

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

Urban Affairs Committee
February 20, 2007

[LB405 LB591 LB592 LB597]

The Committee on Urban Affairs met at 1:30 p.m. on Tuesday, February 20, 2007, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB405, LB591, LB592, and LB597. Senators present: Mike Friend, Chairperson; Amanda McGill, Vice Chairperson; Abbie Cornett; Ray Janssen; Steve Lathrop; Kent Rogert; and Tom White. Senators absent: None.

SENATOR FRIEND: Good afternoon, ladies and gentlemen. My name is Mike Friend. I'm from northwest Omaha, District 10, in the Legislature. This is the Urban Affairs Committee. And I wanted to get started with some housekeeping stuff first, and then we can introduce the committee members as they come in, if you will. First, I guess I would ask everybody--I just turned mine off--if everybody could turn their cell phones or pagers either to silent or vibrate, we would appreciate that. Everything is transcribed, and it's important for the transcribers, that we have a fairly clear room as far as the external noise. I wanted to let everybody know that anybody wishing to testify on a bill, on legislation, there are some green sheets on each side of the entryway. And those green sheets, if you could fill one of those out with the pertinent information, place it in the box before you testify, we would appreciate that, either in an introducer fashion, or a proponent or opponent or neutral, you'll have the option to identify that on the sheets. Also, anybody wishing to testify, please, when you, you know, address the committee, please spell your name at the outset. Please state and spell your name for the transcribers, and the Clerk's Office is becoming quite a stickler on that because of past confusion and things of that nature. So if you do not spell your name, I'll unfortunately interrupt you and forcibly pull that information out of you. If you have handout material, if you'd like that distributed to committee members, Matt--and I believe Matt probably ran an errand--Matt Pederson is our page; he'd be happy to distribute that to the committee members for our edification. If you do not choose to testify, you may submit comments in writing and have them read into the official record, by the way. And of course, no vocal display of support or disapproval of any legislation; that would be appreciated. Let me introduce the committee real quick. Again, my name is Mike Friend. Off to my right is Senator Janssen. He's actually off to my left in ideological foundation. (Laughter) He is to my right. Senator Janssen is from Nickerson. And Senator Amanda McGill is the Vice Chair of the committee. She's from Lincoln. Bill Stadtwald, to my right--you know, to my left ideologically, as well, oddly enough--he is the legal counsel. He's been the legal counsel for a long time. Appreciate his help. Beth Dinneen is the committee clerk. Kent Rogert, to my left. I'm not sure whether that's appropriate or not. Senator Rogert is from Tekamah. So we'll have other committee members coming and going. They are introducing bills in other committees, as you can imagine. Don't be offended if one gets up in the middle of your testimony and has to leave. They're probably being called to a different committee somewhere around the building, in another area of the building. With that, I believe Senator Pedersen is here, and we will begin the hearings with Senator Pedersen to open on LB405. Senator Pedersen, welcome. [LB405]

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SENATOR PEDERSEN: Thank you. [LB405]

SENATOR FRIEND: And I can't see Senator Pedersen's legs now, so I'm a little (laughter)...sorry. Senator Pedersen, you're recognized to open. [LB405]

SENATOR PEDERSEN: Thank you, Senator Friend and members of the Urban Affairs Committee. I'm here today to introduce...my name is Dwite Pedersen. I represent the 39th Legislative District, and I'm here today to introduce to you LB405. It's no secret to any of you or anybody in the state of Nebraska that Elkhorn has been annexed by the city of Omaha. That is not final to this day, but it does not look good for those of us who live in Elkhorn. This bill was originally proposed by some friends of mine on the Omaha city council. Jim Suttle is here today, and myself, talked about it a year ago, that if the annexation ever went through, that we add a few more members to the Omaha city council so that the people in general have more representation. They are currently, in Omaha, representing over 50,000 people apiece, and that's over 10,000 people more than we are representing as legislators. Well, anyway, it came to the point this year, with the annexation going forward as much as it has, and almost to completion in the satisfaction of Omaha, that one of the concerns that those of us who live in that area is that what the new annexed area, which would include Elkhorn, the Elkhorn area, obviously, they would divide us up into two districts, and having representation that would be split for those of us who would want to still have some kind of a community representative that would support all of us. This bill applies only to cities of the metropolitan class. And for clarification proposes, Omaha is the only city of the metropolitan class in our state of Nebraska. LB405 provides for the addition of two more city council members on the Omaha city council, raising it from seven members to nine members. Under the provisions of the bill, within 90 days of the effective date, the election commissioner in Douglas County would be directed to divide the city into nine city council districts of compact or contiguous territory. The bill provides that one council member shall be elected from each district. Because the statutes also require that city council members in Omaha be elected every four years, and they were just elected in 2005, there will not be another regular election until 2009 to deal with that reality. And to provide representation in the meantime, this bill provides that within 90 days of the effective date of this bill, the eighth and ninth council members would be appointed by a majority vote of the current Omaha city council members. Those two members would serve until the successors were elected at the general election in 2009. That would give the people in the Elkhorn area that are being annexed more of a chance--not for sure, but more of a chance; it would depend on them lines--that one representative would represent the whole area. And it would give everybody, the way I read the bill and see the bill, in Omaha, in the whole city of Omaha, which would include Elkhorn at that time, a representative that would have more of a chance to represent them, because their numbers they would be representing are less. Now, there's been some talk by a couple members of our colleagues in the Legislature, that say they don't like the number of

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nine, they would rather it stay at eight. I would leave that up to the committee. But I want the committee to know that this is, at this point, a very important bill. It's probably one of the most important bills I've carried, especially for my constituents in the whole District 39, in my years in the Legislature. Representation is a cornerstone of our democracy, and I think representation is very, very important in this level, as much as it is in any other level. And you have a much better chance to know your representative if you're not overwhelmed with more and more numbers. They will be raising at least 3,000 people each on the current representation, if they stay at the seven, and they've already got over 50,000 people they're representing. I think it's a just bill. It's a good bill, and I would like to see you pass it out of the committee and put it on the floor and see where we go from there. [LB405]

SENATOR FRIEND: Thank you, Senator Pedersen. Folks, the committee has also been joined by Senator Lathrop, Senator Steve Lathrop, from Omaha. Are there questions from committee members? Senator McGill. [LB405]

SENATOR MCGILL: For these two that would be appointed between now and '09, what residency requirements would they have? Could they...? [LB405]

SENATOR PEDERSEN: Same as the current residency requirements. We're not changing anything in residency. [LB405]

SENATOR MCGILL: As far as... [LB405]

SENATOR PEDERSEN: I'm not exactly sure what that is, but I know we're not changing anything in that number. [LB405]

SENATOR MCGILL: As far as where they actually live? Does it guarantee that someone from Elkhorn, for instance, is actually one of those people appointed? [LB405]

SENATOR PEDERSEN: No. No. No, it's not guaranteed, and shouldn't be. [LB405]

SENATOR MCGILL: Okay. [LB405]

SENATOR PEDERSEN: It shouldn't be, no. [LB405]

SENATOR MCGILL: Okay. [LB405]

SENATOR PEDERSEN: We don't want it that narrow. We just want to make sure that we would have a chance on having representation that would...a better chance of representing all of us, instead of the current Omaha plans, city council plans to split us up into two different current Omaha districts. [LB405]

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SENATOR FRIEND: Senator Janssen, I believe, has a question. [LB405]

SENATOR JANSSEN: Yes. Senator Pedersen, am I right in assuming that the Omaha city council at the present time, are they divided by population, or are they geographic area? [LB405]

SENATOR PEDERSEN: It's population. [LB405]

SENATOR JANSSEN: It's population. [LB405]

SENATOR PEDERSEN: As far as I understand. Now, there is a city councilman here, Councilman Suttle, who would know... [LB405]

SENATOR JANSSEN: And do you remember how many it is per council member, what the magic number... [LB405]

SENATOR PEDERSEN: What they currently have? [LB405]

SENATOR JANSSEN: Yeah. [LB405]

SENATOR PEDERSEN: I think it's right at 52,000 people,... [LB405]

SENATOR JANSSEN: Oh, 52,000, which... [LB405]

SENATOR PEDERSEN: ...Councilman Suttle told me just... [LB405]

SENATOR JANSSEN: So you wouldn't be able to take just the Elkhorn area and get close to that population. So if...you know, you're asking for two now. Of course, you could rework that also. So you... [LB405]

SENATOR PEDERSEN: Yes. They're at 52,000 now, Senator Janssen,... [LB405]

SENATOR JANSSEN: Yeah, but if you add two more, I mean, you're adding another, what, 7,000 people in Elkhorn? [LB405]

SENATOR PEDERSEN: Yeah, it will raise it to 55,000; from 52,000 to 55,000, the annexation will. [LB405]

SENATOR JANSSEN: Okay, 55...with the extra two? [LB405]

SENATOR PEDERSEN: Yeah. [LB405]

SENATOR JANSSEN: Okay. Thank you. [LB405]

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SENATOR FRIEND: Thank you. Are there any more questions from committee members? Senator Pedersen, let me make sure...I was struggling with this the other night when looking through the draft. It's you're understanding--and I'm going to see if yours and my understanding are the same--if a bill like this didn't pass, we have to wait for a gerrymandering, if you will, in what time frame, 2010? So it's been highly... [LB405]

SENATOR PEDERSEN: Oh, 2010 with the redrawing of the...when the census, yes. [LB405]

SENATOR FRIEND: Right. Right. Okay. Okay. Any more questions from committee members? Thank you, Senator Pedersen. And we'll hold the closing... [LB405]

SENATOR PEDERSEN: I will be staying. Yes. [LB405]

SENATOR FRIEND: Okay. Can I see a show of hands...I know Councilman Suttle is here. Can I see a show of hands on folks who want to testify on this bill, either proponent or opponent? Anyone? Okay. Councilman Suttle, good to see you. You... [LB405]

