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Transcriber's Office

Urban Affairs Committee  
January 27, 2009

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[LB338 LB339]

The Committee on Urban Affairs met at 1:30 p.m. on Tuesday, January 27, 2009, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB338, and LB339. Senators present: Mike Friend, Chairperson; Amanda McGill, Vice Chairperson; Colby Coash; Tanya Cook; Steve Lathrop; and Kent Rogert. Senators absent: Tom White.

SENATOR FRIEND: (Recorder malfunction)...To my right, Senator Colby Coash; and the Vice Chair of the committee, Senator Amanda McGill; Senator White probably will not be joining us today. Bill Stadtwald is research analyst or I like to call him a legal counsel because that seems to be what he does a lot of for me. To my left: Senator Steve Lathrop; and to his left Senator Kent Rogert; and Beth Dinneen is the committee clerk. Our page today, and I think probably for the rest of our hearings, is Courtney Ruwe, she's from Herman, Nebraska. And if you didn't already know, it's political science and philosophy, and she got mad at me last week because I wished her luck. (Laughter) I don't know if she was mad at me or not, but the philosophy thing struck me. With that, I will ask you right out of the gate, if you would, to silence the cell phones or pagers. Everything is being transcribed in here and it makes it a little difficult for the transcribers if we have those going off. If you wish to testify, there are green sheets. I believe they're over by Beth...or excuse, on each side of the doors. If you wish to testify, you should fill one of those sheets out and put them in the box, I believe, next to Beth would be the way to do it. If you don't wish to testify, but you'd like your name entered as proponent or an opponent or even in a neutral capacity, there are white sheets that you can fill out and have your name entered in the record. Testifiers, we have a short list of bills today, actually two. But we do like to, you know, keep the testimony fairly concise. We will give you approximately...we do have lights up here, but we will not use them this week. We'd like to keep things to about five minutes, if possible. Also, if you wish to testify, please state and spell your full name for the record, for the transcribers, and obviously no vocal displays of support or opposition to any bills. We would appreciate that. If you have materials, you can hand those to Courtney and she will deliver those to members of the committee. I believe that is about it. With that, like I said, we have two bills, LB338 and LB339. They both happen to be mine, so I have to come around to the other side and start those. Senator McGill, the chair is yours.

SENATOR MCGILL: I get talk more today. (Laughter)

SENATOR FRIEND: As much as you want.

SENATOR MCGILL: Senator Friend to open the hearing on LB338. [LB338]

SENATOR FRIEND: Thank you, Madam Chair. LB338 proposes to amend current state law regarding first and second-class cities and villages to reduce the height at which

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grasses and weeds may be permitted to grow before they can legally considered to be a nuisance. Section 16-230 and 17-563, the sections that are being amended, currently provide that these municipalities may require that a property owner keep the property free of any weeds, grasses or worthless vegetation that are 12 inches high or more in height. Each city or village may be able to declare it to be a nuisance to permit or maintain growth of such vegetation to a height of more than 12 inches currently. LB338 would amend these sections to lower the maximum height of such weeds or vegetation from 12 inches to 6 inches. Under this bill, a city or village may, by ordinance, declare it to be a nuisance to permit or maintain the growth of such vegetation to a height of six inches or more. Because when vegetation is permitted is to reach such a height is to be considered a legal nuisance, the city or the village sends notice to the owner and begins the process of nuisance abatement. If the owner fails to mow the vegetation or cut the vegetation, the city or village may have the work done and the cost to be paid by the owner. The owner is essentially billed. If unpaid for more than two months, the city or village may either assess and levy costs and expenses upon the property in the same manner as many other special assessments or recover the costs in a civil action. The problem that necessitates this legislation is the length of time necessary when it arises between the determination that a nuisance actually exists and the time when the action can be taken to eliminate that nuisance. By the time the vegetation is mowed, several more weeks may pass which could be taken to actually eliminate the problem. By the time...excuse me, lowering the permissible height to the vegetation from 12 inches to 6 inches will allow the city or the village to address the nuisance in a fairly timely manner and maintain a more decorous appearance to the neighborhood. The problems, as I stated here, are time frames. I don't know that people are...you know, some of these towns, I don't think that they have the type of equipment that's going to, you know, plow through, you know, 14, 15 inches of vegetation. I think that we see the problem here. I'd be happy to answer any questions in regard to some of this legislation, but I know somebody from the league is probably here, you know, to address some of those as well. So anyway. [LB338]

