulations under the Green Amendment could provide higher-quality production and more profit for these businesses, which is another perspective that we should open our eyes to. On top of that, though, this amendment also gives us the ability to hold these groups accountable, and we can use this to put an end to systematic poverty and environmental racism. We can see this in various communities where sewage dumping and waste dumping is substantially higher in communities of low income and minority-majority communities. And we see this with-- also, the benefits that this provides. For example, with the previously mentioned ONE RED incentives, where it has a total worth of \$307 million, which is well worth it for the purpose of reducing 160 million metric tons of greenhouse gases. This is far more efficient than waiting 20 years into the future, where we have to funnel billions more of dollars into reducing the damage that we've already done. And simply, this is because in 30 to 40 years, money won't be able to buy back the bounty of our land and the health of our people. Thank you.

BRANDT: OK. Let's see if we've got some questions. Senator DeKay.

DeKAY: Thank you. When you talked about the "dumpage" of sewage and waste products in neighborhoods of lower income, could you provide me some of the data on that?

SARAH SHU: Well, actually, this was a testimony that I had-- or, that I formed over the course of just watching the other testifiers throughout the session. So, it's a bit of an impromptu. However, we do see this, and we see this on statistics. You can look at multiple pages on the Environmental Protection Agency. We can see this exemplified by previous speakers talking about, for example, in south Omaha, which is a majority Latino community; we see this with the meatpacking industry there, where there's less regulations, where the sewage dumping is significantly higher. We don't see these complaints in areas like Elkhorn and west Omaha, and this is specifically because-- this is not a coincidence, and it's not just in Nebraska; it's all throughout our nation we see these patterns. It's not something that I can provide statistics on when it's in front of you, and it's something that needs to be addressed, because this has been something that's been burdening our society for centuries.

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DeKAY: I appreciate your passion, so.

SARAH SHU: That's what I'm here for.

DeKAY: And rest assured, we all-- all of us here in the Legislature are looking at how we can clean our environment and clean up problems. But we still work within the DEQ and EPA standards, too, so. Thank you.

SARAH SHU: And that's exactly why the green amendment helps hold those people accountable, right?

BRANDT: OK. Any other questions? Seeing none. Thank you for your testimony. Next proponent.

SARAH SHU: Thank you, Senators.

BRANDT: Yep. Welcome.

EDISON McDONALD: Hello. My name is Edison McDonald, E-d-i-s-o-n M-c-D-o-n-a-l-d, on behalf of GC Resolve. GC Resolve is a company that works with family farmers transitioning to regenerative agriculture. I'll keep my statement very short today. I'm just so excited about all the young people who shared amazing stories here today. We're here in support of those young voices and LR22CA. This amendment is crucial not only for safeguarding our natural resources, but it's a vital step forward in helping to support regenerative farmers across the state who are stewards of the land. This amendment offers many benefits to regenerative agriculture businesses, inclu-- which is a focus on a holistic land management practice that leverage the power within the carbon cycle to build up in soil health, crop resilience, and nutrient density to help make sure that we can produce crops and help be good stewards of the land. We believe this amendment will help to put us in better alignment with the new "Make America Healthy Again" or "MAHA" goals of advancing regenerative agriculture, tackling the disease epidemic, eliminating environmental toxins, and protecting natural habitats. In particular, we're excited about this bill focusing on elements that will help to ensure we have healthy soils and increased biodiversity; the amendment's call for healthy soils aligns with the practices of regenerative farming. We're also excited about the focus on water conservation and quality, because those-- regenerative farming practices require having quality water to go along with our quality soil. And then lastly, the "econama"-- economic viability and sustainability, making sure that we're supporting these businesses who want to be able to continue to grow requires having a healthy environment. With that, I'll close. Thank you.

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BRANDT: OK. Let's see if we have questions. Senator DeKay.

DeKAY: Thank you. You mentioned Make Health-- America Healthy Again. Do you think RFK Junior's going to implement any programs that's going to be-- on the federal level that's going to be beneficial to the-- on the statewide level?

EDISON McDONALD: You know, as I said, just out of those platform pieces, you know, we've been excited to hear him talking about-- within the platform of supporting regenerative agriculture, tackling the disease epidemic, eliminating environmental toxins, and protecting natural habitats. We're still waiting to hear and see more specific details as to how that looks, but you know, the statements and position are what we have now.

DeKAY: Thank you.