JIM SUTTLE: Well, good to see you. Good afternoon to everyone. [LB405]

SENATOR FRIEND: These are proponents, by the way. [LB405]

JIM SUTTLE: I am City Councilman Jim Suttle, representing District 1 in the Omaha city council. I'm here today representing myself. [LB405]

SENATOR FRIEND: Jim, could you spell your last name for the record, please? [LB405]

JIM SUTTLE: S-u-t-t-l-e. [LB405]

SENATOR FRIEND: Thank you. [LB405]

JIM SUTTLE: The mayor has not taken a position on this, nor has the council taken a formal position on this. And this is the logic process on why they have not done so. This idea was first put together and discussed and put into a draft piece of legislation very similar to the one in front of you that Senator Pedersen then later took and began to make changes to put it into the language that you currently see. The discussions that went on at the Omaha city council and the mayor was openness to this idea, and it was considered as part of the 2005 legislative package that we brought to you a year ago. It was decided not to put that particular proposal in the city's legislative package for the following reason. We were in litigation between the city of Omaha and the city of Elkhorn regarding the annexation. It was the feeling of my colleagues that we needed to

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wait and let the courts sort that out and make a decision on whether we were or were not legally going to be able to annex the Elkhorn and the other subdivisions in that particular package. It was also felt that we would be in a position, at the time the Supreme Court made a decision, we would be charged, within a reasonable time--and I'm talking about a few days, five or six days--to incorporate the new areas shown in the Elkhorn area into the city and assign them to one or more districts. We had several options on how to do that. There has been a plan that's been worked out and been held in reserve since last September, anticipating what the court might do. It was felt that this idea had merit, but it was too much, too soon, until we finish this first step, and that is the court ruling that incorporate the people of Elkhorn into one or more council districts, and move on with our governance of the city, coming back to this idea at another point in time. The decision was made by the Supreme Court. Senator Pedersen decided it was time to go ahead and introduce this into this legislative cycle for your two years that starts right now, and thus, we are here in front of you, testifying in favor of this particular idea. But let me frame the two questions that you need to ponder in your deliberation at the committee. And as you push this out to the floor of the Legislature, that debate needs to continue. And here are the two questions to put this in proper perspective. Question number one: How do we bring the good people of Elkhorn and those other annexed areas around them into the governance of the city of Omaha so they have equal representation, equal voice, with everybody else that's already inside the city boundary? To me, that's an important question. If we're going to do annexation, then we need to make sure that when people are brought into the family of the city of Omaha, they are brought in as coequals to everyone else, and they have an equal voice. That's the first question: How do we do that? The second question relates to the original concept of district elections for the city of Omaha, which was put in place, written and put in place and sponsored by Senator Chambers, to take effect in the year 1981, the first year of district elections. The intent of that bill, and if you go back and read the language in the law that's still there, and this is the second question for you to ponder: How do we protect the original intent of district elections by assuring that we will have minority representation in at least one district? Now, I want you to think about those two questions. And as you look at this map and look at the boundaries on there, whether it's my District 1, or Garry Gernandt's District 4, or Chuck Sigerson's District 7, the course we're on right now, as we finish the court case and begin to pull in these people to the seven council districts, all of our council boundaries are going to start moving to the west. It takes District 2, which is represented by minority representation, it's going to take their boundaries west, too. Doesn't it make better sense that if we're going to protect the original integrity of having minority representation through district elections, that the boundaries are going in the wrong direction? They need to go to the east so that we don't dilute the percentage votes. And matter of fact, if we do go to the east, the way things are going on in Omaha right now, we could very well end up with two districts with minority representation: District 2 to the north, District 4 to the south, with the growth in Hispanic population. So I think it's important that we can discuss a lot of things on this subject. We can discuss whether it's two additional council seats, as the

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bill proposes; the original proposal was to have just one council seat. But it's back to those two questions: How do we bring the good folk of Elkhorn into governance as equals, and how do we protect the original intent of district elections to assure that minority representation is there seated on the city council of Omaha? I'll be glad to answer any questions that you might have. [LB405]

SENATOR FRIEND: Thank you, Councilman. Are there any questions for Councilman Suttle? Senator McGill. [LB405]

SENATOR MCGILL: I just wanted to hear your thoughts on the eight versus nine members, the workability of that for you folks. [LB405]

JIM SUTTLE: Personally, I think the eight is a better number at this time, and that nine would be a better number for some future date, possibly 10 or 15 years. And it's on this basis. Question: What's the majority of eight? Answer: Five. Question: What's the majority of nine? Answer: Five. So we can still carry on business, and we would have to have a majority of five votes to pass our ordinances, our resolutions. All of those things would stay. We have tie votes now. They're 3-3. Motion does not pass. So if it's 4-4, it would be the same answer from the clerk: motion fails. [LB405]

SENATOR MCGILL: Thank you. [LB405]

SENATOR FRIEND: Thank you. Were there any more questions from committee members? Senator Lathrop. [LB405]

SENATOR LATHROP: I do. You said that you thought eight was enough for now. Does it become unworkable when you put too many people on the city council? I mean, can you have too many people up there? [LB405]

JIM SUTTLE: Well, I think if you go back to addressing what is the right number for a committee, or whether it's a board of directors or whether it's an elected body, like a council, that we can effectively do that between the numbers of 5 and roughly 12 or 14. So it's a matter of preference, and it's a matter of, what do we feel is going to be best for the scenario in front of us. Somehow, somehow, seven was picked. And I think if you go back to the history and quiz Senator Chambers, he had other numbers in mind, and he showed me and gave me the transcripts of that particular period. Now, I haven't read them for a year, but the original number was something much different than seven. But somehow, during that discussion, seven was what was picked by the Legislature as they debated and passed that particular piece of legislation. [LB405]

SENATOR LATHROP: The number eight, if that's the number that comes out of here, assuming the bill leaves the committee, will that protect the integrity of District 2, in terms of the probability that it will be represented by a minority? [LB405]

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JIM SUTTLE: I think it would. And we do have statistics that are available, and perhaps your clerk can, if they care to, talk to the chief of staff for the city council. He has a lot of those worked up already on what the percentages are today, be it in white, black, other minority populations, and how that looks with today's council, and how that would look with different scenarios. And that is available through the election commissioner, as well, if we start looking at this. The other I would call your attention to is south Omaha, which is becoming a very strong, dynamic, economically sound community, and the Hispanic population down there, I'm sure, at a point in time, is going to be running candidates, and running candidates for city council. They should. [LB405]

SENATOR LATHROP: The last question I had, of course, the Chairman just asked if there was any opposition and there's no one here that raised their hand. Do you have a sense from the city of Omaha--I know you don't speak for the council nor the mayor--but is there any opposition to this proposal? Does anybody think this is a bad idea, that you're hearing? [LB405]

JIM SUTTLE: I don't know that that has really been the case, that anybody has thought this was a bad idea or stupid idea. The intent was, we needed to do something bold to fit the times, and the times are here in front of us, that we're going to have 11,000 new people added into the city limits of Omaha when this case is settled. That's the city of Elkhorn proper and the other areas, the five other areas that were in that annexation package. So those 11,000 people have to go somewhere. And our council is a conservative council, and they would like to proceed cautiously, and they felt the first step is, let's get through the court case, let's take that next five days, or ten days, or whatever it is, get that settled, that we're going to put these people in two districts, and that plan has been worked out, that they would go in President Welch's district, which is District 5, and Franklin Thompson's district, which is District 6, I believe. And that's how we would get started. But to do that, all of our other boundaries will start moving west. My boundary will move considerably west in order to make sure that we have equal population in the districts. In answer to your question, currently, the average is 55,000. My district is the smallest, at 52,000. With the adjustments that we will make, based upon the Supreme Court ruling, we will try to get that to an average of 57,000 people in all seven of the council districts that you see, as modified on this board in front of you. So if we go to eight, that 57,000 is going to drop; if we go to nine, it's going to drop some more. But it will take those boundaries back to the east, to address the second question that I put in front of you. [LB405]

SENATOR LATHROP: Thank you. [LB405]

SENATOR FRIEND: Thank you, Senator. Are there any more questions from committee members? The committee has been joined by Senator Cornett, from Bellevue. Councilman,...sorry, Senator White. Senator White, you are recognized. I apologize.

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Your hand was invisible. [LB405]

SENATOR WHITE: No questions. [LB405]

SENATOR FRIEND: Oh, he has no questions. Why is nobody laughing at me then? Senator White,...the committee has been joined by Senator White, from Omaha, Senator Tom White. Okay. I lost my train of thought. Councilman, if I...is it a...in Section 2 of this bill,...do you know who drafted...do you know who had a pretty decent hand, or the majority of drafting here? And maybe I could ask Dwite, you know, the same question. [LB405]

JIM SUTTLE: Why don't you work with Senator Pedersen. The idea was crafted, in a sense, by the city staff. It was then discussed...I discussed it twice with Senator Chambers, and three times with Senator Pedersen. Senator Pedersen is the one that took the ideas and put it in to the Bill Drafter, and thus, the language that you see in front of you today. [LB405]

SENATOR FRIEND: Okay. Well, one of the...I don't know if it's a concern or not, and I didn't get a chance to talk to Mr. Stadtwald about this, but one of the things that he points out in the technical comments is--and again, maybe I can address this with Dwite--is, one of the things that happens here...and I remember when...do you remember when Scott Lautenbaugh was the election commissioner, and he and Ernie went round and round on this subject matter...Senator Chambers, went round and round on this subject matter, I believe it was back in the late nineties. [LB405]

JIM SUTTLE: That is correct. [LB405]