SENATOR MCGILL: Are there any question for Senator Friend? Senator Rogert. [LB338]

SENATOR ROBERT: Senator Friend, I'd just clarify. So you're saying usually by the time you start the abatement process, they're two feet high, so you're trying to start it earlier so that they're not so tall by the time you... [LB338]

SENATOR FRIEND: When it was brought to me, the problem that folks are having out there is that by the time you're...I don't know who's out there with a yardstick or what they're doing. I mean, I'm not sure how that occurs. But the point is you analyze a problem and then you realize seven or eight or ten days later you can actually do something about the problem. We're trying to get the analysis period... [LB338]

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SENATOR ROBERT: Sure. [LB338]

SENATOR FRIEND: ...maybe to be fair going a little bit earlier. [LB338]

SENATOR ROBERT: Okay. [LB338]

SENATOR FRIEND: I certainly don't want to step on anybody's personal freedoms or...I think we're talking sometimes about a lot of abandoned...not abandoned, not disregarded in the sense of ownership, but somebody living out of town and they were renting it for a while and nobody is living there anymore. I think that there are a lot of those type of issues, but I'll let, you know, some other folks speak to... [LB338]

SENATOR ROBERT: Properties for sale, things like. I see. [LB338]

SENATOR FRIEND: ...some specifics. Yeah. [LB338]

SENATOR MCGILL: Any other questions? Senator Lathrop. [LB338]

SENATOR LATHROP: I do have a question seriously about the six inches. I don't know. I got to think that's a pretty common height in the summer before somebody mows their yard. I mean, I wonder if you're not going to have...at six inches, if your not going get a lot of calls to city hall, you know. The neighbor's lawn is getting long, and that's not the person...and at six inches, that might be a maintained yard. It's just... [LB338]

SENATOR FRIEND: In all candor, I don't know, in fairness also, that I mentioned that to anybody from the league when we were discussing the bill. I may have, but in all candor, that's a concern to me, too. Like I said, I don't know what they're doing to measure these and I'm sure all the cities are doing it in a different manner. I'm a little worried about...I'll be honest with you, I believe that there's a problem here because I was convinced that there is. But I think that those type of discussions are on the table. I mean... [LB338]

SENATOR LATHROP: Yeah. [LB338]

SENATOR FRIEND: ...as soon as we find out, you know, what the norm or the average, you know, the modus operandi is... [LB338]

SENATOR LATHROP: Yeah. If you have a...and maybe somebody will come up behind you and talk about it, but if you have a couple of, you know, say you mow on Saturday on your day off, and you get a...it rains Saturday and Sunday and now you're a week and a half into it, six inches is nothing. [LB338]

SENATOR FRIEND: And I haven't been by your yard lately, (Laughter) but...yeah.

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[LB338]

SENATOR LATHROP: It's bad when I'm down here. [LB338]

SENATOR FRIEND: I see you working, but I think this is an educated guess, I think some of these communities, they don't have...they may not have access to the type of commercial mowers they're going to...I mean, you get to a point where the cutting is going to be problematic. If you have a community or governmental subdivision that only has certain types of equipment, it gets to a certain height and you've got some problems. [LB338]

SENATOR LATHROP: Right. [LB338]

SENATOR FRIEND: I mean, that's the way it's been explained to me and that's an educated guess, but. You let your yard go to six inches with Lawn-Boy, you have a problem. If somebody lets something grow to 12 inches and you only have a Lawn-Boy, you know, the problem is doubled. [LB338]

SENATOR LATHROP: Right. [LB338]

SENATOR FRIEND: What we can do maybe, you know, to deal with that number...that stuff might be on the table, but... [LB338]

SENATOR LATHROP: But at six inches I think the phone rings off the wall and it's just the nosy neighbor that says, you know, I've been watching and it's up to six inches. And now city hall is getting bombed with phone calls. [LB338]

