

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

Transportation and Telecommunications Committee
March 08, 2011

[LB87 LB244 LB589]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Tuesday, March 8, 2011, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB244, LB87, and LB589. Senators present: Deb Fischer, Chairperson; Galen Hadley, Vice Chairperson; Kathy Campbell; Annette Dubas; Charlie Janssen; Scott Lautenbaugh; LeRoy Loudon; and Scott Price. Senators absent: None.

SENATOR FISCHER: (Recorder malfunction)...and welcome to the Transportation and Telecommunications Committee. My name is Deb Fischer; I am Chair of the committee and I am the senator from Valentine representing the 43rd District here in the Nebraska Unicameral. I'd like to introduce to you the other members of my committee. On my far right is Senator Scott Price who is from Bellevue. Next we have Senator Kathy Campbell from Lincoln. On my immediate right is our committee counsel, Dusty Vaughan. On my immediate left is our committee clerk, Laurie Vollertsen. Next we have Senator Scott Lautenbaugh who is from Omaha. And on my far left we have Senator Annette Dubas who is from Fullerton. We do have other members of the committee, three other members who will be joining us later; they're introducing bills in other committees. I would ask that you not be offended as we come and go during a committee hearing because members do have bills to introduce in other committees. Our pages for this year are Crystal Scholl from Lincoln and Kyle Johnson from Sutton, Nebraska; and if you have any materials that you would like to hand out or need any assistance during the hearing, please let them know. We will be hearing the bills in the order that they are listed on the agenda. Those wishing to testify on a bill should come to the front of the room and be ready to testify as soon as someone finishes testifying in order that we can keep the hearing moving. Please complete the yellow sign-in sheet that is at the on-deck table and have that ready to hand in to our committee clerk before you sit down to testify. We do use a computerized transcription program so it's very important that you follow the directions on that sign-in sheet. For the record, at the beginning of your testimony, I would ask that you spell your last name and also your first name if it could be spelled in different ways and to please keep your testimony concise and try not to repeat what someone else has already covered. If you don't want to testify, but you do want to be listed...or you do want to voice your support or opposition to a bill, you can indicate that at the on-deck table; there is a sheet that is provided there and that will be part of the official record of the hearing. However, if you want to be listed on the committee statement, you must come forward, you must sit in the chair there and state your support or opposition to the bill. Again, that is if you want to be listed on that committee statement. If you don't want to testify, you can certainly submit your written comments to us and those will be part of the official record. At this time I would ask that you please turn off your cell phones. In this committee we do not allow cell phones on and that means no texting also. With that I will open the hearings for the day and open the hearing on LB244 and I see Senator Carlson is here and welcome to

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Transportation and Telecommunications Committee
March 08, 2011

the Transportation and Telecommunications Committee.

SENATOR CARLSON: (Exhibit 1) Good afternoon, Senator Fischer and members of the Transportation Committee. I am Tom Carlson, spelled T-o-m C-a-r-l-s-o-n, representing the 38th District here to introduce LB244. This is my second time in front of this committee and I'm here with great fear and trepidation. [LB244]

SENATOR FISCHER: Now, Senator Carlson, don't tease us. [LB244]

SENATOR CARLSON: LB244 is a result of several of my constituents inviting me to the small town of Naponee in my district. Naponee is located two miles south on Spur 31C off of Highway 136, which is a designated federal scenic byway. Highway 136 runs through Alma, Republican City, Bloomington, Franklin, Red Cloud which might give you more of a visual picture of that part of my district. These enterprising citizens of Naponee designed and paid for an attractive sign advertising several businesses and nonprofits in their village. They were made aware of rules that might prohibit the placing of their sign and contacted the Department of Roads, the state Ombudsman's office, and my office. They found out that a change of law would be the only way they might be successful in placing the sign as it included specific businesses instead of generic services such as food, gas, lodging. Such signs are called (Class) ID by the Department of Roads, Nebraska Administrative Code. Part of my legislative campaign in 2006 centered on rural economic development. I successfully introduced and got...and the Legislature passed LB609, the Nebraska Recruitment Promotion Act in 2008. This act allows small communities to seek matching money to promote their towns to those who could relocate to rural towns and bring their jobs with them. My hometown of Holdrege set up a very visible Web site with the seed money, as did Red Cloud and Alma and Orleans and other communities throughout the state. But I want to continue on this theme in introducing LB244. Rural Nebraska is shrinking as we see with the latest census. Here we have folks trying to promote their small town, even putting out their own money to have a sign designed and produced. Now because of federal rules they cannot display their sign on the highway that anyone coming to their town would have to travel. This bill states that signs advertising businesses in any city or village located no more than five miles off a scenic byway will be allowed when that spur is the only paved access road into the town. Now I understand after looking at the A bill, and I've shown them the A bill, but I would ask you to listen carefully. This uncovers a concern that we all ought to have. What is the purpose of a scenic highway? To bring people through our state and if they're on that highway, they should want to know what's available to them as they travel. And so there are all kinds of Naponees throughout the state of Nebraska. Two miles off the highway can't even put up a beautiful sign to show what they have to encourage people to make the turn. And so the people that have come here to testify today, they're discouraged, they're frustrated, and so am I. And I think we're not going to have an answer this afternoon, but I certainly would ask you to think seriously about...this is a problem. And they realize as they testify they can't look you in the eye

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

Transportation and Telecommunications Committee
March 08, 2011

and ask questions, but think in terms of what can we do? What can be done? As small towns have the challenge to survive and this is just a small part of that, but I think it's very important to consider the challenges that people have and what can we as a committee and then as the Legislature do? So I appreciate your attention to their testimony and a consideration of this issue. I'll be happy to answer any questions you might have. [LB244]

SENATOR FISCHER: Thank you, Senator Carlson. Are there questions? Senator Lautenbaugh. [LB244]

SENATOR LAUTENBAUGH: Thank you, Chairman Fischer. And thank you for bringing this today, Senator. I already verified with Senator Dubas that apparently David Janssen was The Fugitive, is that correct? [LB244]

SENATOR CARLSON: That's right. [LB244]

SENATOR LAUTENBAUGH: Okay. Fair enough. [LB244]

SENATOR CARLSON: And he's not the only famous one out of Naponee either. [LB244]

SENATOR LAUTENBAUGH: Okay. Is it clear, as I'm reading the fiscal note, the Department of Roads believes the provision would put Nebraska out of compliance regarding the federal law. Is there any way around that? Is there any more restrictive version of the bill we could draw? [LB244]

SENATOR CARLSON: I don't know that. I know that you people that are on the Transportation Committee have a better understanding of law in that regard than I do. And I simply ask you to try and put yourself in their place. And then they come forward and they want to know is there an answer? Is there some help available? And so simply ask you to give that consideration. Good question, thank you. [LB244]

SENATOR FISCHER: Thank you, Senator Lautenbaugh. Senator Dubas. [LB244]

SENATOR DUBAS: Thank you, Senator Fischer. Thank you, Senator Carlson, for bringing this forward because I have attempted to work on a very similar issue with people from my district who are trying to promote a niche market and putting signs along a highway is just not an easy thing to do. It's very, very difficult. And so while I never actually introduced legislation, I mean I tried to work within the rules and regs that we have, I've encouraged people since my experience on a couple of different issues that we need to be talking to the federal government because that's where these restrictions are coming from is from the federal level. And taking our message to them about what...by us not being able to promote our small communities and small