BRANDT: OK. Anybody else? I don't see anything. Thank you. Next proponent. Anybody else to testify for the bill? Anyone opposed to the bill? Anyone to speak in the neutral capacity? Senator, it's time to close. And we had, online, 138 proponents, 9 opponents, 1 neutral, and no ADA comments. Senator Dungan.

DUNGAN: Thank you, Chair Brandt and other members of the Natural Resources Committee. I don't want to take too much time. I know it's been a long day, but I do want to touch on a couple of, of things. So, when I first "introed" this bill, I said that I was proud to introduce to you LR22CA, and I mean that. I really do feel a sense of pride in this bill. The pride, though, is not in the work that I've done, but it's getting to be a part of the amazing work that you've seen here today. I'm not trying to be cheesy when I say that I'm legitimately blown away by the works that I've seen the youth here do, and I think many of you know, the testifiers that testify before us on a regular basis can't answer the questions that we ask them, but I think every question you asked was answered amazingly well. So, I just want to be very clear of how appreciative I am for the testifiers, as well as the other people that didn't testify here today, but are here to show their support. Clearly, there's a number of folks who would love to get up and tell you exactly why this is important to them, but I understand that there's some interest in trying to make sure that we can all get out of here on time, so I would encourage you to go read the comments that are online. A number of folks who weren't able to testify today submitted really good letters and really good comments that talk not just about the policy implications, but the personal stories of why this is important. So, I would really encourage you to check those out.

Just to touch on a couple of points that were brought up, I understand that some of the opposition here today, as well as some of the opposition online, is about frivolous lawsuits. As an attorney, I completely understand that; nobody wants to see our court systems clogged up. I would just tell you that in my research and in talking with folks who have been doing this a lot longer than me, no lawsuit that has been brought in any of the states that have amendments such as this has ever been dismissed as frivolous. And so, I just want to be very clear. I, I don't believe that there's going to be some influx of litigation. I certainly don't think Nebraskans are inherently more litigious than any other state, and so I just want to sort of quell any concerns that you might have about that. To Senator Clouse's point about some of the, the language in there, happy to have a conversation about that. What's included in this amendment is what I would consider sort of the gold standard. It's taking a lot of the concerns or questions that have been raised in other litigation from other states and trying to answer it ahead of time, so that way the court doesn't have to say, "does it apply to this? Does it apply to that?" But if there's particulars in the language that you think would be clearer and, to your point, provide, you know, a broader definition as opposed to a more narrow definition when it comes to that "pure water" for example, happy to talk about that and see if there's any changes we can make. Finally, there were some concerns brought up about the interplay between this, as well as the EPA and other standing Nebraska laws as they pertain to the environment. These kind of amendments, for lack of a better way to put it, act as a stopgap. Certainly, the EPA would still apply. Certainly, we would still have Nebraska state regulations pertaining to the environment, and I would expect those to continue to evolve over time as we look into new sources of energy like nuclear. And I, and I would hope that our laws keep up with that. In the meantime, what this does is it ensures that the state of Nebraska has that trustee duty to really care for this land, both for us and for future generations, to make sure that we're making responsible decisions and to make sure that we are not acting in a way that-- in ways that can harm the environment moving forward. So, I see these as complementary with the laws that currently exist, not in contradiction with them. I would just close by saying I understand whenever a new amendment is brought at the federal level or the state level, it's often met with skepticism, it's met with concern, and it should be. I think whenever we change the Constitution, that's a big deal. I do believe, though, that looking across the country and looking at states that have implemented this, we see that this works, and we see that this is important. So with that, happy to answer any additional

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questions or continue to have conversations with the committee moving forward.

BRANDT: Let's see what we've got. Questions? Senator Conrad.

CONRAD: Chairman Brandt. Thank you, Senator. Good to have an opportunity to, to hear more about this constitutional amendment for potential referral that you've brought forward. One thing-- a couple-- two threads that I want to learn more about, if-- and see if you could share some additional thinking with the committee. So, a lot of times when maybe we first see an issue like this presented-- and it might be regarding taxation, the EPIC work that's been out there; it might be minimum wage policy that starts in the Legislature and then, due to inaction, ends up at a vote of the people through a citizen initiative; it might be vouchers that ends up in referendum. If this measure does not move forward in some format this biennium, is this part of a broader effort to seed a potential ballot initiative? And you may not know that, but it seems to me like it might be.