SENATOR FRIEND: Fair enough, and particularly the nosy-type neighbor who understands, you know, what we are doing down here. [LB338]

SENATOR LATHROP: Right. That's all I had. [LB338]

SENATOR FRIEND: Thanks. [LB338]

SENATOR MCGILL: Any other questions? Senator Coash. [LB338]

SENATOR COASH: Thank you, Senator McGill. Just a quick clarification, Senator Friend. This just gives cities the authority to say six is now...we can lower our requirement down to six. It doesn't...if a city says, no, we're good with eight, can they? [LB338]

SENATOR FRIEND: Yeah. I don't think there's anything in the language that precludes them from doing it, you know, at a measurement of 10 inches or 12 even now. And by

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the way, of course they already have the authority at 12 inches, I just think the problem, what Senator Lathrop brought up, 12 inches, you identify it at 12 inches, a week and a half later you're talking about 15 inches. That stuff looks like wheat. It's happened around my neighborhood. I've seen it done. And then they're hiring commercial people to come in and it is more expensive to handle that. You're baling hay, you're removing stuff from that property if you do want some sightly, you know, residue, I guess. I'm sure we can go into an executive session and think of all kinds of things that, you know, that might get us through this. But I think at the very least this is a pretty decent starting point and starts the discussion, so. [LB338]

SENATOR COASH: Thank you. [LB338]

SENATOR MCGILL: Any other questions? Thank you, Senator Friend. First proponent. [LB338]

CHRIS ANDERSON: (Exhibit 1) Good afternoon. My name is Chris Anderson, A-n-d-e-r-s-o-n, and I'm the city administrator in Central City. I appreciate this bill being introduced. It's an issue that, of all the complaints that come into city hall, this is probably one of the most frequent is the mowing of yards and the problems with neighbors that are not mowed. And the frustration I think that we have on the city level is the amount of time that it takes to respond to the complaints. And at city hall we like to be responsive to people who have complaints, we like to be able to act in a fairly quick manner. But the way that the statutes is set up really puts a long process in place for us potentially. This piece of paper here, for example, is 11 inches tall. So according to statute the grass has to be another inch above that before we're able to take action on it. At that point when you've got a yard full of grass at that height, that's pretty extreme. We're not talking about the neighbor lady that...her mower didn't show up that week. This is a property that's probably been walked away from, a renter moved away, there's an absentee owner, something like that. So we're talking about grass that's pretty tall. But the way that the process works right now, particularly with the properties that are abandoned or foreclosed or whatever, is that we send a certified letter to the last registered owner, and in most cases that certified letter comes back unsigned. Our post office tells us that that letter has to set for basically 17 days before it's returned to us. So we get a notice from a person in town, we get a complaint, we send out a certified letter, 17 days later it comes back. Under statute, six days after that we can go in and do the actual mowing. So we have 23 days that the lapse between the time of the complaint and the time our action. And for our residents, that's just not responsive, and that grass can get pretty out of hand in that period of time. Our reason for supporting six inches, it's not a magic number, it's that at 6 inches when we get the process started, it'll be at 12 inches when we actually get around to doing the work. On the handout that I've passed out on the back, the top picture is an example last summer of a property that we acted on in the spring, that's where the yard was by the time this process played itself out. Obviously the time of year is going to affect how bad it gets, and in the spring it gets

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pretty bad. Those weeds can really take off during a wet spring. On the front of the handout there's some guidelines that the UNL extension office has set for the maintenance of yards. They talk about yards being maintained at two to two and a half inches during the spring and fall and three inches during the summer. And so on my visual here I've got a line at three inches. It's a pretty low standard. They caution that when you mow your yard, you shouldn't take more than a third of the height in one mowing. So what we end up doing is taking grass that's gotten to 12 or 15 or 18 inches and we're going to cut it back to that 3-inch level. And what has happened in our experience is that we've gone and we've done that cut and that yard is done for the year, that grass is killed. The weeds come back in its place, and it really depreciates that property. Our concern more than anything else is that, you know, any neighborhood can have a property that comes up in this situation if it's foreclosed, if the renter moves away, if we have an absentee landlord, when that yard gets bad like that it affects the whole neighborhood, it affects the neighbors, and it affects the general appearance of the community. So I think there are other alternatives to the way that we can address this, but for us we feel that putting this at six inches will not be overly burdensome. By the time we get around to actually doing the work, it's going to be significantly worse than that. So with that, I'd request your support of the bill and I'd be happy to answer questions that you might have. [LB338]