SENATOR FRIEND: What we may be doing here is reverting to an arena where...we have to move quickly, I guess, if a bill like this gets passed. Hence, in Section 2, what you do is you put it into the election commissioner's lap to expedite this. I'm assuming that's why that language is that way. Would it be...I guess, would it be a problem, Councilman, if something like this was dealt with in Section 2? I mean, does it have to be implemented in the fashion that it's seeking? Or is the final outcome, i.e. eight council members dealing with a wider city, the end result? I mean, does it matter how we get there, I guess is what I'm saying, in your eyes or Senator Pedersen's eyes? [LB405]

JIM SUTTLE: I'll let Senator Pedersen speak from his standpoint. As I understand your question, there was a lot of concern by Senator Chambers with what went on with the structuring through, at that time, the Election Commissioner Lautenbaugh, on what could be characterized by some as gerrymandering a particular district in question. It just happens to be my district. Senator Chambers made changes to the law to allow the city council to make the future changes to the boundary. Thus, what you will see on our

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agenda in the next few weeks, as we incorporate Elkhorn, this will be a plan put together by the city council, voted upon by the city council, passed by the city council, and put in place. We did counsel with the current election commissioner, only to get stats and get information to match how we were putting together the concept. So I have not read that section recently enough to know what you're specifically talking about here. But as we would go to eight or nine, there has to be some interim here on how we restructure the boundaries to fit the eight or nine, and then we have to have a period of an interim, as we would appoint into those one or two extra slots on the council district, someone to represent that area until we get to the 2009 election. Then we can put that right back to the voters as it should be in every council district. [LB405]

SENATOR FRIEND: Well, and I'm assuming, Councilman, that part of this, the language in the form that it's in, is because we can't...a special election, timing is of the essence...or time is of the essence here, and that's just not tenable. I mean, we're not going to be able to... [LB405]

JIM SUTTLE: I don't think a special election is necessary when you look at the time lines here. We need to focus that the next regularly scheduled election is 2009. Let's do something that makes this work for the interim, recognizing that it's an interim. These are the approaches that government units do all the time. If you have a vacancy in the Legislature, there is a process to fill that vacancy until the next regular election. The same is true with our city council, the county board, the school board, and so forth, so why not use those techniques in order to fill the interim, and let's get on with the governance. The most important thing here is that these people, these new people have representation. [LB405]

SENATOR FRIEND: Thank you. Thank you, Councilman. [LB405]

JIM SUTTLE: Okay. Thank you. I appreciate your time and your attention on this. [LB405]

SENATOR FRIEND: Thanks for coming down. Were there any more questions from committee members? Senator Janssen had one. [LB405]

SENATOR JANSSEN: Thank you, Senator. [LB405]

SENATOR FRIEND: You're welcome. [LB405]

SENATOR JANSSEN: I was sitting over here waving my pencil. Jim, thanks for being here today. I appreciate your taking the time out... [LB405]

JIM SUTTLE: It's good to be here. It's good to see all of you. [LB405]

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SENATOR JANSSEN: ...and coming down. And from what I can understand from Senator Pedersen and your statements, that the city of Omaha is trying to make a transition there that would be user-friendly to the people in those areas that have been annexed. I mean,... [LB405]

JIM SUTTLE: That's correct. [LB405]

SENATOR JANSSEN: ...this happened, that's over, you move on from here and try to make that transition as painless and fair as you can be. [LB405]

JIM SUTTLE: That's correct. [LB405]

SENATOR JANSSEN: And I think you're on the right track. [LB405]

JIM SUTTLE: Yeah. Right now, the mayor is planning to hold some special meetings with the citizenry there. He will schedule that through his office. Already, my two colleagues that are going to be representing the area are laying out their own concept of how to get in touch with their electorate. And I have volunteered, and I'm sure some of my other colleagues on the council have volunteered, as well, to go help in that context. We need to be respectful of these people. There's still a lot of pain out there. We can't have any more jokes. The jokes are taboo. We need to talk about the sensitivity to these people. But yet, we've got a city to run and we've got a future that we have to reach out and grab a hold of, and these people need to help us, so. [LB405]

SENATOR JANSSEN: Thank you for being here. [LB405]

JIM SUTTLE: All right. Thank you. [LB405]

SENATOR FRIEND: Thank you. Are there any more questions from committee members? Councilman, seeing none, thanks for the... [LB405]

JIM SUTTLE: I'm going to leave the board with you, and if there are any questions, please do a follow-up with me or Senator Pedersen. We'll be glad to help. [LB405]

SENATOR FRIEND: Thank you. I'll ask again, are there any other proponents, those in favor of LB405? We'll move to opposition. Is there any opposition in the room, LB405? Any neutral testimony? Anyone wishing to testify in a neutral capacity? Senator Pedersen to close on LB405. [LB405]

SENATOR PEDERSEN: Thank you, Senator Friend and colleagues. A couple of things that I just wanted to bring up. One is, this bill was not introduced so we could tell Omaha that we were thumbing our nose at them and wanted something in place. Jim and I came up with this idea because it's basic, basic representation that has made this

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country so wonderful. The other thing I want to mention to the committee is, my own personal preference is eight. Even though the bill says nine, I would have absolutely no problem, I'd be very supportive of you changing it to eight. We originally started at nine because at one time we thought that was going to bring more people on board in support of the bill, especially on the Omaha city council. That has not proven to be so. So eight would be no problem, and I would encourage the committee to amend the bill to eight. But I ask you, please do consider it, pass it out. It's the least we can do to help out, I think, all of the people in the Douglas County area that would be in the city limits of Omaha. Thank you. [LB405]

SENATOR FRIEND: Thank you. Are there any questions for Senator Pedersen? Senator Pedersen, real quickly, just to make sure that...and I think I got the information I needed from Councilman Suttle, but if there are technical issues in certain sections of the...and I brought up Section 2, some concerns maybe about the implement...I mean, the end result is more important to you. [LB405]

SENATOR PEDERSEN: Yes. [LB405]

SENATOR FRIEND: I mean, how we get there. I mean... [LB405]

SENATOR PEDERSEN: I have no problems with technical. Bill has more knowledge in that than I have in my little finger. Whatever you people want to do with that, I have no problem with. I'd be supportive. [LB405]

SENATOR FRIEND: Thank you, Senator. Are there any more questions? Seeing none, thank you. [LB405]

SENATOR PEDERSEN: Thank you. [LB405]

SENATOR FRIEND: And that will close the hearing on LB405. I forgot to mention before we started--and I guess I assumed there would be more testifiers on that particular bill, but I moved on--I'd like to try to keep...we do have, I guess, somewhat of a...about a half a room full. I'd like to keep the testimony...let's try to keep it, you know, fairly concise. If you tend to creep over five minutes with your testimony, that probably ends up being too much. So with that, I know Senator Cornett is fairly concise. We will start with LB591. [LB405 LB591]

SENATOR CORNETT: (Exhibit 4) Good afternoon, Chairman Friend and colleagues, my name is Abbie Cornett, and I represent the 45th Legislative District. I am here this afternoon to introduce LB591. This bill addresses the unique position that Bellevue faces and other cities which host a military base. Bellevue has reached the northern limits of Offutt Air Force Base. This base is not annexable for obvious reasons. The base has a runway which means there are certain areas to the east and west of the

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base which cannot be utilized for anything in which people would congregate. This property cannot be used for housing, parks, or retail purposes. By allowing the city to say they are contiguous without annexing the government installations, will allow Bellevue and other cities with the same problem to continue growing in a reasonable manner. The city of Bellevue will have testifiers which will be able to explain the situation in more detail. Thank you for your consideration and I will be happy to answer any questions. [LB591]

SENATOR FRIEND: Thank you, Senator. Are there any questions from committee members? Seeing none, thank you. Can I see a show of hands of how many folks wish to testify on this bill? I see four. We will take proponents first on LB591. Anyone in favor of LB591? [LB591]

CHRIS SHEWCHUK: (Exhibit 1) Good afternoon, Senator Friend and members of the Urban Affairs Committee. My name is Chris Shewchuk, S-h-e-w-c-h-u-k. First of all, I'd like to thank Senator Cornett for introducing this bill on behalf of the city. I am the planning director for the city of Bellevue and I am here to express the city's support for LB591. This bill, for the city of Bellevue, is about our ability to control our future growth and development. Offutt Air Force Base is on the southern boundary of the city at this time. It is a large air force base. It encompasses a large portion of our two-mile extraterritorial jurisdiction. Because of other constraints, the Missouri River on the east, Omaha and Douglas County on the north, and Papillion and La Vista to the west of the city, the south is the only way Bellevue can grow. By having such a large area of our two-mile jurisdiction encompassed by the air force base, it prevents us from controlling the jurisdiction, or controlling the growth and development of what will likely be, or what will be, our future urban area. We would just like to be able to expand and control the jurisdiction measured from the limits of the base rather than from the city limits itself. I think it's a fairly simple bill that will allow us to do this. I am not going to expound on it much further. If you have any questions, I'd be happy to answer them. [LB591]

SENATOR FRIEND: Thank you. Are there any questions from committee members for Mr. Shewchuk? Senator Lathrop. [LB591]

SENATOR LATHROP: I want to ask just a couple. It would appear that the city of Bellevue tried to annex this area and that that annexation led to litigation in federal court. And the consequence of that was a holding by the federal court that the city of Bellevue could not annex the federal installation. [LB591]

CHRIS SHEWCHUK: I believe that is correct, Senator. That happened a number of years ago before I was in Bellevue, but I have seen citations, yes, that... [LB591]

SENATOR LATHROP: And I haven't read that. I didn't know the history of this when I read the bill over the weekend, but I'm wondering if the holding in that case is the city of

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Bellevue can't do anything on or to or around a federal installation? Is that the substance of that case? [LB591]

CHRIS SHEWCHUK: I don't know the details of that case, Senator. We've never tried to do anything on the base itself. We've left that. We don't do zoning on the base. We don't do building inspections. The base is its own entity. We want to go around the base. [LB591]