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

Transportation and Telecommunications Committee
March 08, 2011

businesses it really is a detriment not only to those of us at the state level, but at the federal level too. I mean this is a way for us to drive our economy. And if it helps us, it's going to help at the federal level too. So have you had any conversations with our federal delegation? [LB244]

SENATOR CARLSON: I haven't at this point. [LB244]

SENATOR DUBAS: I did early on and I didn't make a lot of progress that way either, but I couldn't agree with you more; we need to keep trying to knock on this door and get it opened. [LB244]

SENATOR CARLSON: Now the people of Naponee that is responsible for this sign, if you see the actual sign, it's even better looking than the picture. They're ingenious. They put the sign on a trailer and put it out by Highway 136 and it was out there for quite awhile until somebody ratted on them. And then the trailer had to be moved. But I commend them for their effort. [LB244]

SENATOR DUBAS: Thank you, Senator Carlson. [LB244]

SENATOR FISCHER: Thank you, Senator Dubas. Other questions? Senator Campbell. [LB244]

SENATOR CAMPBELL: Senator Carlson, I'll ask the roads people this probably when they come forward, but it just seems strange that we can put signs along the interstate advertising all kinds of businesses and communities, but we can't for this. I mean, the fact that that seems almost incongruent almost, so, but I will ask them as it's probably a federal law. [LB244]

SENATOR CARLSON: Well, if I could...what little I know, I'll comment a little bit on that. I think you're talking about the signs that are out in the fields as you drive the interstate. [LB244]

SENATOR CAMPBELL: Yes, the big ones. [LB244]

SENATOR CARLSON: And then you see those signs along the interstate that would identify by an emblem which eating establishment it is, or which filling station it is, which oil company it is, they pay a lot of money for those signs. And I suppose they pay a lot of money for those that are beyond the road right-of-way. But there is a way of doing that on the interstate, and not on the scenic highway. [LB244]

SENATOR FISCHER: Thank you, Senator Campbell. I see no other questions. Thank you, Senator Carlson. [LB244]

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

Transportation and Telecommunications Committee
March 08, 2011

SENATOR CARLSON: Thank you. [LB244]

SENATOR FISCHER: We will be using the lights today, three minutes. So I would ask for a show of hands on how many people plan to testify on this bill: three, four, okay. Would the first...five, would the first proponent please step forward. I see we have Senator Christensen and Senator Smith in the audience. We do have five people on this bill and then we have Senator Christensen's; and just to give you a time line. Good afternoon and welcome. [LB244]

TED DAVIS: Hi. Welcome. I'm Ted Davis, T-e-d D-a-v-i-s. I'm a business owner and resident of Naponee. Around two years ago I set out to buy this sign for Naponee at Sign Pros in Fargo, North Dakota. I went door to door to every resident in Naponee getting donations, to the village board, to fire department, and our local electric company who donated the telephone poles and their time to put the sign up. That's when we found out that we couldn't put a sign on a scenic byway advertising any of the businesses in town. We're a small town located four miles east of a recreation area, Harlan County Dam. People pass by us every day and don't even know we're there. We don't have a sign even saying where Naponee is when you turn off either way from Franklin or Alma that tells which direction that we're even ten miles away; all the other towns do. What I'm asking, I need your help to help us pass this bill for our businesses. That's about all I have to say. Any questions? [LB244]

SENATOR FISCHER: Thank you, Mr. Davis. Are there any questions? Senator Campbell. [LB244]

SENATOR CAMPBELL: Thank you, Senator Fischer. It's a great quick question. Is Naponee an incorporated village? [LB244]

TED DAVIS: Yes. [LB244]

SENATOR CAMPBELL: It is. Okay. That's my question. [LB244]

SENATOR FISCHER: I can certainly understand your frustration with this. I represent a number of small communities in central and north central Nebraska. Did I understand you correctly that there's not a highway sign of any kind, anywhere pointing or giving mileage to Naponee? [LB244]

TED DAVIS: No, as you turn off going towards...say you turn off from Franklin heading towards our town is 12 miles. And there's no signs. There's signs saying that there's Republican City and Bloomington and Alma, but it does not state that there's one to Naponee, even a mileage sign. The same way coming from Alma down; it has Republican City, Bloomington, and Franklin; it does not advertise our town. [LB244]

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

Transportation and Telecommunications Committee
March 08, 2011

SENATOR FISCHER: So maybe a possible solution we could try exploring would be to look for any kind of sign recognizing that Naponee is there. [LB244]

TED DAVIS: It would help. [LB244]

SENATOR FISCHER: And open for business. [LB244]

TED DAVIS: It would help. [LB244]

SENATOR FISCHER: Okay. Senator Lautenbaugh. [LB244]

SENATOR LAUTENBAUGH: Thank you. And, sir, I just want to make sure you understand, Senator Carlson is doing what he can in bringing this bill. But we're looking at a substantial loss of federal funds unless we can find a way out of the federal regulations. [LB244]

TED DAVIS: I just found this out from Senator Carlson. He's been down two or three times to help me out on this. And like I said, 95 percent of our residents has donated to get this sign. [LB244]

SENATOR LAUTENBAUGH: And I hope we can, but I mean, he's done what he can do. [LB244]

TED DAVIS: I understand. [LB244]

SENATOR FISCHER: And I'd let you know that he's been talking to me about this for quite awhile so we'll try and work with the department and see if we can come up with something here. I would like to note for the record we've been joined by the Vice Chair of the committee, Senator Galen Hadley, from Kearney. Any other questions? I see none. Thanks for coming in today, really appreciate it. [LB244]

TED DAVIS: Thank you. [LB244]

SENATOR FISCHER: Next proponent, please. Good afternoon. [LB244]

RODNEY RICHTER: Good afternoon. Rodney Richter, R-o-d-n-e-y R-i-c-h-t-e-r; past board member, member of Naponee all of my life, past mayor and such as that. As was stated here before, small town Nebraska is having problems. And I want to bring up Naponee along the 136. And by the way, our problem...I'm one of the older ones in Naponee that's still pretty active. And we didn't move Naponee; they moved the highway away from us. See Naponee sat right on the highway, went right through before the dam was built west of us. And then they moved it two miles north of us. And then the farms started getting bigger. We got less people. We got a cafe open again

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

Transportation and Telecommunications Committee
March 08, 2011

and it's having trouble. You can go up to Republican City and the crowds are there and you can talk to campers and such and one-third of them don't even know Naponee is there and they're only four miles from it. It's a problem for us. We're proud of our little town. We want to keep what we have there. We got big hospitals on either side of us, 12 miles. We don't have a filling station; we can't afford to run one. And people aren't there. Farmers are getting bigger, less people, less money turning over. If we could just get some of the household ladies that are there, three of them sewing gloves together, there's that much more money turning over in the small rural community. We're fighting to try to find things to do. It was just mentioned a little bit ago about the signs each side of us. There is a sign right where the spur is to come into Naponee, but you're coming from Franklin going west, you pop over this hill, there's this little sign. Coming from the other way, you come across a bunch of (inaudible). So many people they went to Bloomington or Republican and they plum missed it. They didn't even see it. And it's hard to find it. It is...we're proud of our town. We've got a museum there that is octagon building on the hill. It was a church, it's a museum now. There's only two others like it in the United States, octagon church on the hill. We're proud of everything we got...two movie stars from Naponee. One was born there and one was raised there. And I'm sure you know at least one of them, David Janssen. The house he was born in is still there. We do fairly well about our museum and such by the internet, but other than that, we don't have much...we don't even get a call for anybody to look at it except Memorial Weekend. We need some kind of recognition. I don't know what the answer is. I know there's...I run a gravel pit two miles north of this highway for 42 years and I live six miles from the Kansas border and Kansas doesn't have moist gravel. So 85 percent of my business went into Kansas. Well, I couldn't put a sign up. Most of the farmers that come in once in a while would go to farmers and such around there trying to find it. I couldn't put a sign up, but I could put an old gravel truck with the box up painting (sic) north and the farmer gave me permission to put it on his corner, but I wouldn't do that. I couldn't put a sign up, but I could put an old junk gravel truck up. That don't make sense. We're highways and byways. We need to have something changed. We need to have Naponee recognized. And I thank you. [LB244]