SENATOR MCGILL: Any questions for Mr. Anderson? Seeing none, thank you very much. [LB338]

CHRIS ANDERSON: Thank you. [LB338]

SENATOR MCGILL: Next proponent. [LB338]

GARY KRUMLAND: Senator McGill, members of the committee, my name is Gary Krumland, it's spelled K-r-u-m-l-a-n-d, representing the League of Nebraska Municipalities appearing in support of LB338. First of all, I want to thank Senator Friend for introducing this bill on our behalf. As Mr. Anderson mentioned, this is a problem in cities. We hear from a lot of cities that this is one that they get a lot of complaints on, this and barking dogs, but weeds probably is even a higher one. The six inches would make this consistent with what Lincoln has right now. So there is precedent for having six inches, but that's probably not a hard and fast number. I think we chose to look at the height of the grass rather than get involved with the procedure and interfere with the due process. As mentioned, right now there's certified letters being queried and notices and the property owner has the right to request a hearing. And so rather than shorten that process, we thought it would be easier to address the height of the grass. I will mention that the Lincoln ordinance, which is six inches, was taken to the Nebraska Supreme Court in 1993 and in the case of Howard v. City of Lincoln, they did uphold the ordinance, although the case turned more or less on the due process, but that was one of the issues, too, so. We do think that this is an important bill. It will help the small

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communities and even some of the larger ones to deal with a lot of the complaints they have in this area. So we would ask for your support. I will mention that we have been contacted by a developers group who had some concern about how this affected the area in the extraterritorial jurisdiction. We'd be happy to work with them and the committee staff to accommodate their interest if the committee would be willing to do that. So be happy to answer any questions. [LB338]

SENATOR MCGILL: Thank you. Any questions? Senator Lathrop. [LB338]

SENATOR LATHROP: That would be...and that's interesting thing I hadn't thought about, but if you're building a housing addition inside the city limits, those guys generally will go do their grating, put the streets in, and sow it with native grass which is easily over six inches, right? [LB338]

GARY KRUMLAND: Yeah, sometime. And there may be an area that we need to make sure that if we do an amendment that it, you know, it's tight enough so that it applies in a situation like that, but is not an excuse for somebody else just to let their grass grow. [LB338]

SENATOR LATHROP: Yeah, and I'm trying to think of the...I appreciate that a foot is too tall, but I think at six inches we're...you've got my yard and I'm working at it, you know. I just don't think the city needs to be coming by after a couple of days of rain and the sun shines and my lawn is now at seven inches and I intend to get to it, and go through this whole notice thing and... [LB338]

GARY KRUMLAND: Um-hum. Well and, I mean, like one answer and you probably don't want to be involved or have a complaint, but the procedure is, is that if you get notice that your lawn is getting too long and you mow it yourself, that takes care of the problem. It's just when you refuse to do anything after you get the notice is when it triggers the other...when the city comes in. [LB338]

SENATOR LATHROP: All right. Okay. I better check my mail more often then (laughter), in the spring especially. [LB338]

SENATOR MCGILL: Any other questions? Seeing none, thank you. [LB338]

GARY KRUMLAND: Um-hum. [LB338]

SENATOR MCGILL: Other proponents? [LB338]

RODNEY STORM: Madam Chairman, committee members, my name is Rod Storm, city administrator, city of Blair, R-o-d S-t-o-r-m. I am here to support the bill, LB338. I think as the previous testimony you've heard echoes, our concern is those extreme