SENATOR LATHROP: Well, then help me out with what you want to accomplish with this? You don't want to go and try to tell them how to build houses... [LB591]

CHRIS SHEWCHUK: Oh no, no, Sir. [LB591]

SENATOR LATHROP: ...that are on the base, or what to do on the base? What's the purpose of your bill then? [LB591]

CHRIS SHEWCHUK: Our...we have a two-mile jurisdiction for zoning and subdivision beyond our city limits. A portion of that right now is the base. Even though we can't exercise jurisdiction over the base, it is in that area that is within the two miles from our city limits. [LB591]

SENATOR LATHROP: Okay. [LB591]

CHRIS SHEWCHUK: What we are asking in this bill to do, is to measure that two miles from the boundary of the base, away from the city. So we jump over the base and then start our two-mile jurisdiction. [LB591]

SENATOR LATHROP: Oh, oh, okay. Forgive me, and I better understand what you're trying to accomplish. Thanks. [LB591]

SENATOR FRIEND: Any more questions? Senator Janssen. [LB591]

SENATOR JANSSEN: Thank you. Chris, is this the same portion of property...we heard a bill and it is the...you can't...it's within the area of Offutt Air Force Base, right? And it's a hunk of land that you can't do anything with, but you want to annex it, except for agricultural purposes. [LB591]

CHRIS SHEWCHUK: Some of this area that is on that boundary of the base is controlled or restricted by... [LB591]

SENATOR JANSSEN: You can't build anything on it. [LB591]

CHRIS SHEWCHUK: It's called AICUZ which is Air Installation Compatible Use Zones

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which is both noise and crash zones, or accident zones, around the runway; yes. We believe...well, we are not trying to annex those areas, but we...or we have, in the past, tried to annex those, but because they are pretty much agricultural for now and they were zoned agriculture... [LB591]

SENATOR JANSSEN: Isn't that the only thing they can be used for? [LB591]

CHRIS SHEWCHUK: Some of those areas, yes. The areas that are in the crash zone and the accident potential zones, agriculture or very low-intensity uses, yes. But this would allow us to go beyond those areas with our jurisdiction. [LB591]

SENATOR JANSSEN: Because you can't skip. [LB591]

CHRIS SHEWCHUK: We really can't jump over them. [LB591]

SENATOR JANSSEN: They have to be contiguous. [LB591]

CHRIS SHEWCHUK: They have to be contiguous to annex them, yes. [LB591]

SENATOR JANSSEN: Gotcha. Okay. Thanks. [LB591]

SENATOR FRIEND: Any further questions from committee members? Seeing none, thank you for your testimony. [LB591]

CHRIS SHEWCHUK: Thank you. [LB591]

SENATOR FRIEND: Are there any other proponents? Next proponent? Any of those in favor of LB591? [LB591]

LYNN REX: Senator Friend, members of the committee, my name is Lynn Rex, representing the League of Nebraska Municipalities. We also support this measure. We think that this just adds to planned growth of a city, and obviously the air force base, that they don't intend to regulate anything on the air force base, but rather make sure that that does not preclude them from dealing with the planned growth of the city of Bellevue. I'd be happy to respond to any questions that you might have. [LB591]

SENATOR FRIEND: Thank you, Lynn. Are there any questions from committee members? Seeing none, thank you. [LB591]

LYNN REX: Thank you. [LB591]

SENATOR FRIEND: Any other proponents? We will start with opposition testimony. Anyone in opposition? [LB591]

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CHUCK CHEVALIER: (Exhibit 2) Good afternoon, Mr. Chairman and senators. My name is Chuck Chevalier, C-h-e-v-a-l-i-e-r, and I am the superintendent of schools at South Sarpy School District 46 and I represent them today in testimony. Although we don't want to upset any of our Sarpy County friends, at this time our school district and our school board is opposed to this bill for a couple of reasons. Although we believe that this bill has a limited scope and that it really is a unique situation, the main reason that we oppose the bill at this time, is the possible effects that this might have on school district land transfers. And I want to give you a brief background of that. Statute 79-473(4) states that whenever land is replatted in the zoning jurisdiction of--and I'll just use a specific example in this case in Bellevue--Bellevue Public Schools can take over and transfer that land as school land assessed value. They don't own the land and it doesn't transfer ownership, but there can be a transfer of that as far as school-assessed value. In this case, because what they want to do is push the zoning jurisdictions further south, that zoning jurisdiction would go further into our school district. And what could happen is that any land that is replatted in that zoning jurisdiction could then be transferred from South Sarpy School District to Bellevue Public Schools. Now, I do want to say to you, currently LB1024 has stopped that. That has been stopped. The boundaries have been frozen by LB1024. However, there are bills that are out there right now that will pull Sarpy County out of the learning community and open up those boundaries, so at this point in time we believe we have to oppose this bill for those purposes until we can solidify the boundaries and get that taken care of first, because this does have an effect on possible assessed value. I will testify against LB597, and I'll have more specific information of how that would affect us later. [LB591]

SENATOR FRIEND: Thank you, Mr. Chevalier. Any questions from committee members? Mr. Chevalier, you kind of have this problem now anyway, right? I mean if what you're saying is true, that that could be a problem, and I'm not here to contest that necessarily, what happens if a second-class city skip-annexes over toward the South Sarpy district? You are going to run into the same problem no matter what. I mean, here's my point: A second-class city can do things right now that they are asking to do. So I guess what I'm saying is, you have that problem now. You have that potential problem now. [LB591]

CHUCK CHEVALIER: Well, LB1024 kind of closes that problem right now, so we really don't have that problem as it exists today. But if LB1024 is amended this legislative session, or Sarpy County is pulled out and the boundaries are open, then we would, yes, we would have that problem. And pre-2006 Legislature, we did have that problem. [LB591]

SENATOR FRIEND: Okay, and I'm sure we could go on for awhile, but I won't do that. I was going to give you some scenarios, but any more questions from committee members? Seeing none, thanks for the testimony. Thanks for coming up. The next

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opponent. [LB591]

FRED UHE: (Exhibit 3) Senator Friend, members of the Urban Affairs Committee, my name is Fred Uhe. The last name is spelled U-h-e. I'm the chief deputy county clerk of Sarpy County and the registered lobbyist for Sarpy County. I appear here today in opposition to LB591. The map that's being distributed shows what the extended zoning jurisdiction would do, and the county feels that currently that's an area of responsibility for the county, and this would be a intrusion upon the county authority in that area. It would grant the city the authority to exercise some rights without taking any of the responsibilities for the area. I just want to clarify the map because part of the LB597 language was laid over here. The orange lines are the current Bellevue zoning jurisdictions and the brown line is where the extended zoning jurisdiction would go if this bill passed. And so as you can see, it's an extension of a fair amount of territory in southeast Sarpy County. And again, my county board wanted to go on record in opposition to this. And I'd be willing to take any questions. [LB591]

SENATOR FRIEND: Thank you, Fred. Are there any questions from committee members? Fred, real quick, just to make sure I understand what you've got on the record. The unintended consequence is, in certain other areas of the state dealing with...I mean, how many other areas of the state are we going to be dealing with a government installation, if we have an appropriate definition of government installation in our statutes somewhere? This is tantamount to skip annexation? I mean, am I understanding you more or less? [LB591]

FRED UHE: Well, I would say, you could argue that since the base is contiguous, it may not be, but it is allowing an artificial extension of a zoning jurisdiction. You know, if you look at the yellow section that is the current city limits of Bellevue, you can see they're spread out a little bit. I probably should have made that darker. But there is potential for growth down the county freeway corridor which would allow Bellevue to grow into that area in question. Previous testifiers talked about, you know, there's not only the AQ zone issue, but there is also some flood plain issues, and so there are some issues as far as challenges to developing part of this area. But we don't think there is necessarily anything new or unique that would keep Bellevue from growing into that area eventually. And as far as other institutions, I know Senator Cornett, in her testimony, mentioned Bellevue and other cities. I'm not aware of other institutions in the state this would impact, but perhaps she may have some additional information. [LB591]

SENATOR FRIEND: Okay, thank you. Any more questions for Mr. Uhe? Seeing none, thanks for the testimony. Are there any other opponents? Last chance. We will move to neutral testimony. Is there anyone wishing to testify in a neutral capacity? Senator Cornett to close. [LB591]

SENATOR CORNETT: To address Senator Janssen's question earlier, it is relevant to

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the testimony that we have heard on the bill in Revenue. This was introduced as another way to work with the land that we have without, one, having to annex those farmers. But we have been looking into conservation easements, and I was going to discuss that in Revenue later this week. The school issue is, at this point, not really relevant since LB1024 is the law of the land, so to speak, even if it is on hold. If it was passed, if this bill was passed, it wouldn't affect the South Sarpy district at this time. The Legislature would have to go in and change LB1024, or the courts would. So I am a little confused by that testimony, but if you have any questions, I'd be happy to answer them. [LB591]

SENATOR FRIEND: Thank you, Senator Cornett. Any questions from committee members? Seeing none, thank you. And I believe that will close the hearing on LB591. Senator Cornett to open on LB592. [LB591 LB592]

SENATOR CORNETT: (Exhibit 4) Good afternoon. Again, my name is Abbie Cornett and I represent the 45th Legislative District. I'm here to introduce LB592. The reason for this bill is so when the city annexes a fire protection district, the bonded indebtedness for the fire protection district would stay with the property and continue to be paid by the property owner. I am offering an amendment to clarify the language of the bill and would ask for the committee to add it to the bill. I'm sorry, I forgot to hand that to you. There are testifiers today who can answer the technical questions you may have on this bill. Just to give you a...we've heard a little bit about this in different committees. If you pass a school bond for a certain area, if the person sells the house or that school becomes part of another district, that indebtedness follows the property, and this would just make it similar in regards to that law. It's for fire protection districts, and like I said, there would be...someone can answer more technical questions in regards to these districts, following me. [LB591]