SENATOR FISCHER: Thank you very much, sir. Any questions? I see none. Thanks for coming in today. I'd note for the record that we are joined by Senator LeRoy Louden from Ellsworth, Nebraska. Next proponent, please. Good afternoon. [LB244]

ARDEL HARGER: (Exhibit 2) Thank you. My name is Ardel Harger and that's spelled A-r-d-e-l H-a-r-g-e-r and I'm here to speak in favor of LB244 as well. I support LB244 because I believe the proposed changes to the law could provide an economic boost to businesses and communities along Nebraska's designated scenic byways. The change would also benefit travelers as they could easily become aware of services that are available. At every interchange on the interstate highway system, if food, fuel, lodging is available, there are signs identifying these providers in easy to recognize and read format. If these signs are considered valuable along the interstate, doesn't it make

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

Transportation and Telecommunications Committee
March 08, 2011

sense that they would be valuable along Nebraska's scenic byways? On the front page of the material I provided is a picture taken in 1935 of a dust storm...dust cloud hovering over Naponee, Nebraska, during one of the many dust storms of the 1930s. The second page is an article from the Lincoln Journal Star that shows another large, ominous, brown cloud that hangs over Naponee and most other rural Nebraska today. This new cloud is not dust, but is population decline. The article reports the grim statistic that 69 of the state's 93 counties lost population in the last ten years. Two hundred communities lost 10 percent of their population. My personal concern is for the towns and businesses along Highway 136, also known as the Heritage Highway. The Heritage Highway runs from Brownville to Edison along the very southern part of Nebraska. The census map shows that every county along Highway 136 lost population in the last ten years. Other parts of the state and other scenic routes show similar struggles with population loss. The communities and businesses along these routes desperately need help if they are to survive. The addition of informational signs along the highway certainly will not solve their problem, but it could help. The cost to the state or other federal agencies related to this law change would be virtually nothing. Businesses being acknowledged would pay for the signs. The sad truth is that rural Nebraska will most likely continue to see its population decline. That is why it is so important for the state to do everything in its power to help those who are desperately trying to curtail the decline. Having permission to erect signs in an attempt to snag a few travelers off the highway into their town does not seem too much to ask. The state is doing a good job of promoting the scenic byway concept as a tourism activity. However, promoting tourism in an area but not enabling area businesses to capitalize on the traffic generated seems counterproductive. It is because of my desire to see Naponee and other small towns in Nebraska have a chance to survive this serious exodus of population and hopefully even thrive that I'm asking you to give them a helping hand by supporting passage of LB244. And I understand that this is really a federal issue, didn't really realize that today, so I know it's kind of out of your hands, but I think we all agree that the problem is a big one. So thank you. [LB244]

SENATOR FISCHER: Thank you, Mr. Harger. Are there questions? I have four scenic byways in my district; I have 13 counties. I only have one that is light green on your map, the rest of them are brown. Have you received any information or any assistance from the Nebraska Department of Economic Development, because they do promote scenic byways? They want communities to get involved. They want to have more designation. Have they offered any assistance or ideas or help on this for you folks? [LB244]

ARDEL HARGER: Not that I'm aware of. And I'm not really involved that much with the city. I actually live in Lincoln and spend part of my time in Naponee. I grew up there. So I'm not really a full-time resident there. So a lot of that stuff I don't know about. [LB244]

SENATOR FISCHER: Okay. Any other questions from the committee? I see none.

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

Transportation and Telecommunications Committee
March 08, 2011

Thanks so much. [LB244]

ARDEL HARGER: Thank you very much. [LB244]

SENATOR FISCHER: Any other proponents for the bill? Any more proponents? Any opponents to the bill? Good afternoon, Director. [LB244]

MONTY FREDRICKSON: (Exhibit 3) Good afternoon, Senator Fischer, members of the committee. My name is Monty Fredrickson, M-o-n-t-y F-r-e-d-r-i-c-k-s-o-n, director-state engineer for the Department of Roads. I'm here today to testify in opposition of LB244. The state of Nebraska has participated in the regulation of outdoor advertising signs located adjacent to the interstate and most all highways known as control routes since 1972. This regulation is done in conformance with state and federal law in order to avoid being subjected to a penalty of 10 percent of our federal aid highway funds. These laws prohibit new off-premise commercial billboards at locations not properly zoned for commercial or industrial uses. Scenic byway regulation was added as part of the Intermodal Surface Transportation Efficiency Act of 1991. This act prohibits any new commercial billboard from being erected adjacent to designated scenic byways. Certain exempt categories of signs, such as directional and official signs, on-premise signs, and "for sale" or "for lease" signs may still be erected on scenic byways. LB244 proposes to allow commercial billboards adjacent to scenic byways at specific locations. Passage of LB244 would be in direct violation of all federal regulating legislation and may result in the withholding of federal aid highway funds. Last fiscal year alone the penalty could have amounted to \$23.5 million in federal aid to Nebraska. I'd be happy to answer any questions. [LB244]

SENATOR FISCHER: Thank you. Are there questions? Senator Campbell. [LB244]

SENATOR CAMPBELL: Thank you, Senator Fischer. Director, one of the questions I kept thinking about, and maybe it's implied in your statement, but the scenic byway regulation can supersede a town's zoning jurisdiction? I mean if...that's why I asked if they were an incorporated village and I waited until you got up here, because if they put the sign...wouldn't the incorporated village control the zoning? I realize that they don't control the zoning. It's not like in Lincoln or Omaha where the zoning jurisdiction is three miles beyond the city limits. And the city council in Lincoln controls that three-mile zone. But even if they put it up within their own zoning jurisdiction, it still is prohibited? [LB244]

MONTY FREDRICKSON: If it's a scenic byway, yes. [LB244]

SENATOR CAMPBELL: Wow. [LB244]

MONTY FREDRICKSON: Okay. That law was passed in '91; it just says, if you're going to have a scenic byway, you're not going to have any more commercial billboards on

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

Transportation and Telecommunications Committee
March 08, 2011

there, period. Now, if it was not a scenic byway, commercial billboards are still prohibited along 136 because it's not properly zoned. So it's kind of got two strikes against it. If Naponee was a big enough village or town that it encompassed that intersection and they had commercially zoned areas there, then a commercial billboard could be erected. [LB244]