DUNGAN: Yeah. I mean, I can answer-- to put it shortly, yes. Right? I think that absolutely, if we fail to act, this is the kind of thing that will end up being the subject of a ballot initiative. And as we've seen here, there's a lot of excitement about that, and I think that if it were to go that path, certainly there would be a lot of support for that. And so, I think what we're doing here is a) starting the conversation to make sure we can start talking about what this looks like, but b) this also provides the Legislature an opportunity to have input and to say that we, as senators, can help craft what this may or may not look like. And then obviously, as we all know, if this passes the Legislature with 30 votes, it goes to a vote of the people. And so, the public would then get to decide whether this is what they wanted or not. And so, I see this as the beginning of a process, but it allows us to have that input as legislators.

CONRAD: OK. Thank you for your candor in that regard. It seemed to me like it might be part of a, a broader effort there, and based on what I'm seeing and learning about on similar strategies and issues in other states. The last thread-- and it's probably going to be beyond a simple give-and-take here in the, the closing on this measure at the public hearing, but, you know, I had an opportunity to just kind of go back and quickly flip through the Nebraska Constitution because I wanted to just kind of refresh my recollection. There's numerous provisions of the Nebraska Constitution that have similar concepts in relation to strong language about how water is a necessity for-- ded-- water dedicated for a public purpose, hunting, fishing, conservation,

recreation rights, a prohibition against alienation of natural resources, the statement of rights, which, you know, arguably touches upon many of these same issues and themes that we've heard about today. So, what I'm wondering is perhaps you or your supporters or committee counsel could maybe work together to look at some of the existing constitutional components in Nebraska, see what's missing, see if there is perhaps a way to maybe modify some of the language that you put forward, or, on the flip side, you know, do those provide any sort bases for litigation presently? You know, thinking about the Montana case, from what I know, it-- the provision kind of sat there in their Constitution for some time, and then young activists came along and said, hey, let's, let's [INAUDIBLE] this; let's test out and see what this means in the courts. And then, they had successful effort at the trial court and at the state Supreme Court. So, I-- I'm just trying to kind of pull together what exists in the current context on some very similar themes to see if maybe there's something that you or your supporters or lawyers working on this maybe, maybe want to think about, or harmonize.

DUNGAN: Yeah. And if I could just respond briefly to that--

CONRAD: Please do.

DUNGAN: --I think that it's a very good point that Pennsylvania and I think Montana both were there back in the 1970s and sat essentially unused for a number of years. My understanding from doing some research on this and speaking with people who are more experts in this area than I, is that there's 30-plus states that actually have language in their state constitutions similar to what you're talking about we have here in Nebraska, which is referring to hunting, fishing, at-- water access, things like that. Where we run into problems when it comes to the litigation is where those are placed in the constitution, whether or not they are self-executing, mean-- meaning does it-- do we need to implement additional legislation to make them work, and then how do they interplay with other rights? And so, what this, along with other green amendments that, frankly, have teeth have, is they elevate it into the bill of rights; they create that individual right of action against the government doing these kind of things, and it really does ensure that there's actually standing and the ability to bring these lawsuits. And so, certainly, I would love to see what we can do with the language that already exists, but my fear is that because of where it's found in the constitution, it doesn't present the same kind of protections that this would by placing it in the Nebraska Bill of Rights, essentially. So, that would be, I think, you know, what we can explore more, and I'll speak with some of the folks who were here today

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who have done much more national research and see what we can tweak that already exists. But I do think that this is intended to provide the highest level of protection and ensure that individuals can really push back on government overreach in those ways.

CONRAD: Yeah. I appreciate that. Thank you very much. And just in the interest of time, I'm just speaking very quickly and very generally. I understand that some of those provisions may be antiquated or dead-letter or non-justiceable. I just, generally speaking, wanted to, to put the issue on the record. Thank you.

DUNGAN: Absolutely. Thank you.

BRANDT: OK. Senator Hughes.

HUGHES: I think it's a quick question.

DUNGAN: With me, it's never quick. I'll just keep talking.

HUGHES: Oh yeah, that's true. When, when George goes "I'm going to be brief," you're like "aww, geez." You should start with, like, I'm going to be a-- it's going to be a really long answer, and then it'll be like one thing. No. On the-- you said other states there's 3 to 10 lawsuits. If those lawsuits go through and there's a settlement, where does the money come from?

DUNGAN: Well, I think you're conflating a constitutional suit against the government versus a civil suit. Right?

HUGHES: OK.

DUNGAN: This is not suing a company. And so--

HUGHES: I know. But when you sue the government, what do you get? What are you suing for? There's not-- it doesn't pay for a lawyer fees, or does it?

DUNGAN: Well, there's a number of different sort of, I guess, reliefs that you can ask for.