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cases where I would say probably when we have a problem in the city of Blair that we're able to resolve 98 out of 100 cases before it gets to that extreme, but there are those cases where the lawns literally get up to two foot by the time you go through that process and notify people. And in a lot of cases, those are situations where we've had somebody call and say, well, can I have an extension, and we always try to work with the people and give them an extension so that we can respond back to the complainant that is concerned on how tall that grass is getting, but yet at the some time work with those landowners that...you know, their mower may be broke down for some reason or whatever. So we try to work with those people, but eventually, eventually there are those, probably, I'll say less than 25 cases that we would have in a year in the city of Blair, a community of roughly 8,000. We need to be able to have the tools to be able to take care of those in a timely situation. The first time during the summer we recognize that, you know, things just got out of hand. The second and third time that same property...you know, we need to be able to react to those a little bit quicker so that we have the ability to protect the rights of the other property owners within that area. As far as the subdividers...or developers as mentioned early, the subdividers that we've had in the city of Blair, they really abide by that trying to keep it mowed because in a sense once that property starts to develop around them, they don't want to deter from that value and they don't want people coming in there and seeing that if they make an investment in there that nobody is going to be taking care of the weeds and so forth or that they have to complain to do that. So like anything else, the good developers and so forth, I think, are responsive and takes care of it. So from the city of Blair's standpoint, we would support the change. We're not saying that we would lower ours to six inches. I think the discussion has been here, you know, is that eight inches, nine inches or what. But at the same token, this would give us the tools to be able to do that and to be responsive to those people that want to protect the values of their property through proper maintenance of their yards. And I'd answer any questions. [LB338]

SENATOR MCGILL: Any questions? Senator Coash. [LB338]

SENATOR COASH: Thank you, Madam Chairman. Mr. Storm, as a city administrator, are you concerned at all that you may not have the resources to deal with the extra calls you may get should you... [LB338]

RODNEY STORM: By all means, and I think that's one of those things that we would have to look at to say, is six inches the right number or maybe is it nine inches? But at least to be able to have the tools to deal with it on the local level as to what the level would be for our community. You know, we have a tremendous community, like everybody else thinks theirs are, and it's maybe that 1 percent or less that you have problems with being able to do it. I can tell you that we've had on certain properties in the last three years the mowing gets so out of hand that it would cost upwards of \$200-plus to get somebody in there to be able to mow it and get it taken care of where it looks proper. And that's a lot of money, and for the life of me some of those people



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would do that two to three times a year, pay that exorbitant price, and pay because they couldn't afford to hire somebody to do it for probably that price for the whole summer. And they would pay us two to three times the summer that bill. You know, it's just some people you have to stay on and this would give us, you know, the ability to be able to deal with that. Like I say, the first time you're more lenient, the second time you become less lenient, and the then third, you know, it's like, let's get it done. [LB338]

SENATOR COASH: Okay. Thank you. [LB338]

SENATOR MCGILL: Other questions? Seeing none, thank you. Any other proponents? Anyone here in opposition? [LB338]

KATIE ZULKOSKI: Good afternoon, Senator McGill, members of the committee. My name is Katie Zulkoski, Z-u-l-k-o-s-k-i. I am a registered lobbyist testifying on behalf of the Eastern Nebraska Development Council. And as Gary said, we do have a concern that the language with the bill as written would preclude developers and anyone using vegetation for a legitimate ground cover purposes such as erosion or weed control that those would be over...something like alfalfa or wheat would be over six inches, as the senator mentioned. And that would be a concern for us when it's being used for a legitimate purpose. We have been working with Mr. Krumland on an amendment and we are willing to work perhaps with something outside of the city limits within the area outside of the city limits that this bill also encompasses, and we are definitely willing to work on amendment language that just is narrowly tailored to those exceptions. And I'd be happy to answer any questions. [LB338]

SENATOR MCGILL: Any questions? Don't see any, so thank you very much. Any other opposition? Anyone here who's neutral? [LB338]