SENATOR CAMPBELL: So if their zoning jurisdiction, and I don't know, maybe Senator Lautenbaugh knows what that is on a village or a town, but I think it's still one mile that they would have. [LB244]

MONTY FREDRICKSON: I don't know that. [LB244]

SENATOR CAMPBELL: I don't know, all I'm raising into questions in the hearing is whether it's worth looking at what the zoning jurisdiction; and I understand what you're saying, if the feds are saying, we don't care if the middle of your town if you're on that it doesn't count. But with zoning jurisdiction of a village, then I got to thinking, well, what if they annex some property to get them to. I've seen it done; it's the only reason I raise the question. [LB244]

MONTY FREDRICKSON: Yeah. The two issues there are the scenic byway is going to trump that idea, and then secondarily there are provisions in the federal law that would not allow a village or a city to annex in unusual ways just to create a commercial area right in the middle of an agricultural area for the only purpose of putting a sign up. [LB244]

SENATOR CAMPBELL: They're ahead of me is what you're telling me. Thank you, Director. [LB244]

MONTY FREDRICKSON: Thank you. [LB244]

SENATOR FISCHER: Thank you, Senator Campbell. I was thinking along the same lines as Senator Campbell. I was thinking if you could have county zoning, because most counties have a zoning plan in place now. But you're telling us that the scenic byways is going to trump that anyway. [LB244]

MONTY FREDRICKSON: Yes. [LB244]

SENATOR FISCHER: What's the definition of an official sign and a directional sign? [LB244]

MONTY FREDRICKSON: Naponee could put up a sign that says Naponee two miles with an arrow; they could say food, lodging, museum. [LB244]

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

Transportation and Telecommunications Committee
March 08, 2011

SENATOR FISCHER: But not specific businesses? [LB244]

MONTY FREDRICKSON: Cannot advertise specific businesses. It has to be generic is the word I would use. So they could still do that. They could work with our people on the size and the specific wording. If they want to say home of a octagonal museum or something that's generic. [LB244]

SENATOR FISCHER: Okay, but they would be able to work with the department with a strong possibility that they would be able to put up some kind of generic sign then? [LB244]

MONTY FREDRICKSON: Oh, definitely. As Senator Carlson mentioned, that would be a (Class) ID sign, that's a community sign. They're certainly allowed on scenic bylaws, directional sign. [LB244]

SENATOR FISCHER: Okay. Other questions? Senator Lautenbaugh. [LB244]

SENATOR LAUTENBAUGH: Thank you, Chairman Fischer. And thank you for coming today, Mr. Fredrickson. I understand with the fiscal note what it says and I understand your testimony, but I want to be clear on this, that this isn't something you do, but this is something we encounter from time to time. Are you...is there a concern that this sign would violate the federal law and we could lose funding? Or is it an absolute certainty that this is in violation and we would lose funds as a result? [LB244]

MONTY FREDRICKSON: It's an absolute certainty that it's in violation. There's no question to that. Whether we lose money or not is unknown. [LB244]

SENATOR LAUTENBAUGH: How does that work? How do we know when we're going to do that? [LB244]

MONTY FREDRICKSON: Federal overseers would have to notice an illegal sign and they would say either I'm going to withhold money because you violated the federal statute; or they might say, I'm going to give you six weeks to get that sign down or I'm going to levy so much of a fine or withholding. Wouldn't necessarily be all 10 percent, it could be 1 percent. You never know. But eventually I suspect it would come back to haunt us. And if it was a state law in violation of federal law, then there might be other communities on spurs that would do the same thing. Well then now we're multiplying the possibility of having a problem. [LB244]

SENATOR LAUTENBAUGH: But if all of us here today agreed to keep it quiet for a while, we might be able to get away with it, is that...for a while, is that what you're saying? [LB244]

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

Transportation and Telecommunications Committee
March 08, 2011

MONTY FREDRICKSON: Oh, for a year maybe. [LB244]

SENATOR LAUTENBAUGH: Okay. Thank you. [LB244]

SENATOR FISCHER: We are at a public hearing though, Senator Lautenbaugh. [LB244]

SENATOR LAUTENBAUGH: I realize that. I was being a little facetious. [LB244]

SENATOR FISCHER: Senator Louden. [LB244]

SENATOR LOUDEN: Thank you, Senator Fischer. Well thank you, Director, because been down this road many times. For instance, in Ashby, Nebraska, there's people that were starting some art...sales of art work and pottery and that sort of stuff, but they can't put a sign out there on the highway that they sell that. And I've often wondered why we couldn't have this generic sign from the highway department that's pointed down there that what was actually for sale down there besides fuel and food or whatever. They also have a sign there that was grandfathered in. And how does that fit in there? And my understanding is, because that's what the sign that all the town of Ashby usually hinges on now is this one sign that Ashby Lumber had in there since...I don't know, I suppose in the '30s and that's grandfathered in and that's planted right up there alongside the highway and that's what they all hang their little signs off of from time to time. So where would we...where could we either expand on that grandfathered sign or can we put something that the Department of Roads can put to designate that there are some facilities that sell artwork and pottery down there or how could we do that? [LB244]

MONTY FREDRICKSON: The Department of Roads is not able to direct traffic by signs on the highway to specific businesses. We just can't do that. There's another federal regulation called the Manual on Uniform Traffic Control Devices and it says you can't do that. You can put town names. You can say Naponee two miles; you can say Alma 12 miles, but you can't say Joe's Pottery Works turn left. [LB244]

SENATOR LOUDEN: No, but could you say that some of the...okay, we're trying to sell tourism, the scenic byway is...and if we don't put some signage out there that's there's something available, how are we going to get those people stopped to get their money unless we have some kind of signage out there that something is available? Now whether we just say artwork available or whatever, we don't want to name anybody's name, but. [LB244]

MONTY FREDRICKSON: That's the only way that we know of currently as far as signing is concerned. And before I forget, I would touch on the grandfathered sign, it's probably just that, but it also might be in a properly zoned area. So it may be a legitimate Class III billboard in Ashby. [LB244]

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

Transportation and Telecommunications Committee
March 08, 2011

SENATOR LOUDEN: Evidently not, because they won't let them put up another sign there. None of the other... [LB244]

MONTY FREDRICKSON: Well, it might be too big. You know, maybe that is part of the grandfathered issue. I don't know. Actually all the signs, Senator Campbell, that you talked about on the interstate, they're all grandfathered. Since '72 we have not been able to add any new billboards along the interstate. None. The only way you can put a new sign up these days is it has to be an on-premise sign which means it's on the property of the business that you own and that's all that you advertise. So if we build a new gas station at the Naponee corner, then they can put up a big tall sign that says Joe's Gas Station and Kwik Shop because all those services are sold right at that location. And that was part of the legislation way back when, even in the late '50s that said, we're going to regulate signs, but we're going to let the individual business owner on their own property have a lot more freedom. Now, unfortunately, when your property is two miles from the main highway, they didn't address that. So that's where we are with Naponee and some of those situations. The best we could offer is the Class ID sign and that would work for any community and you've probably seen several of them. They're even along the interstate, I think York has one or Aurora. It is just a generic sign. [LB244]

SENATOR LOUDEN: Well some of those were like...yeah, like when you go to...where is it? Edgar...(inaudible) deal or some there may be a sign out there that states that. And this is what I'm wondering if we could put signage similar to that along these scenic byways out there that would designate what's available probably in that small town because it could be...it's the brown signs is what it is, isn't it, brown colored signs? [LB244]