SENATOR FRIEND: Thank you, Senator Cornett. Any questions for Senator Cornett from the committee? Seeing none. We'll start with proponents; those in favor of LB592. [LB592]

FRANK POSPISHIL: (Exhibit 5) Chairperson, members of the committee, I am Frank Pospishil, P-o-s-p-i-s-h-i-l, and I'm here appearing on behalf of the city of Bellevue. I'm an attorney with Abrahams, Kaslow and Cassman. Also in the audience, the mayor of the city of Bellevue, Ed Babbitt, is here. He's not planning to testify, but he has signed in support of this; and the city administrator, Gary Troutman, from the city of Bellevue is also here. This LB592 is addressed only to a situation involving partial annexation by a city of fire protection districts. This is a direct result of litigation that the city of Bellevue has been involved in, particularly, and I've given you an affidavit that was filed in that litigation, in Papillion Fire Protection District vs. The City of Bellevue. As a result of, if you look in paragraph 3 of that handout, there's a citation to the Millard Rural Fire Protection District No. 1 vs. City of Omaha, which for reasons that were unique to that

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case, they allocated only the debt. They did not attempt to distribute assets; it wasn't an issue; it wasn't brought up by the city. And this debt-only formula is the formula that's described by Mr. Edwards in the handout I've given you, and it is the basis of the lawsuit we're involved in. I will tell you this lawsuit is on appeal. But what essentially happened is that the District Court of Sarpy County adopted the debt-only formula so that the city is only getting debt. And I think you have to recognize that under our statutory arrangement, under 31-766, and under the statutes for annexation of fire districts generally, fire districts are meant to be annexed. Consider, for example, the Papillion Rural Fire Protection District in the middle of Bellevue, La Vista, and Papillion. It was made to be annexed; it will be annexed, ultimately by one city or another as the cities grow, perhaps even Gretna, if it extends out that far. If you allocate only debt, the assets are going to stay with the district until you get to the complete annexation statute which says when you annex the whole district, or whatever is left of it, you get everything: assets and debt. Obviously that's inequitable to the city of Bellevue if we are only getting debt along the way, no assets. And this bill, this LB592 that we are talking about here, is designed to address that inequity and to keep the debt with the landowners. If but for this interpretation of the debt-only situation that we are faced with, there wouldn't be any reason to amend the statute, 31-766, but it's not being applied that way. If you look at the affidavit of Mr. Edwards, he points out that this has been used repeatedly. It's something we are faced with in the courts. It's affecting interim annexations right now. And we need to do something with the debt and that's what we are attempting to do here. I would add that the allocation of debt does include a credit for liquid assets but it doesn't include any consideration under this formula for hard assets. Consider for example, a fire district that had one fire truck. It would be very hard to divide that one fire truck up. But if you had a fire district that had ten trucks and you wanted an extra tenth of the district, it certainly would be an argument that you should get the one truck plus these other considerations on the debt. That's not what's happening and that's what this particular bill is designed to address. This, I might add, the original introducer's statement said it applied to sanitary improvement districts. It really only applies to fire districts and it only applies to partial annexations of those districts. I'd be happy to answer any questions you may have. [LB592]

SENATOR FRIEND: Thank you. Any questions for Mr. Pospishil? [LB592]

SENATOR JANSSEN: What debts are you talking about on this parcel of land? [LB592]

FRANK POSPISHIL: They are the bonded debts. The bonds that were, in this case, passed. If you look at the exhibit I handed out, they have an explanation. This is just an example. But starting on page, let me get to the right page...page 6, they issued bonds. It's not a lien per se, it's just something that's included in the mill levy in the assessment to retire this debt. But this is a bonded debt in the sense that bonds were issued to raise capital for, in this case, fire trucks and other equipment and things of that nature. [LB592]

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SENATOR JANSSEN: But if you did, if you annexed or you took over that property, isn't it now a rule of thumb that you assume the debts also? [LB592]

FRANK POSPISHIL: That is the general rule of thumb. [LB592]

SENATOR JANSSEN: And as a matter of fact it's probably law, isn't it? [LB592]

FRANK POSPISHIL: Well, the general rule of law is set forth on page 2 of LB592. [LB592]

SENATOR JANSSEN: You just tell me what it says. I'm not going to read it. You tell me what it says. [LB592]

FRANK POSPISHIL: No, no, but it says you're supposed to consider a division of assets and liabilities. And we're not getting a consideration of assets, we're only getting liabilities. So it's because of that unique interpretation emanating from the Millard Rural Fire Protection case and this lawsuit that I talked about, that we somehow need to do something with the debt, or the city, faced with annexations, is going to be in a hopeless situation of having debt, debt, debt, debt, and no assets. And we are just taking the debt out of the picture. [LB592]

SENATOR JANSSEN: Um-hum. Would you be able to have...all right, if there was a fire protection levy, would you assume...? I mean, you would get that levy from that, wouldn't you? [LB592]

FRANK POSPISHIL: That's correct; that's correct. [LB592]

SENATOR JANSSEN: Sure. Um-hum, that would be ongoing. [LB592]

FRANK POSPISHIL: Yes. [LB592]

SENATOR JANSSEN: Yeah. [LB592]

FRANK POSPISHIL: But as long as this interpretation prevails, we are still getting debt and no assets, and that's an inequity in its own right. [LB592]

SENATOR JANSSEN: Thank you. [LB592]

SENATOR FRIEND: Senator White. [LB592]

SENATOR WHITE: You lost the case, correct? District Judge... [LB592]

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FRANK POSPISHIL: It's on appeal. We lost the case. [LB592]

SENATOR WHITE: So you want to reverse it in front of us instead of going on appeal? [LB592]

FRANK POSPISHIL: No, we're on appeal, but in the meantime, now there's another case that's been filed. These annexations are ongoing. I mean, by the time this is done I don't know what will be left of the fire protection district or how many annexations will occur. It's an ongoing situation. [LB592]

SENATOR WHITE: Now, the Senator makes a good point. You get the levy from the land you took away, correct? [LB592]

FRANK POSPISHIL: Yes. [LB592]

SENATOR WHITE: And the people who you didn't take over, still are entitled to have decent fire protection, correct? [LB592]

FRANK POSPISHIL: And they will receive that. [LB592]

SENATOR WHITE: How do you know? [LB592]

FRANK POSPISHIL: They will receive it from the annexing portion. [LB592]

SENATOR WHITE: How do you know that? The people who left, not annexed. It depends on how much equipment you took away. [LB592]

FRANK POSPISHIL: Oh, no, that's possible, yes, that's possible. [LB592]

SENATOR WHITE: Yeah, okay. So we could have a situation where you grab three quarters of the most valuable land. You take their levy. You take three quarters of their assets, and they are left with a squirt gun to fight firefights. So, what you want is you just don't like how the district court hacked the pie, isn't that accurate? [LB592]

FRANK POSPISHIL: It's true that we don't like how the district court hacked the pie, but the division still has to be equitable. My hypothetical of the one truck, you couldn't cut a fraction of the truck off; that would be inequitable. It specifies it has to be an equitable division of assets and liabilities and it has to be such that it doesn't interfere with current operations. Those are tests that are in 366 right now. So I mean, you can't... [LB592]

SENATOR WHITE: Well, but maybe the court made that determination. Equity... [LB592]

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FRANK POSPISHIL: So I mean you can't...there would be no squirt gun left. [LB592]

SENATOR WHITE: Equity is for a court, not for a legislature. You know that? [LB592]

FRANK POSPISHIL: I'm aware of that. [LB592]

SENATOR WHITE: We are not equipped to weigh equities. [LB592]

FRANK POSPISHIL: This was decided on summary judgment. I mean there was no trial. We were not allowed any discovery on that (inaudible). [LB592]

SENATOR WHITE: So would this allow then by principal extension, Omaha to cherry-pick the parts of SIDs they like and leaving the parts behind that are expensive? [LB592]

FRANK POSPISHIL: It has no application to SIDs, only fire protection districts. [LB592]

SENATOR WHITE: And what you are saying is, we just want to cherry-pick the fire districts and we're not going to mess with SIDs, right now at least? [LB592]

FRANK POSPISHIL: Sarpy County is a unique situation in that all the cities are growing rapidly, annexations are ongoing including annexations for the fire protection districts. No one is cherry-picking anything. Frankly, all of this land is extremely valuable. [LB592]

SENATOR WHITE: Then why didn't you take it all and then it wouldn't be a problem? And you can moot the district court's point right now. Just annex the rest of that fire district and the whole game is over by statute, right? [LB592]

FRANK POSPISHIL: Because we still had our service obligation. We couldn't service the whole thing. We annexed the part we could service. Papillion is a unique district. It has very broad ranges, very broad boundaries. [LB592]

SENATOR WHITE: Thank you. [LB592]

SENATOR FRIEND: Thank you. Are there any more questions from committee members? Thank you for your testimony. [LB592]

FRANK POSPISHIL: Where do we put these? Just in the box? [LB592]

SENATOR FRIEND: Yeah, that's fine right there. Sure. Next proponent? Those in favor of LB592? Last chance. We'll start with opposition. [LB592]

BRIAN DOYLE: Senator Friend and members of the Urban Affairs Committee, my name

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is Brian Doyle; it's B-r-i-a-n D-o-y-l-e. I'm with the law firm of Fullenkamp, Doyle & Jobeun, and I appear today for the Eastern Nebraska Development Council and the Metropolitan Omaha Builders Association. We are in opposition to LB592 as introduced. With the amendment offered by Senator Cornett, we would be neutral. LB592, as it was introduced, would have a negative effect upon development in the Omaha metro region. If passed, LB592 would impair the ability of subdivisions to have their public infrastructure financed. The bill's provisions allow a city to unilaterally annex a portion of a sanitary improvement district, taking in that district's increased tax base, but without taking on the burden of their debt. LB592, as it was introduced, would enable the inequitable and disproportionate division of assets and liabilities which would be to the detriment of both the areas that are annexed and unannexed. The Eastern Nebraska Development Council and the Metropolitan Omaha Builders Association are opposed to LB592 as it is introduced, and with the amendment offered we would be neutral on this issue. I'd be happy to take any questions. [LB592]