RUSSELL SHULTZ: I'm Russell Shultz, S-h-u-l-t-z. I am here in a neutral position. Thought it was an opportunity. Called Senator Friend's office and checked on this, and they said I should come to your committee. I am a Weed Control Superintendent for Lancaster County. By an interlocal agreement between the city and the county, we administer the city of Lincoln's weed abatement program. One of the issues that we have related to foreclosed properties, it goes through a transition stage where there's really no one responsible. The ordinance related or the statute related to cities of the first class provides for an additional options for notification that we do not have for a primary city, and that is posting site. And we would like to have the ability to have that option, because if we had that option and if we do not have an clear ownership or it's in foreclosure, we can post a site, send a letter to the individual that we show as the owner of record, which may not be, and we'd be able to be more responsive. So it would just be a matter of providing for posting for primary cities, just as it is for cities of first class. And it would really be a benefit to our program. This last year, we inspected 2,117 sites and we had to force control on 207 sites, and probably half of those sites were

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foreclosures. [LB338]

SENATOR MCGILL: I know I had one of those foreclosed homes on my block last summer... [LB338]

RUSSELL SHULTZ: Uh-huh. [LB338]

SENATOR MCGILL: ...and it was a jungle for like two months. [LB338]

RUSSELL SHULTZ: Yeah, yeah. [LB338]

SENATOR MCGILL: So I can know firsthand all about that. Are there any questions? Colby. [LB338]

SENATOR COASH: Thank you, Senator McGill. My question is, if foreclosures tend to constitute the majority of these, who eventually gets the bill from the city on a foreclosed homeowner? Does the city tend to eat that cost? [LB338]

RUSSELL SHULTZ: Well, it's difficult...you know, basically you have it on a record as maintained by the county assessor, and that's what we utilize. But if it's being foreclosed on, we try to find out who's the trustee assigned to that and we send a copy also to the trustee. And the trustee gives it to probably the end-responsible party. So that's a little bit extra thing we do, but we not only send it to the owner of record, but we try to determine who the trustee is and provide a copy to the trustee. And then we have on our Web site all of our forced cuttings and title companies have access to that so that...you know, what can happen, an individual purchases that land and we did a contracting prior to them purchasing it, and then the title company doesn't check it out, and then the bill goes against the land. And so whoever the new owner is gets the bill. So that creates a little bit of consternation, but it goes with the land. [LB338]

SENATOR COASH: Thank you. [LB338]

SENATOR MCGILL: Any other questions? Seeing none... [LB338]

RUSSELL SHULTZ: I just would make one comment that related to the six inches, just to throw this out of here as an option. In the ordinance for primary cities it does not indicate a height, that leaves it up to...well, Lincoln is the only one, but one option would be not include a height and the community could use the height that they felt would work best for them. [LB338]

SENATOR MCGILL: All right. Thank you. [LB338]

RUSSELL SHULTZ: Um-hum. [LB338]

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SENATOR MCGILL: Any other folks here neutral? Senator Friend, would you like to close? [LB338]

SENATOR FRIEND: I have to come up there anyway. [LB338]

SENATOR ROBERT: Need help getting out of your chair? (Laughter) Are you all right? [LB338]

SENATOR FRIEND: I almost ripped the pocket off of my suit. I had to stop. I don't like overly restrictive or overzealous government hand. I think it violates...if I had an libertarian senses, it violates every one of them. But I do think we can find possibly...maybe not, I do think we can find a possible solution to what some have justified is a real problem. All that said, though, the reason that I think is a real problem is that because we all live under parameters, we're not mountain men or mountain people. We live in neighborhoods that tell us what to do all the time. We don't like it if we're homeowners. Cities that do and a state that does. It's part of the responsibility I guess we have as homeowners, the social fabric we live in, to try to go along and get along. So with that understood with all those parameters that we have, I'd like to at least try to, if something can be put together, to maybe provide some relief. I'd like to do that. If not, we'll move on. But that's about all I have. [LB338]

SENATOR MCGILL: All right. Thank you, Senator Friend. That closes the hearing on LB338. And we will go onto LB339. Senator Friend. [LB338 LB339]