MONTY FREDRICKSON: Oh, the (Class) IDs, no, they would not necessarily be the brown signs. The browns are more cultural, recreational type. [LB244]

SENATOR LOUDEN: Well, yeah, that's what we have going on. I mean, that's what we need in the area, some of the fishing areas and that sort of thing. [LB244]

MONTY FREDRICKSON: Yes, that would work. [LB244]

SENATOR LOUDEN: I'll tell them to contact you. You need some more work to do. [LB244]

MONTY FREDRICKSON: Yes, we do. [LB244]

SENATOR LOUDEN: So I'll... [LB244]

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

Transportation and Telecommunications Committee
March 08, 2011

SENATOR FISCHER: Thank you, Senator Louden. Other questions? I see none. Thank you, Director. [LB244]

MONTY FREDRICKSON: Thank you. [LB244]

SENATOR FISCHER: Anyone else wishing to speak in opposition? I see none. Anyone in the neutral capacity? I see none. Senator Carlson, would you like to close? [LB244]

SENATOR CARLSON: Senator Fischer and members of the committee, thanks for listening and thanks for some of your questions today. For the benefit of the people from Naponee that came, I want them to know on the record that the fiscal note on a bill doesn't have to be delivered or available until the day of the hearing. And this is the first day that we have seen that bill...or seen that fiscal note. Was interesting, Mr. Richter, when he talked about his gravel business being two miles north of the highway and people from Kansas can't find him. It seems pretty strange that somebody could park a wrecked truck on that intersection with an arrow pointing north and that's okay, but a nice sign like you're looking at is not legal. And, Senator Campbell, to go a little bit further on the question you asked initially about signs along the interstate and so forth, the rule with the scenic highway is the sign can't be visible. So they could put it far enough off the road to be over a hill where nobody could see it, and that's fine, it makes a lot of sense. As I'm sitting there listening, I'm thinking what value is a scenic highway to Nebraska? And we hear that this is an absolute certainty that a sign is a violation of federal statutes. Well, we blame federal government for a lot of things, but I wonder how much foresight there was in setting and establishing rules for a scenic highway when it really ends up having nothing to do with tourism or encouraging people to be on that highway and know what is available to them. Senator Louden made it...asked a good question about the sign that's there and my understanding is that a sign that is grandfathered only that sign and what's on it can even be painted or fixed or rehabbed, but nothing new. So if somebody is hanging something else on there, they're probably in distinct violation. This is not a fault of the Nebraska Department of Roads. Apparently it is a federal issue. And as I'm sitting there, I'm thinking what if Memorial Stadium was located in Naponee? They couldn't have a sign on Highway 136. That's a sad state of affairs for us in Nebraska. Thank you for listening. I'll answer any questions you might have. [LB244]

SENATOR FISCHER: Thank you, Senator Carlson. Senator Hadley. [LB244]

SENATOR HADLEY: Senator Fischer, I'm sorry I wasn't here at the beginning, but I am probably one of the few people here, I've been to Naponee quite a few times, my wife is from that area. I was wondering if they could change this, it said "for sale" signs are okay, if they could just change this "for sale, Naponee", put a \$50 million price tag on it and somebody may buy the whole town and then everybody becomes a winner. (laughter) Thank you, Senator Carlson. [LB244]

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

Transportation and Telecommunications Committee
March 08, 2011

SENATOR CARLSON: Senator Hadley, you always come up with great ideas. [LB244]

SENATOR FISCHER: Senator Campbell. [LB244]

SENATOR CAMPBELL: Thank you, Senator Fischer. Senator Carlson, my question is probably as out as Senator Hadley's in that when you asked the question about what good does this highway designation do us, what does it do? I mean, if it...does it bring us special money? Does it bring us...I mean if it's penalizing all of the communities that are there, maybe we should undesignate it. [LB244]

SENATOR CARLSON: I think that's a valid thought. If it's not benefitting the people of Nebraska, what good is it? So, I think that in that regard it gets us thinking a little bit and I appreciate the people that have brought this up to me and you're listening to it. [LB244]

SENATOR FISCHER: Other questions? You know, Senator Carlson, I think you ought to look into this with the Department of Economic Development, because I think they really promote getting these designations. I know they have in my area and there was concern with some of my local people with things like signage when they were promoting that. But, you know, everybody gets excited about it. We have small towns and we're always looking for something to help our communities, so those little communities all got excited about it, so I'm interested to see what happens on this then. [LB244]

SENATOR CARLSON: Okay, thank you. [LB244]

SENATOR FISCHER: Thank you. With that I will close the hearing on LB244; open the hearing on LB87 and, Senator Christensen, you are recognized to open. Welcome to the Transportation and Telecommunications Committee. [LB244]

SENATOR CHRISTENSEN: It's an honor to be here. [LB87]

SENATOR FISCHER: It is an honor to have you, sir. [LB87]

SENATOR CHRISTENSEN: Are we ready or do you want to pause? [LB87]

SENATOR FISCHER: We'll pause and let the room clear out a little bit here. (PAUSE) Go ahead. [LB87]

SENATOR CHRISTENSEN: (Exhibit 4) Thank you, Madam Chair, members of Transportation and Telecommunications Committee. I'm Senator Mark Christensen, C-h-r-i-s-t-e-n-s-e-n, represent the 44th Legislative District. LB87 amends Section 39-1811 to allow for a county vote of the people requiring the county to mow all

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

Transportation and Telecommunications Committee
March 08, 2011

drainage ditches and county roads within the county. Currently in Nebraska Statute 39-1811 requires all landowners to mow all weeds that could be mowed with the ordinary farm mower to the middle of the public road, drainage ditches running along the landlord's (sic) land at least twice a year; namely, before July 15 for the first time, and sometime in August for the second. The intent of LB87 is to allow a question to be placed on the general election ballot to require the county to mow all the weeds to the middle of the public roads and drainage ditches. The question could be placed on the ballot by resolution of the county board of commissioners or the county board of supervisors or by petition of the people. Unfortunately on page 3 of the bill, line 8, my office and I overlooked that we left out language referring to mowing to the middle of all public roads along the drainage ditches. I have handed out amendment, AM688, that addresses the omission which should harmonize with the current language in Section 39-1811. The bill also provides the ability to return back to the current statute again requiring the landowners to mow through another election of the people. The county would have to wait for at least two years between elections. The reason why I brought this bill is to address a situation in my District 44. The county had been mowing the county roads and drainage ditches for landowners, but recently decided they were going back to enforcing Section 39-1811 requiring landowners to mow. Many constituents were not pleased and contacted my office. I didn't want to put any mandates on the counties or the residents because the law is not been amended since it has been enacted in 1957. I didn't want to fix that...I didn't want to fix what wasn't broken. But I thought we might give the counties the freedom to have a vote of the people. Thanks for your consideration of LB87. I urge its advancement to General File. [LB87]

SENATOR FISCHER: Thank you, Senator Christensen. Are there questions? Senator Louden. [LB87]

SENATOR LOUDEN: Thank you, Senator Fischer. Senator Christensen, as I look at this bill, I guess...well first of all, you got to mow them once before July 15, and out in Sioux County I don't think there's anything to mow before July 15. So usually if they mow them once in the fall, that probably covers it. The other part is, is that you're really authorizing for the people to vote on mowing the drainage ditches. Now when you say drainage ditches, do you mean the ditches along county roads, or do you mean drainage ditches that strike off across the countryside and drain a swamp or something like that? [LB87]