SENATOR FRIEND: Thank you, Mr. Doyle. Any questions from committee members for Mr. Doyle? Seeing none, thanks for the testimony. Thanks for coming down. Next opponent. [LB592]

LARRY RUTH: Senator Friend and members of the committee, my name is Larry Ruth, R-u-t-h. I have the identical testimony as Mr. Doyle did, representing the Nebraska State Homebuilders Association. Their lobbyist is not in the room right now and has authorized me to make an appearance on the record. But with the amendment we would have absolutely no problem with the bill. It only affects fire protection districts with the amendment. Thank you. [LB592]

SENATOR FRIEND: Thank you, Mr. Ruth. Senator White. [LB592]

SENATOR WHITE: Without the amendment, do you think it would be unfair if it was applied to...in other words, do you think it's unfair if it's applied to sanitary improvement districts? [LB592]

LARRY RUTH: Well, we would think it would be unfair, but beyond that actually it would just shut down the financing of SIDs and then... [LB592]

SENATOR WHITE: Why is it fair...I mean why are you okay...I guess let me rephrase the question. Is it a matter of whose oxen is being gored then? [LB592]

LARRY RUTH: Senator, why we're representing the Nebraska State Homebuilders Association. [LB592]

SENATOR WHITE: I understand. Give me comfort why it's okay for fire districts but not for SIDs. [LB592]

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LARRY RUTH: I'm not able to give comfort, Senator. [LB592]

SENATOR WHITE: Thank you. I often find myself in an uncomfortable situation (laughter). [LB592]

LARRY RUTH: But I really don't know how it affects fire protection districts and that's not our issue, thank you. [LB592]

SENATOR FRIEND: Thank you. Next opponent? Last chance, LB592. We'll move to neutral testimony. Anybody wishing to testify in a neutral capacity? And Senator Cornett to close. Senator Cornett waives closing. And that will close the hearing on LB592. We will stand at ease for a moment and wait for Senator Kopplin. Is Senator Kopplin here? I apologize. We will no longer stand at ease. Senator Kopplin is here to open on LB597. [LB592 LB597]

SENATOR KOPPLIN: (Exhibit 6) Chairman Friend and members of the Urban Affairs Committee, my name is Gail, G-a-i-l, Kopplin, K-o-p-p-l-i-n, and I represent Legislative District 3. I'm before you today to introduce LB597. The green copy of LB597 would allow cities of the first class located within three miles of a city of the metropolitan class, not located within the same county, to extend their zoning jurisdiction by one mile. As written, the bill will only apply to Sarpy County. This means that Papillion, Bellevue, and La Vista, the first-class cities located in Sarpy County, could extend their zoning jurisdiction from the current two miles, to three miles. Because this bill was drafted very late, introduced on the last day of bill introduction, we need to offer an amendment to clarify the definition of county, and add second-class cities. The definition of which first-class city would be eligible to extend its zoning jurisdiction is unwieldy, so the amendment offers the definition of county to mean any county with a population in excess of 100,000 inhabitants, 40 percent of whom reside within the corporate boundaries of a city of either the first class or second class. The amendment then goes on to say that a city of the first class located in such a county may extend their zoning jurisdiction up to three miles, and a city of the second class may extend its zoning jurisdiction up to two miles. Again, the amendment would at this time only apply to Sarpy County, and by adding the language on second-class cities, Gretna and Springfield would be included. I should note that all of the cities in the county are in support of the amendment, as is the League of Municipalities. As you probably know, Sarpy County is the fastest growing county in the state. The cities of Sarpy County believe they need this extension of their jurisdiction in order to better control growth and manage development. I ask for your favorable consideration and would be happy to answer any questions. [LB597]

SENATOR FRIEND: Thank you. Are there any questions for Senator Kopplin? Senator Janssen. [LB597]

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SENATOR JANSSEN: Senator Kopplin, did I hear you correctly that the only two cities that this would affect would be Gretna and Springfield? [LB597]

SENATOR KOPPLIN: It would affect all the cities in Sarpy County: Bellevue, Papillion, La Vista as first-class cities, and Gretna and Springfield as second-class cities. [LB597]

SENATOR JANSSEN: They would be the only two second-class cities, is that correct? [LB597]

SENATOR KOPPLIN: That's correct. [LB597]

SENATOR JANSSEN: Okay. All right, thank you. [LB597]

SENATOR FRIEND: Thank you. Any more questions from the committee members? [LB597]

SENATOR KOPPLIN: Thank you. [LB597]

SENATOR FRIEND: Seeing none, thank you, Senator. First, can I see a show of hands of folks who want to testify on this bill? How many...? Proponents, keep your hands up. All right. And as I mentioned, if you would do us a favor and keep it concise and we can move along. We'll start with proponents. [LB597]

JAMES BLINN: (Exhibit 7) I have two maps. Pictures are better than words, I think, in describing the issues. My name is James Blinn, B-l-i-n-n. I am the mayor of the city of Papillion. Thank you, Chairman Friend and committee members, for your time today, and I will try and be brief. I'm sure all of you know that the extraterritorial zoning jurisdiction, we refer to as the ETJ, is that two miles outside of our corporate limits that we control zoning and jurisdiction over. This is an important area because really what it is, is it's a city growing, and we are growing into this area. So the purpose of this is to dictate the land use and the types of uses and, in our case, the debt load that these SIDs will be allowed to take on in areas that it's clear that our cities will develop into. So it's important that the cities and elected representatives that will be responsible for these areas are making these decisions. So we are asking for the responsibility of making the decisions for land that we ultimately will be responsible for maintaining and controlling the zoning jurisdiction over. The demographics in Sarpy County are, there are 77,000 citizens that live inside one of the five cities. And just to be clear, Senator Janssen, and I'm not sure if it was before or not, all five cities will be extended one mile. So the current second-class cities will go from one mile to two, and the first-class cities from two to three. So all five cities will have an extended zoning jurisdiction. And we, the city of Papillion, supports our four neighbors in having that extended zoning jurisdiction. We think the cities are well capable of making the proper decisions in Sarpy County. Just so

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you know, there are six full-time planners working in our five cities. Sarpy County has one full-time planner that just started a year or two ago and they've had a population of well over 100,000. So I think that cities take into consideration planning issues far more than counties do. And there may be a reason that this happens, is we are ultimately responsible for the SID debt of these SIDs. So we consider the debt load that we will allow an SID to take on before we zone the area and before we approve a subdivision. A county will never incur this SID debt. And so frankly, we've had a development that came up that was just outside our zoning jurisdiction, and they came to us and asked us about some issues. And we asked them about what the SID debt load is. And the exact quote was, the county doesn't ask or care what the SID debt load is because they will never annex it, they will never incur the debt of this SID. The growth patterns in Sarpy County, we're the fastest growing county in the state. Three of the five fastest growing cities in the state are in Sarpy County year after year after year after year. And so I think that we are in a unique position that we, Sarpy County, I guess if you want to call it special or how are we different from other counties, we're different because of our growth rate in Sarpy County. The one size fits all for the entire state with this zoning jurisdiction just doesn't work well for us because of the growth rates that we're incurring in Sarpy County right now. These SIDs that are having large debts, I passed out a map there. There's a blue area and then there's several red areas around it on one of the maps. Those red areas are SIDs that would like to be annexed but they can't because their debt load is too high right now. We would like to annex those SIDs and are just unable to do so because debt consideration was not appropriate when those SIDs were formed. There's a second map that shows what the actual extension of our jurisdiction would do. If you look at it you can see what we have already, and then you can see the areas that we will be asking to improve on in that area. We are growing very fast in Douglas and Sarpy County, and Omaha has a three-mile zoning jurisdiction. We're asking for that same consideration for us. That will allow (inaudible) to monitor design standards, approve the debt of the different districts that are around, and will allow the citizens that will be in our city to be represented by a planning department that is part of our city and that will ultimately be responsible for all of these SIDs. There's no question all of these SIDs will end up in a city at one point. And so we would ask you to give us the consideration with our growth rate that these will very soon be inside cities. Most of the growth that will occur in Sarpy County obviously will end up in a city. And poorly planned or inconsistently planned development inhibits future growth. Why is Sarpy different? And I said three of the five fastest growing cities are in Sarpy County. And that's not just this year, that's year after year after year after year. Our growth rate, Omaha platted one single-family home per 100 constituents in the last two years. Papillion platted seven single-family homes for 100 constituents lots in the last several years. We platted about 2.5 million square feet of commercial in the last three years. We have five cities that represent 77,000 cities (sic) of Sarpy County. All five cities are in support of this legislation. There are only 44,000 citizens that are outside our incorporated limits, and I would suggest to you that the five cities well speak for what Sarpy County really wants and needs in Sarpy County. I'd be happy to answer any

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questions. [LB597]

SENATOR FRIEND: Thank you, Mr. Blinn. Are there any questions from committee members? [LB597]

JAMES BLINN: Thank you for your time. [LB597]

SENATOR FRIEND: Mr. Blinn, a quick one. Why does this...and maybe it's a question that can't be answered in a short period of time. But why does this necessarily help...? Bellevue, Papillion, they're racing right now for jurisdiction. They're in an arms race right now; I mean, Bellevue and Papillion in some ways. Would you disagree with that assessment? [LB597]