SENATOR FRIEND: Thank you, Madam Chair. This one is not quite as fun. LB339 proposes to amend Section 18-2102.01. This is a portion of the community development law which governs the exercises of tax increment financing authority. And this would allow for the appointment of alternate member of a community redevelopment authority or a CRA. The alternate would act as a member of the CRA with full power and authority when acting in the absence of a regularly appointed CRA member. Now, the community redevelopment authorities are entities authorized by the community development law and created by cities and villages to perform various activities aimed at the redevelopment of blighted and substandard property, including functions related to tax increment financing. As provided in the community development law, a CRA is composed of five members. Current law requires the presence of four members to constitute a quorum for meetings, and an approval of three members is required before formal action can be taken or approved. If more than one member is absent, the CRA cannot act because of lack of a quorum, even if all the present members approve. LB339 addresses this issue by allowing the city or the village to appoint an alternate. And remember, they're all appointed anyway. I mean, we're not appointing somebody that would normally require a vote of the people to get into that particular position. LB339 addresses the issue by allowing the city or village to appoint

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an alternate member to the CRA. The alternate member may attend any meeting and may serve as a voting and participating member of the authority at any time when less than the full number of authority members is present and capable of voting. This would allow a quorum to be reached and business to be conducted if any single member was absent from the meeting, although, the requirement for three positive votes to take action would remain in effect. That's really all the bill does. If there are unintended consequences or things that I'm not aware of, I'm sure that we can figure out what those are. If not here, we'll figure them out later. I don't see any based on my read. I'd be happy to answer any question in relation to the bill, if I can. [LB339]

SENATOR MCGILL: Senator Coash. [LB339]

SENATOR COASH: Thank you, Madam Chairman. Senator Friend, just a quick question. Does this do any...if all five members are there, would the alternate be able to participate in the meetings to at least hear what was going on so that if a future meeting were to happen, they would... [LB339]

SENATOR FRIEND: Well, I don't think there's anything that would preclude them from going to a meeting and being informed on all the issues, but I don't think that alternate is a voting member unless the alternate is appointed to be a voting member because of the absence of an existing member. [LB339]

SENATOR COASH: Right. I understand. I just would hate to have the alternate never be to a meeting and then fill in and then not know what was going on because he/she would never have been to a meeting. [LB339]

SENATOR FRIEND: Well, it's an interesting point. I mean, we can't force senators to sit here at this table and listen to hearings for...I could suggest strongly that they do, but I mean you can't force them to do it. The people that are going to, you know, eventually hold all of us accountable. I would think if you're an alternate you'd want to know what's going on, so notwithstanding the lack of force...there's no force on a CRA member. So you know, I'm not sure how we'd draft something like that up, but I understand your point. That would concern me as well, but. I don't know. I would address that. [LB339]

SENATOR COASH: It just reminds of like substituted teachers, you know. They don't know the class and they come in and...you know, and so then they... [LB339]

SENATOR FRIEND: Those were the best days of my life. (Laughter) [LB339]

SENATOR COASH: Yeah. No more questions. [LB339]

SENATOR MCGILL: Any other questions for Senator Friend? All right. Thank you. [LB339]

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SENATOR FRIEND: You're welcome. [LB339]

SENATOR MCGILL: And do we have any proponents? [LB339]

CHRIS ANDERSON: (Exhibit 2) Senator McGill and members of the committee, my name is Chris Anderson, A-n-d-e-r-s-o-n, city administrator in Central City. First like to point out that the quorum requirements for the CRA are more stringent than they are for our city council, for our planning commission, for our board of adjustment. You know, most of the other boards that we have, if we've got a six-member city council, we've got a quorum of four; if we have an eight-member council, we have a quorum of five. So this is more stringent than that. One of the issues that we run into in small towns is that anybody who serves on one of these boards is a volunteer, and we often have some trouble in getting people to even serve on these boards. But in the case of the CRA in particular, they meet on a pretty infrequent basis, they meet when they're needed. The city council meets on a certain day at a certain time every month, the planning commission will do the same. But with the CRA, we'll call around and we'll say, you know, can you meet next Wednesday at 5:00, and we'll make calls until there's enough people that can show up at a time. So it's less frequent, people don't necessarily plan on it, it's not part of their calendar. What we run into in our case with our five members is a number of reasons why people don't show up. Again, it being infrequent, sometimes they just forget. But in other cases, for example, we have a vet that's a member of our CRA, and he can have every intention of showing up for that meeting, but if an animal gets sick and he gets a call, he's not going to be there. So then we're down to four, and if anybody else misses, then we don't have a quorum. Unfortunately, it's not a rare occurrence for us to miss a quorum. We had a recent example where a CRA member decided to spend the winter in Texas, and he didn't want to resign. He likes being on the CRA, so he said he'd be back in the spring. But then at that point if anybody misses, you can't hold a meeting. Last week, we had another example of a member that injured herself and she just couldn't make it. The other guy is in Texas, we can't conduct business until she's ready to come back. And on a rare occasion we'll have a member that has some sort of a conflict of interest where they can't be participating. So there are a lot of reasons why we may have trouble getting four out of five to show up to a meeting, and we think it would be very helpful if we could just provide an alternate who we would invite to every meeting. Our CRA meetings are public meetings. They're published. There's notice provided and anybody from the public is welcome to attend. So having an alternate there, even if they can't vote, would be welcome. We'd welcome having another person there. So we'd appreciate your consideration of allowing us to add an alternate member. [LB339]