SENATOR CHRISTENSEN: That's in current language, so it's got to be along the road for them to have the jurisdiction on. So in places there's drainage ditches as well as your county ditches. So it's...that's just what was in the current language. I just replaced or stated what it said. It's no change on the language. But as I understand it, they're just referring to the common road ditches and then if there's a drain that you're going across or runs parallel to that you're maintaining it. [LB87]

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

Transportation and Telecommunications Committee
March 08, 2011

SENATOR LOUDEN: And then...because at the present time, it is just...you're just supposed to mow that yourself, I guess. And this bill mostly puts it to the people in the county can vote whether or not the county has to mow that or the people are supposed to mow that, is that what that...? [LB87]

SENATOR CHRISTENSEN: Correct; what it does right now, the law says "the landowner will", not only mow ditches, trim trees, things this way, if you look at the statutes in the bill. In my district of eight and a quarter counties, I don't know of one that the county doesn't mow. Until 2011, there was one that has decided now they're going to quit doing it as a county and force the landowners to do it. And it brought up quite a stir and they wanted me to reverse the bill, do it the other way. And in looking at it, talking to Larry Dix and stuff, there's a lot of counties happy with the way it is. It's been working. So I thought the alternative would be, let the people decide if they want to pay taxes to do...have the county doing the mowing or have the landowners do it. [LB87]

SENATOR LOUDEN: Divides it up. If it's the landowners, it's just them paying for it; if the county does it, then everybody is paying for it. Just from (inaudible) property taxes (inaudible). [LB87]

SENATOR CHRISTENSEN: Correct. [LB87]

SENATOR LOUDEN: Thank you. [LB87]

SENATOR FISCHER: Thank you, Senator Louden. Other questions? Senator Hadley. [LB87]

SENATOR HADLEY: Thank you, Senator Fischer. Senator Christensen, we were talking earlier today; would you explain the ownership of this land. Who actually owns the land? [LB87]

SENATOR CHRISTENSEN: Technically the land is owned by the landowner to the center of the road. [LB87]

SENATOR HADLEY: To the center of the road. [LB87]

SENATOR CHRISTENSEN: But they do not have access to use that land. It's under which would be in the easement to the county; the county has the right of use. So you own it to the middle, but you can't use it. But you're required to mow it. [LB87]

SENATOR HADLEY: That doesn't seem to make a whole heck of a lot of sense, does it? [LB87]

SENATOR CHRISTENSEN: I agree with you. But that's to where you pay taxes to, is to

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

Transportation and Telecommunications Committee
March 08, 2011

the center of the road. [LB87]

SENATOR HADLEY: And we talk about weeds. Someplace in here you talked about to mow the weeds. Could they plant alfalfa or anything like that in here and harvest it? [LB87]

SENATOR CHRISTENSEN: No. You're not allowed to harvest unless...it is just kind of like the state highways stuff, it's prohibited to hay unless you're permitted. And like on our highways, they prohibit it unless there's a drought or things this way which they issue the permit. I got to believe the county roads are the same way, you can't hay them, can't plant them. [LB87]

SENATOR FISCHER: Thank you, Senator Hadley. Other questions? I see none. Thank you, Senator Christensen. Could I have a show of hands of the number of people wishing to testify on this bill, please. One, two, okay, thank you. First proponent, please. Are there any proponents? I see none. First opponent, please. We are using the light system, so three minutes. Good afternoon. [LB87]

BETH BAZYN FERRELL: Good afternoon, Chairman Fischer, members of the committee. For the record my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm appearing in opposition to the bill on behalf of the Nebraska Association of County Officials. The first issue that we had in opposition to the bill, I think, has been addressed by Senator Christensen's amendment, that drafting oversight that would put the language back in so it would mirror existing language. We also have a concern with the fiscal note on the bill. If you'll note, it says that there will be an increase in expenditures for counties that would vote to take over the mowing responsibilities. And our concern is, of course, with the loss of state aid, counties are going to be looking at the services that they are required to provide by statute. Just like the state, it's going to be a balance of needs versus wants and looking at long-term planning. If a county would vote to have the county take on the responsibility for mowing, it would be a 2-year commitment. So any long-term planning that the county would do would be on hold for that obligation to mow. Another question, or another issue that we have relates to the timing of it. If the question appears on the general election ballot, the budget for that year has already been set. As was mentioned, I think by Senator Loudon, the first mowing would have to be by July 15. Well, that would be 15 days into the new fiscal year. So any kind of purchases of mowers or equipment, any kind of training that would have to be done would be in the fiscal year of the vote so there would be no opportunity for a county to budget for any additional expenses in that department that might be incurred. For those of you that were on the committee in prior years when we talked about the mowing, moving the date of that first mowing really isn't feasible. There are birds that are nesting, particularly pheasants and it's not been a good decision to try to move that date. Finally, I'd like to mention the possibility of any liability if this were to be in place. When our board discussed this, the question came up, what if a landowner

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

Transportation and Telecommunications Committee
March 08, 2011

who currently has the responsibility to mow and to take care of any trees or that sort of thing that would be in the ditch, if they hadn't done that, the vote passed and a car came down the road, flew off the road, hit the tree, whose responsibility would it be if the county hadn't mowed yet because they weren't yet obligated to do so? Some of those concerns, I think, are addressed in the Political Subdivisions Tort Claims Act, but we just did want to raise that issue as well. We do appreciate the fact that it would be subject to a vote of the people rather than being mandatory and we do appreciate that. I'd be happy to try to answer questions. [LB87]

SENATOR FISCHER: Thank you, Beth. Are there questions? I see none. Thank you very much. Next opponent, please. Any other opponents? Anyone wishing to testify in a neutral capacity? I would like to note for the record that we have been joined by Senator Charlie Janssen of Fremont, Nebraska, home of the... [LB87]

SENATOR JANSSEN: Spam. (Laughter) [LB87]

SENATOR FISCHER: Welcome, Senator Janssen. Good afternoon, sir. [LB87]

TIM McCOY: Thank you, Chairman Fischer and members of the committee. My name is Tim McCoy, that's M-c-C-o-y. I'm the ag program manager with the Nebraska Game and Parks Commission. We're testifying neutral on this bill. From our standpoint it looks like it's basically an adjustment of regulations of the existing statutes. I think we're primarily here in case any issues of wildlife concerns came up. And I will tell you that mowed roadsides are probably the one thing that we get some of our most frequent comments from hunters on. So it's an issue that when it comes up, we hear a lot about it. So, we're neutral on this bill. It seems to be just...mirrors the current statutes. And with that I'll answer any questions. [LB87]

SENATOR FISCHER: Thank you, Mr. McCoy. Are there questions? Senator Louden. [LB87]

SENATOR LOUDEN: Yes, thank you, Senator Fischer. Well I wondered where the Game and Parks Commission was on this thing because the Department of Roads, you can't mow the ditches with them until after a certain date. The reason for that was that after some of the nesting birds have already nested, it would be the same thing. At the present time you can mow a little bit from the road, but you don't mow the ditches in these county roads and that you consider a nesting area for pheasants and I suppose quail if there are some around or something like that. So I was wondering where you guys were going to come down on that. So I'm glad you showed up. [LB87]

TIM McCOY: Well, thank you. Yeah, and on highways that's...a lot of that concern gets back into federal regulations and highway funds with the Migratory Bird Treaty Act. It's the one that really is the one that ties into that mowing date. And it is that July 15 date.