JAMES BLINN: I would disagree. And I think that there's one unique aspect that I guess I should identify about Sarpy County. Papillion and Bellevue, and Papillion and La Vista have entered into interlocal agreements that will define our ultimate boundaries. So there's no race between Bellevue and Papillion, and La Vista and Papillion. We're in discussions with the other two cities to formalize interlocal agreements that will define our areas in the future. The real problem is, is that there's an entity doing planning that does not have the same considerations that cities have. And these will be areas that cities will be controlling at some point. And so this isn't about, this would in fact reduce, I guess, the race for annexation if that were the concern because it would provide the zoning control without having to extend the city boundaries. [LB597]

SENATOR FRIEND: Okay. [LB597]

JAMES BLINN: I hope that was brief, Senator. [LB597]

SENATOR FRIEND: Thanks. No, it did, it was good. Any other questions from committee members? Seeing none, thanks, Mr. Blinn. [LB597]

JAMES BLINN: Thank you for your time here today. Thank you. [LB597]

SENATOR FRIEND: Next testifier, proponents? [LB597]

TIM GILLIGAN: Good afternoon, Senator Friend and the members of the Urban Affairs Committee. I'd like to thank Senator Kopplin and Senator Cornett for introducing this bill. My name is Tim Gilligan, that's G-i-l-l-i-g-a-n, and I'm the mayor of Gretna. Beginning in 2001 and for four consecutive years since, Gretna has been the fastest growing city in the fastest growing county in the state of Nebraska, as Mayor Blinn said. I'd like to take this opportunity to explain to you that LB597 is of great importance to the city of Gretna based on the future planning for the following reasons. Similar to other cities within Sarpy County, Gretna has 16 SIDs that fall within our one-mile extraterritorial zoning

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jurisdiction, or ETJ. We have, the major corridors coming to the city of Gretna are Highway 370 and Highway 6 and 31, and we would like to be able to monitor the new growth and enforce design standards along these corridors. And the third is regarding infrastructure. Gretna would be able to better plan and to serve developments within our future growth area. The reason I bring up infrastructure is that Gretna's interceptor sewer line, and now that is the sewer transmission line that was constructed as an alternative to a single municipal treatment plant, was constructed for three main reasons: necessity, permitting, and economics. Necessity: The reason we did the line was that our existing plant at the time was at capacity and we had to do something. Permitting: It was felt that the Department of Environmental Quality regulations would make it very difficult to discharge into the Platte River with the Lincoln water wells to the downstream of that area. And the economics of it was that financially it made sense to build an outside interceptor sewer to connect with Omaha as well as keeping Gretna's future growth area in mind. As fast as we've grown in Gretna, to build a sewer plant, how big do you build it for? That was our problem. We're at that same crossroads right now. We are in the area where we're going to have to decide whether we keep our own water system or we go with Metropolitan Utilities District. So this would give us a better handle on how do we control our growth and how do we provide that infrastructure that we are going to need to provide with sewers and with water. And with that, I'd be glad to answer any questions you might have. [LB597]

SENATOR FRIEND: Thank you, Mr. Mayor. Senator Janssen. [LB597]

SENATOR JANSSEN: Tim, how many SIDs, or did you say, do you have within your jurisdiction? [LB597]

TIM GILLIGAN: Sixteen, Senator. [LB597]

SENATOR JANSSEN: Sixteen? [LB597]

TIM GILLIGAN: Yes, sir. [LB597]

SENATOR JANSSEN: Okay. And how many years have they been operational? What would be the average of them? [LB597]

TIM GILLIGAN: Oh, they range from probably the oldest two, I'm guessing now, are probably 10 to 12 years old; the newest is probably 2 to 3. [LB597]

SENATOR JANSSEN: And what's the length of the time on those SID bonds? [LB597]

TIM GILLIGAN: That I can't tell you right off the top of my head. I can get the answer for you though, Senator. [LB597]

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SENATOR JANSSEN: Twenty years? [LB597]

TIM GILLIGAN: I would say, on average, probably 20 years. [LB597]

SENATOR JANSSEN: And how far south can you go with your extraterritorial jurisdiction? [LB597]

TIM GILLIGAN: Our extraterritorial jurisdiction, right now, going to the south would go down to the Flying J or the mall area south of Gretna. [LB597]

SENATOR JANSSEN: All right. Is that close to the wells then, to the water wells? [LB597]

TIM GILLIGAN: Our wells are mainly to the north. We will need to put some more wells down in that area. [LB597]

SENATOR JANSSEN: The city of Lincoln's are down by... [LB597]

TIM GILLIGAN: Oh, the city of Lincoln's are south of that... [LB597]

SENATOR JANSSEN: South of the Flying J? [LB597]

TIM GILLIGAN: ...down on the Platte River. They're down on the Platte River by Linoma Beach, Senator, down in that area. [LB597]

SENATOR JANSSEN: Okay, I know where that's at. Okay, thank you. [LB597]

TIM GILLIGAN: You bet. Thank you. [LB597]

SENATOR FRIEND: Thank you. Any more questions for the mayor? Thank you, Mayor. [LB597]

TIM GILLIGAN: Thank you. [LB597]

SENATOR FRIEND: Next proponent. [LB597]

CHRIS SHEWCHUK: Good afternoon again, Senator Friend and members of the Urban Affairs Committee. Again, I'd like to thank Senator Kopplin and Senator Cornett for introducing this bill. I'd also like to note that the mayor of Bellevue and the city administrator are here in their support also. My name is Chris Shewchuk, S-h-e-w-c-h-u-k, and I am the planning director for the city of Bellevue. And I won't repeat a number of the things I said earlier and also some things that were mentioned by the mayors of Papillion and Gretna. Our issue on this LB597 is, again, growth for the

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city of Bellevue and determining our growth, allowing the city to determine what's happening in our future growth area, our future urban area, rather than decisions being made by other entities when we will ultimately be responsible for that growth in the city. We don't have much land to our south and we do want to have that under our jurisdiction, and extending our jurisdiction to three miles would help us to achieve that. It doesn't do everything we want to do. Ultimately, we want to go down to the Platte River. This bill would not let us achieve that at this time. We have tried in the past to work with the county, Sarpy County, to extend our jurisdiction. There is a provision in state law that allows them to cede jurisdiction to us. The city council made a formal request for that for areas to the south of Bellevue. The county board did not approve, or I don't believe it was ever at their, they ever took formal action on that. At a staff meeting they said they were not going to act on that. Again, this is a growth and development issue for the city of Bellevue and we support it wholeheartedly. And I'd be happy to answer questions for you. [LB597]

SENATOR FRIEND: Thank you. Any questions? Seeing none, thank you, Mr. Shewchuk. Next proponent. [LB597]

BRENDA CARLISLE: (Exhibit 8) Good afternoon, senators. I want to thank Senator Kopplin and Senator Cornett for introducing this. I am Brenda Carlisle with the city of La Vista, and I'm their council president and I'm here to represent the city and voice our support of LB597. As you know, LB597 will allow cities of the first class whose boundaries lie within three miles of a city of the metropolitan class which is not located in the same county to extend their extraterritorial zoning jurisdiction to three miles in incorporated areas beyond and adjacent to their corporate limits. While this legislation will have little impact on the city of La Vista because most of our area has already been developed, we have in the past experienced difficulties following annexation and the extension of our extraterritorial zoning jurisdiction related to zoning and code enforcement. Specifically, these developments were platted and developed in accordance with zoning and subdivision regulations vastly different than La Vista's. Logistically, it has been difficult to bring these developments into compliance with our existing codes: for example, zoning classifications, building setbacks, and design regulations, etcetera, that have been incompatible. Allowing jurisdictions to have additional authority over areas that will ultimately be within their corporate limits makes good planning sense. Again, we encourage your support of this legislation and thank you for the consideration. [LB597]

SENATOR FRIEND: Thank you, Councilwoman. For the transcribers, could you spell your last name? [LB597]

BRENDA CARLISLE: Yes, I can. C-a-r-l-i-s-l-e. [LB597]

SENATOR FRIEND: Thank you. Are there any questions for the councilwoman? Seeing

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none, thanks for coming down. Appreciate it. The next proponent. [LB597]

LYNN REX: Senator Friend, members of the committee, my name is Lynn Rex, R-e-x, representing the League of Nebraska Municipalities. We strongly support this measure. We support the amendment to extend the ETJ for all municipalities within Sarpy County. We think this is an extremely important bill because, as has already been noted, Sarpy County is the fastest growing county. But the cities within Sarpy County are also the fastest growing cities, and I think it's important to understand that at the end of the day it ends up on the city. At the end of the day, it is people living within SIDs: for example, the 27 SIDs around Papillion, the 16 SIDs around Gretna, the 34 SIDs within the extraterritorial zoning jurisdiction of Bellevue. Those are the citizens living in those SIDs that ultimately become part of those cities that want to know why they can't be annexed even sooner. So with that, I just think it's really important that the committee realize that in the past there has been a whole series of basically redoes of the SID laws for the past 30 years. There's probably been three major considerations. John Cavanaugh probably did the most extensive one back in the '80s to rewrite the SID laws because they were absolutely a mess at that point. And that's why even some of the SIDs around Bellevue have yet to be annexed. But I think it's so important to realize that it comes down to the cities, at the end, and these five cities. And this is where they will be growing. And I regret that I guess Sarpy County is going to be opposing this. Sarpy County is a great county. Our concern, of course, though is at the end, it's on the five cities, not on Sarpy County. That's where the responsibility will lie. And so we think that these cities ought to have the right to make the determinations because those citizens expect them to do it and to do it right. I'd be happy to respond to any questions that you might have. [LB597]

SENATOR FRIEND: Thank you. Questions? Senator Janssen. [LB597]

SENATOR JANSSEN: Lynn, can you tell me how far it would be from Gretna's extraterritorial western edge to Saunders County? [LB597]

LYNN REX: No, I can't, but I will have that information for you. I know that people here know all that. Being geographically challenged, Senator Janssen, I wouldn't purport to submit that information to you. I'll get it to you by the end of the hearing. [LB597]