SENATOR MCGILL: Thank you. Any questions for Mr. Anderson? Senator Rogert. [LB339]

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SENATOR ROBERT: Mr. Anderson, couldn't you just change the quorum number?  
[LB339]

CHRIS ANDERSON: That's in the statutes, Senator. [LB339]

SENATOR ROBERT: But I mean couldn't we change the statute to change the quorum number? [LB339]

CHRIS ANDERSON: Yes. [LB339]

SENATOR ROBERT: Okay. I don't know whether that would be an option, I suppose. I guess we could look at it. [LB339]

CHRIS ANDERSON: We'd welcome that equally as an option. [LB339]

SENATOR ROBERT: Okay. Thanks. [LB339]

CHRIS ANDERSON: Thank you. [LB339]

SENATOR MCGILL: Any other questions? Seeing none, thank you. [LB339]

CHRIS ANDERSON: Thank you. [LB339]

SENATOR MCGILL: Other proponents? [LB339]

GARY KRUMLAND: (Exhibit 3) Senator McGill, members of the committee, my name is Gary Krumland, spelled K-r-u-m-l-a-n-d, representing the League of Nebraska Municipalities in support of LB339. And, again, I want to thank Senator Friend for introducing the bill. As you heard, this would allow an alternate to serve on the community redevelopment authority. Just to address a couple of things, there are several bodies right now in the statutes, mainly planning commissions and board of adjustments for various class of cities and counties, that do allow alternates to serve and to fill in when a member is absent, so there is precedent in the statute. And what I've handed out is one example. This would be the planning commissions for cities of the first class, second class, and villages. So it has been done before so we thought this would be a good way to approach it. On page 4 of the bill, the top of the page, it clearly mentions that the alternate member may attend any meeting. I don't know. These are public meetings, so they could attend anyway, but it's clear in the statute they could attend any meeting. And they can serve as a voting and participating manner of the authority at any time when fewer than the full number of authorities are present. So they would be able...and capable of voting. They wouldn't be able to vote and be a participating member if you had all five there. But if one of them was absent or one of them had a conflict, the alternate could become a participating voting member. So we

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tried to address that issue with the language, and that's similar to what was included for the planning commission. And we did discuss and have a discussion of do you just lower the quorum? We thought the CRA does very important work, they make recommendations on blighted and substandard property. They get into recommendations on tax financing, they can purchase property, develop property. And so I guess we thought this may be the alternative rather than lessen the standards for voting and for quorums, that this may be an alternate way to deal with this by having an alternate being able to serve on the board. I'd be happy to answer any questions. [LB339]

SENATOR MCGILL: Any questions? I don't see any, thank you very much. [LB339]

GARY KRUMLAND: Um-hum. [LB339]

SENATOR MCGILL: Anymore proponents? Any opponents? Anyone here neutral? Senator Friend, would you like to close? Senator Friend waives closing. That ends the hearing on LB339 and ends our hearings for the day. [LB339]

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Disposition of Bills:

LB338 - Indefinitely postponed.

LB339 - Placed on General File with amendments.

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Chairperson

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Committee Clerk