HUGHES: I'm not a lawyer, by the way.

DUNGAN: I mean, essentially what you're asking for is to enjoin the law and then make it essentially not go into effect. Right? Like, I'm not going to go too deep into this, but the debate that we had this morning on the floor about whether or not a bill is constitutional or not;

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ultimately, if that's found unconstitutional, it wouldn't go into effect. The same way, then-- let's pretend the state of Nebraska passes a law that on its face is just throwing-- you know, bad for the environment, right? We're gonna, you know, do something terrible. And then you bring a lawsuit saying "you can't do that," it would stop that from going into effect.

HUGHES: OK.

DUNGAN: So, that's essentially what we're asking for, here. This is not going to be damages and monetary remedies the way that you would get from, like, a civil suit, if that makes sense.

HUGHES: And so none of those 3 to 10 cases had any--

DUNGAN: I can't speak to the individual cases. I'm not-- again, I'm not an expert on--

HUGHES: OK.

DUNGAN: --what those cases were about or what the relief was that was being sought. But I just want to be very clear there's a difference that we're talking about here from a person suing a company--

HUGHES: Right.

DUNGAN: --as opposed to bringing a constitutional claim where you're seeking to essentially invalidate a law because it violates the constitution or your bill of rights as a Nebraskan.

HUGHES: OK.

BRANDT: Senator DeKay.

DeKAY: Thank you. With this CA, do you think this helps put more awareness on some of the nitrate bills that are being brought forward this year? And with that being said, would the clean water acts that we're dealing with and the nitrates and everything else that we're trying to clean up out-- would a CA be necessary at that point?

DUNGAN: Well, I mean-- first of all, to answer your first question, yes, I think this absolutely raises the profile of a lot of these issues, and we've heard that today from the testimony. A number of the folks that came in here today are concerned about nitrates in the water, concerned about having healthy, clean water-- not necessarily pure, but clean water. It's a, it's an issue that we're going to keep

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talking about. I absolutely do think that this is still necessary, even if we continue to address that problem, because as I've said before, this presents a catch-all sort of provision that continues to protect these rights for every Nebraskan, and it also puts a protection in place that-- we don't always know what the future is going to bring, and so by putting this protection in place now, it protects us against future harm so that way we're being proactive--

BRANDT: Could I stop you for a second? Thank you-- thank you to all the green shirts in the room.

HUGHES: Yeah, thank you guys.

DUNGAN: Thank you.

BRANDT: Yes. Thank you for your testimony. Make sure to register to vote. OK. Please--

DUNGAN: Always a good plug.

BRANDT: Please continue.

DUNGAN: I was just going to say this is more proactive specifically, instead of reactive. And so, while there's a number of things we can do to ensure we address that problem, this puts a framework in place to make sure that moving forward, we don't have the same problems that we've had in the past.

DeKAY: Off of Senator Clouse, real quick. Is there a-- what's the difference of pure water and clean water when, when it comes to-- when we're talking about water-- bottled water. When--

DUNGAN: And that's-- I-- again, I'm open to having a conversation about the specific definitions. Like I said in my opening, a lot of what these definitions, where they're going to come from is case law. And there are a number of suits, I think, that have been brought in these other states, Montana, Pennsylvania, and New York that deal with water quality. And so, if implementing the-- you know, using the word "pure water" is a problem and "clean water" is going to provide a little bit more flexibility that-- happy to have that conversation. I don't know right now what the case law is around the difference between "pure" and "clean," but these are the kind of questions that the judiciary can grapple with, and certainly has grappled with in a number of other cases.

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DeKAY: The only reason I bring that up, I had two different brands of bottled water in my car last week, and whenever it was as cold as it was, one of the brands of bottled water was frozen, hard as a rock; the other one was milky and not froze, and that was unopened bottle of water.

HUGHES: Oh, eww.

CONRAD: Don't drink that.

HUGHES: Don't drink it.

DeKAY: So, that's something we need to address too, maybe.

DUNGAN: That is incredibly concerning, and I hope you threw that bottle of water out.

DeKAY: I don't want to scare anybody yet, but I'm just living it, so.

DUNGAN: I hope you tossed the bottle of water that was not frozen.

CLOUSE: [INAUDIBLE]

CONRAD: Yeah, that's true.

BRANDT: All right. Any other questions? With that, we will close the hearing on LR22CA. I would ask the committee to stick around; we're going to have a short exec. Everybody else, I have to clear the room, here. Thank you for coming today.

DUNGAN: Thank you.