SENATOR JANSSEN: Thank you. [LB597]

SENATOR FRIEND: Further questions? Seeing none... [LB597]

LYNN REX: Thank you very much. Appreciate it. [LB597]

SENATOR FRIEND: ...thanks for the testimony. Any more proponents, those in favor of...last chance. We will start with opposition. [LB597]

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CHUCK CHEVALIER: (Exhibit 9) Good afternoon again, Mr. Chairman and senators. My name is Chuck Chevalier, C-h-e-v-a-l-i-e-r, and I'm the superintendent of schools at South Sarpy School District 46. Again, we have a lot of respect for the people that have introduced this bill, as well as all the testifiers from Sarpy County area. They're our friends and we like to work with them. However, at this time, we have to oppose for pretty much the same reasons as I talked about in LB591. I'm not going to go ahead and restate those reasons since you've heard them in LB591. However, I do give you a map that is about a year old so there's some minor discrepancies on it, but it overlays the school district land with the ETJ and the city boundaries so you can kind of take a look at that. And that's basically, I guess, what we wanted to make sure that you understood. There are possible ramifications in the school district boundary issue. That is being heard on the floor, so that is an issue that I think we need to be prepared for. Bottom line on my testimony, senators, is sometimes when we try to make a decision, it's the first piece of a row of dominoes. And sometimes we only look at that first domino and we push it over, and then we discover it has hit these other dominoes. In this situation, extending the jurisdiction looks good, and I think there's probably some good reasons to want to do that. However, about the fifth domino in that row has the faces of all the kids from South Sarpy School District. And if you read my testimony that I've attached opposed to LB91, you can see that for those faces on that domino, it would really be, it could be a destruction of our school district. Now, granted, right now that's not the case. I wouldn't say that is the case. But dominoes can fall and all of a sudden we have dominoes falling, and we say, boy, I wish that hadn't happened. I guess my testimony, I want you to see that fifth domino in that row. With that I'll take some questions. [LB597]

SENATOR FRIEND: Thank you, Dr. Chevalier. Any questions? Seeing none, Doctor, thanks for the testimony again. Further opposition? [LB597]

FRED UHE: (Exhibit 10) Chairman Friend, members of the Urban Affairs Committee, again I'm Fred Uhe; the last name is U-h-e; chief deputy county clerk and registered lobbyist for Sarpy County. I appreciate the kind words from Lynn Rex and, yes, Sarpy County is opposed to this bill. The map that's being currently handed out will show the additional, basically the current zoning jurisdiction and the additional one-mile buffer. Several things I wish to respond to I said earlier. I guess I'll start with Ms. Rex. Now at the end of the day, we probably wish it wasn't cities. Now at the end of the day, it's the county still providing law enforcement, still providing road construction, still serving those citizens. You know, I think some states have historically, looking at ETJs, actually I looked at some infrastructure issues, and perhaps my county board would approach a bill like this differently if there was some incentive for us to share in the future growth of the cities as far as building the roads and some of the things that we've done over the years to encourage this growth. You know, I consider the five mayors we have friends. They do do a good job. However, I do work for five members of the county board that

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represent the entire county. And I can truly say they usually have the best interest of all citizens on every issue they approach. Historically, Sarpy County has been the fastest growing county. Actually in the '50s and '60s, we had a 100 percent increase, going from 15,000 to 30,000 on to 60,000. So the area's growth has gone on for some time, and I don't necessarily think that the current situation is unique. It's worked well over the number of years. There's growth. There's always disagreements amongst almost family members, per se, I guess since we're all representing the citizens of Sarpy County, but we usually attempt to work through those. Looking at Senator Kopplin's amendment, I understand why he was trying to do that as far as meeting the needs and future concerns of Gretna and Springfield. But I guess that philosophically you could argue that we're not Bennington, Valley, Waterloo, second-class cities, villages in Douglas County that are close to a metropolitan-class city, have some of the same issues that they're facing. And if you look at the map, you'll see an overlapping jurisdiction between Springfield and Papillion, which would need to be worked out. Mayor Blinn is correct; I think there has been some ongoing discussions. Unfortunately, for the record, Sarpy County is in litigation with both the city of Papillion and the city of Gretna on what we have deemed to be illegal strip annexations. Oral arguments on the Gretna case were heard before the Supreme Court in early December. We're hoping a decision will be rendered on that soon. We have a preliminary judgment from the district court level on the Papillion case. There will be an accounting hearing, I believe, May 1. And then I'm sure at that time the city of Papillion will determine whether they will seek an appeal or not. So there are some ongoing issues within Sarpy County but I don't necessarily think that a special, totally special-based legislation like this would serve the purpose of the citizens throughout the state. So with that, I'd be willing to attempt to answer any questions. [LB597]

SENATOR FRIEND: Thank you. Any questions for Mr. Uhe? Senator White. [LB597]

SENATOR WHITE: Yes, sir. Doesn't Douglas County essentially live with this scheme, the only difference being there's only one city in the county that exercises three miles? [LB597]

FRED UHE: Well, true, the city of Omaha does exercise three miles. Again, the villages and smaller cities--Valley, Elkhorn--previously lived with the two miles. So similar, I guess, but you can probably...Omaha might be a little bit more of a unique situation. [LB597]

SENATOR WHITE: Douglas County lives with it; why can't Sarpy? [LB597]

FRED UHE: Well, I think part of the problem is that the, where Omaha is such a dominant part of the county... [LB597]

SENATOR WHITE: We're just such a big bully anyway, kind of thing? (Laughter)

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[LB597]

FRED UHE: Well, actually I think Jack Cheloha may be following be so I won't say anything bad about the city of Omaha today. [LB597]

SENATOR WHITE: It's my district. (Laughter) [LB597]

FRED UHE: I think, you know, you raise a point. But I think both in Lancaster County's case and Douglas County's, where you do have such a big player. I know Lancaster County, there's a lot of city-county zoning. They have an interlocal. They actually do a joint planning department. Perhaps that might be a solution for Sarpy County. Mayor Blinn mentioned, yes, Sarpy does have a planner. But as he also mentioned, you know, the cities do serve more residents, so naturally it would make sense that the county would not have as many planners as the cities. I think we've been a good partner with the cities over the years, and, you know, again where, you know, why would a first-class city in Sarpy County be so uniquely different than a first-class city in Buffalo County, Platte County, etcetera. [LB597]

SENATOR FRIEND: Further questions? Seeing none, thank you, Fred. Next opponent? Any more opposition to LB597? Anyone wishing to testify in a neutral capacity? [LB597]

JACK CHELOHA: Good afternoon, Senator Friend and members of the Urban Affairs Committee. My name is Jack Cheloha, the last name is spelled C-h-e-l-o-h-a. I'm the registered lobbyist for the city of Omaha testifying in a neutral capacity on LB597. I've heard Omaha called an 800-pound gorilla before but not a big bully. But that's all right. [LB597]

SENATOR FRIEND: You haven't heard that before? [LB597]

JACK CHELOHA: (Laughter) Not yet. As I read the green copy, we talked with Senator Kopplin's office, his legislative aide, and I also talked with some of the supporters. And as the bill was written, we did have a concern about, you know, planning authority extending across county lines. And the bill, you know, if it does extend it for cities in Sarpy County, or at that point, earlier in the green copy, it would apply to other counties too, there could have been some interpretation that they could extend their planning, you know, across county lines and that would have affected Douglas County, which we were keeping a careful eye on. Since that time, Senator Kopplin and his staff and then the supporters have indicated that it's not their intent to allow the planning to go across county lines. And so with that, we would, you know, be more comfortable if this committee would take a look at an amendment, you know, on the new language, if you will, that--if you decide to go forward with the bill, of course--that says this new planning authority for these cities could only occur within the county in which they exist, or something like that, and then that way it doesn't give the big bully any heartburn, if you

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will, so. (Laugh) [LB597]

SENATOR FRIEND: Goodness knows we'd hate to do that, Jack. Look, any further questions for Mr. Cheloha? Seeing none, thank you for the testimony. [LB597]

JACK CHELOHA: All right. Thank you. [LB597]

SENATOR FRIEND: Any more neutral testimony? I guess that means Senator Kopplin to close. [LB597]

SENATOR KOPPLIN: Thank you, Senator Friend. First of all, to answer Senator Janssen's question, currently there's approximately three and a half miles to the Saunders County line. This bill would change that to two and a half miles from the Saunders County line. You know, from the testimony of either opposition or proponents, you can see that people are really concerned in developing Sarpy County in the best possible way we can, whether it's school districts or what have you. We're unique in the number of SIDs we have and how we have to deal with them. The growth pinch for all these cities is extremely high as they try to decide where to go and what to do. The county has been cooperative and I think has a good county plan, so it's not like that everybody is at odds. I just happen to believe that it is more important for the cities to have some kind of control, greater control of what's happening to them growthwise. And as far as zoning jurisdiction across county lines, we're not at all opposed to saying nobody should have crossed county lines. Omaha coming our way or Gretna going their way, I don't care which. (Laughter) But that's just the way it is. We have a unique county in Nebraska. It's hard to talk about all the growth problems but it sure beats talking about a dying county. And Sarpy County is just growing so rapidly, I believe this bill will give the cities a handle on how they can approach the future. Thank you for your time. [LB597]

SENATOR FRIEND: Thank you, Senator. Questions from committee members? Seeing none, thank you. I believe that will close the hearing on LB597 and that will end the hearings for today. Thank you. Thank you for joining us. [LB597]

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Urban Affairs Committee
February 20, 2007

Disposition of Bills:

LB405 - Advanced to General File, as amended.
LB591 - Indefinitely postponed.
LB592 - Indefinitely postponed.
LB597 - Advanced to General File, as amended.

Chairperson

Committee Clerk