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

Transportation and Telecommunications Committee
March 08, 2011

After that then it's sort or more opened up. Before that, they try and limit it to the shoulders. [LB87]

SENATOR LOUDEN: Okay, thank you. [LB87]

SENATOR FISCHER: Thank you, Senator Louden. Other questions? I see none. Thanks a lot. Anyone else wishing to testify in a neutral capacity? I see none. Senator Christensen, would you like to close? [LB87]

SENATOR CHRISTENSEN: Yes, I would. Thank you very much, appreciate your time listening here and I probably should have explained this earlier, but you know, there is one advantage to the counties doing the mowing over the farmers. You think about counties when they go out, all my counties mow right now, they have the flashing red orange lights. They have the mowers with the wings instead of the situation with the farmers that just have the rear one behind which is more at risk of tipping over and things this way. In a way this makes sense. To address the one question there, counties worried about the cost. I guess I don't worry about that from the standpoint if the people say that's what they want, that's why they're elected to go with what the people say, so I guess I don't think that should be...play into the factor or the decision of this bill. After hearing Mr. McCoy speak and we grew up in the same hometown, that's why I know him well, but, you know, if you think about it, it almost makes sense that this bill would be reduced to mowing only the shoulder edge and then the intersections, because that's your danger points. And then literally it would be better for wildlife, would be less expense to counties, farmers, either one as a whole. But that's just another thought. Thank you. [LB87]

SENATOR FISCHER: Thank you, Senator Christensen. We know about amber lights in this committee. (Laughter) We've had bills on that. [LB87]

SENATOR LAUTENBAUGH: Yeah, that's why you saw us cringing a little. [LB87]

SENATOR FISCHER: Any questions? I see none. Thanks a lot. With that I will close the hearing on LB87 and open the hearing on LB589 which is our last bill of the year that we will be hearing, so welcome, Senator Smith. Did you have the first bill of the year I believe this year? [LB87]

SENATOR SMITH: I believe I did. []

SENATOR FISCHER: So it's only fitting that you have the last bill. []

SENATOR SMITH: That is quite a record. How about that. [LB589]

SENATOR FISCHER: You'll have to write that in your diary for your first year in the

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

Transportation and Telecommunications Committee
March 08, 2011

Legislature that you have the honor of the first and the last bill in this committee.
[LB589]

SENATOR SMITH: I hope it's not entirely the last one in this committee. [LB589]

SENATOR LAUTENBAUGH: This is the last one. [LB589]

SENATOR LOUDEN: He can put it in his memoirs. [LB589]

SENATOR FISCHER: That's right, that's right. Well welcome. We'll open the hearing here on LB589. [LB589]

SENATOR SMITH: Well thank you. Good afternoon, Chairwoman Fischer, and members of the Transportation and Telecommunications Committee; it is a pleasure to be here today. I am Senator Jim Smith, J-i-m S-m-i-t-h and it's not often that I have to spell that name, but I'm glad to do it for you. And I represent the 14th Legislative District in Sarpy County. I am here today to present LB589 for your consideration. LB589 would require the Department of Roads to issue a permit authorizing the encroachment of the state highway system by any county, city, or village for special events. However, this permit...the permit shall be issued only if the roadway is located within the official corporate limits or zoning jurisdiction of the county, city, or village, and the county, city, or village waives all rights of recovery against the department for any damages or liability. This legislation is intended to provide consistent rules and regulations regarding the use of state highways for special events; remove the state from any liability related to this use; and to avoid discouraging communities from engaging in public events that celebrate Nebraska-based traditions. As an example of the current problem, the department's current definition of road closure is confusing. In one instance, the group that hosts the Nebraska State Torch Run is not required to get a permit for use of the state highway system. The run encompasses hundreds of miles of state highways with participants running in one of the two traffic lanes. The department has determined that the torch run as a moving roadblock. That is, it is not a technical closure of any part of the highway and therefore no permit is needed. On the other hand, the city of Papillion has been denied a permit for two consecutive years. The city of Papillion hosts an event each year that brings an estimated \$50,000 to Sarpy County. It requires the use of the shoulder of a 4-lane road for just one mile on a state highway. It is my understanding that the department denied Papillion's request for a permit because the posted speed on this portion of highway exceeds 45 miles per hour. Actually it is a 55-mile-per-hour zone. By comparison, the speed limit on many of the roads used by the torch run is 65 miles per hour. This is not just a Papillion issue. There have been statewide concerns as use of the highway...as use of the state highway system depends largely on the interpretation of a local-state district's engineer. My staff went through a list of permit applications filed in the past year. We found more than one example of some applications being approved while others seeking use of roads with similar speeds were

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

Transportation and Telecommunications Committee
March 08, 2011

denied. Last year at the request of multiple cities, the League of Municipalities worked with the department to try to develop consistent rules and regulations. The department did adopt a new policy, but as you can see from the two examples I've provided, the current process still appears arbitrary. A final and recent example of the inconsistency of this policy is an event that took place on January 9 of this year: a 20-mile run that includes running down U.S. Highway 20 near Chadron. It took place with the department's knowledge, yet no application was made for a permit and no permit was issued. In summary, LB589 sets a policy that addresses safety, that addresses liability, and that ensures consistent enforcement regarding encroachment of the state highway system. Representatives of the city of Papillion and the League of Municipalities will follow me in testimony today. They will be able to go into more detail regarding their experiences with the current permit process and will be able to answer any specific questions about the policy implications of LB589 that is on local governments. I appreciate your consideration of this bill and would be happy to answer any of your questions. Thank you very much. [LB589]

SENATOR FISCHER: Thank you, Senator Smith. Are there questions? Senator Hadley. [LB589]

SENATOR HADLEY: Thank you, Senator Fischer. Senator Smith, thank you and welcome to the friendly confines of the Transportation and Telecommunications Committee. I was just reading one of the letters that talked about the problems of crossing a state highway, it cannot be done now. Is that...am I reading that correctly? [LB589]

SENATOR SMITH: That a crossing of a state highway cannot be... [LB589]

SENATOR HADLEY: (Exhibit 5) It was a letter from Judy Throener, Stanton County. And it talks about...and the reason I ask, is that I'm thinking we all have events in our hometowns and I think of the homecoming parade that University of Nebraska-Kearney has, consistently crosses Highway 30, that it turns around and crosses state Highway 10 every year. So I wonder if they're aware that this? [LB589]

SENATOR SMITH: Well, and that's one of the concerns, Senator Hadley, is that we do not want to in any way jeopardize arrangements that current municipalities may have with the Department of Roads, but there are inconsistencies. [LB589]

SENATOR HADLEY: Okay. [LB589]

SENATOR FISCHER: Thank you, Senator Hadley. Senator Campbell. [LB589]

SENATOR CAMPBELL: Thank you, Senator Fischer. Senator Smith, did you distribute the special permit information from the state? [LB589]

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

Transportation and Telecommunications Committee
March 08, 2011

SENATOR SMITH: I'm not aware if I did. [LB589]

SENATOR CAMPBELL: Okay, someone else must have... [LB589]

SENATOR SMITH: Someone else must have on my behalf. [LB589]

SENATOR CAMPBELL: From the state department. Someone did in any case. So what you're saying...oh I'm sorry...oh, golly, thanks, Dusty. The reason I'm inquiring of you...from your research, you must have found out that it's inconsistent at times the way the application is used or applied for. Would that be accurate, Senator Smith? [LB589]

SENATOR SMITH: That would be accurate. My understanding is that there are inconsistencies. [LB589]

SENATOR CAMPBELL: And I was surprised to learn...I mean, we've had several events in Lincoln and Lancaster County for years; Cornhusker State Games for one on which a triathlon was always run around Branched Oak Lake and I gather...I hear that that was denied in the last couple of years. So I think you're raising an issue that a lot of us just were not aware of at all. [LB589]

SENATOR SMITH: And I'm not...I certainly was not aware of this and I imagine probably the municipalities that I represent were, but it didn't really come to the forefront until we had problems with some specific events in our community. [LB589]

SENATOR CAMPBELL: Okay, thank you. [LB589]

SENATOR FISCHER: Other questions? I think part of the concern here has been liability concerns on the part of Department of Roads. How do you think those should be addressed? I have two concerns for the state: first of all liability; secondly is safety. How do you think those need to be addressed? [LB589]

SENATOR SMITH: Well certainly I think with local control comes local responsibility. And as the local municipalities and governing areas want to have these events, they need to be able to assume those responsibilities and liabilities and be able to procure the necessary insurance to do that. And I think there is certainly a willingness by those that will be following me as proponents to do that. [LB589]

SENATOR FISCHER: And secondly it's safety, because we're looking at highways where the speed limit is 55. And I have a number of events in my district, in my communities, where we have parades; where we have a bull bash and close Main Street in Valentine which is Highway 83, but how do we handle that safety issue where you have people driving at 55 miles an hour and all of a sudden they're going to come in

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Transcriber's Office

Transportation and Telecommunications Committee
March 08, 2011

contact with an event or with runners or with bikers? [LB589]

SENATOR SMITH: Well my general feeling is that the number of events that occur throughout the state currently, I mean, we have demonstrated that local law enforcement officials can provide the necessary barricades and protection for those events. And once again we need to look to those local municipalities to provide that type of enforcement and barricade. [LB589]

SENATOR FISCHER: Okay, thank you. Other questions. Senator Lautenbaugh. [LB589]

SENATOR LAUTENBAUGH: Thank you, Chairman Fischer. Thank you for bringing this, Senator. One question I do have is I know by the provisions of the bill, it says the county, city, or village encroaching waives any and all rights of recovery against the Department of Roads for damages and liability. That gets them halfway there. So now the Department of Roads knows that the locality isn't going to sue them. Are they also willing to indemnify the state of the Department of Roads? [LB589]

SENATOR SMITH: I think that's an excellent question and I'd be interested to hear what those following me have to say about that and perhaps I can come back to that in my closing. [LB589]

SENATOR LAUTENBAUGH: Thank you. [LB589]

SENATOR FISCHER: Thank you, Senator Lautenbaugh. Other questions? Senator Hadley. [LB589]

SENATOR HADLEY: Senator Fischer, one more quick...you talked about an inconsistency such as torch runs and such as that, could you elaborate at all...did you...? [LB589]

SENATOR SMITH: Sure, some of the ones that were provided to me in my testimony, for example, the Nebraska State Torch Run whereas the speed limit for many of the roads there were 65 miles an hours. There were other places where there were restrictions where the speed limit was much below that. And some of the events were permitted; others there were no permits required. And so just the inconsistency in the way the permitting occurs and what the requirements are, I suppose, we should say for...what the restrictions would be. [LB589]

SENATOR HADLEY: Thank you, Senator. [LB589]

SENATOR FISCHER: Other questions? I see none. Thank you, Senator Smith. Could I have a show of hands of the number of people wishing to testify on this bill? Five, okay,

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

Transportation and Telecommunications Committee
March 08, 2011

thanks, six, okay. First proponent, please. We will be using the lights, three minutes. Good afternoon, Mr. Mayor. How are you? [LB589]

DAVID BLACK: (Exhibit 6) Very good, thank you. Good afternoon, Chairman Fischer, members of the committee. My name is David Black, D-a-v-i-d B-l-a-c-k. I am here as the mayor of the city of Papillion, but also as the representative of the United Cities of Sarpy County which includes the cities of Bellevue, Gretna, La Vista, Papillion and Springfield. We all support LB589. This legislation will ensure consistent application of permit regulations for state highways within a city's jurisdiction when that local jurisdiction chooses to absolve the NDOR of the liability related to that event. Special events are critical to every community. They are core to a local sense of community and quality of life, but they are also one key to many community's regional tourism and economic development plans. Specific to Papillion, we've had for almost ten years a strategic focus on being an active community. Annual events include a half marathon, duathlon, a triathlon and bike criterium. Just last year we had more than 1,400 participants in those events and it's estimated that two spectators came for each participant bringing in an estimated 4,200 people into our local community. Racers from these events have come from 18 different states including Arizona, California, Florida, Georgia, Illinois, Indiana, Louisiana, New York, Pennsylvania, Tennessee, and Texas. Whew, time limit. According to Nebraska Travel and Tourism Division, the average nonresident traveling party visiting Nebraska by highway during the summer consist of 2.4 people who stay 2.2 nights and spend \$435. If they're already traveling and they visit one additional event, they average a half a day longer in the state and spend an additional \$100. Applying just that \$435 figure to a conservative 116 participants who came to Papillion from out of state, that's a gross fiscal impact of \$50,460. It's not an inconsequential figure, especially when the local municipality resources are being challenged. Just to put it in perspective, that's one-third of the local state aid to cities that will be removed by the Legislature. Additionally, consider the opportunity cost with the almost 1,300 Nebraskans who participate in our races. Those individuals are having instate, high-quality events and they're less likely to travel to competing events outside the state. So this prevents leakage of tourism dollars by keeping tourism revenue by Nebraskans within Nebraska. As a city-sponsored event, the local police, fire, and EMT assist in public safety and the Public Works and Recreation professionals prepare safe courses and events. We have over the years proven our ability to run safe events. We're confident that any liability concerns are addressed that require insurance and indemnification. City of Papillion already does this for our bicycle criterium with the NDOR. And what is proposed in LB589 is what we're doing with them for that race. In conclusion, this is about local control and consistency of application by the NDOR. Local special events are an important part of a city's identity and quality of life. Special events are an important part of regional tourism efforts. They have a real impact on local economy. And I encourage you to support LB589. On behalf of the 100,000-plus municipal residents in Sarpy County; on behalf of the cities of Bellevue, Gretna, La Vista, Papillion, and Springfield, I thank you for your time this afternoon. I see I've got a

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

Transportation and Telecommunications Committee
March 08, 2011

little bit of time so I'll take advantage of it. Senator Fischer, you mentioned in one of the prior bills that small communities get excited about events. This goes to the core of that issue. That's what special events are for. If you think of your own communities, how many of them have a state highway on the edge or going through your downtown main street is a state highway? That's where the special events occur. It's because of the inconsistency, we're not sure where this stops and starts; something that's allowed this year may not be allowed next year. And if that continues, your hometown parades are at risk. And it's a bike race for us. It's the hometown parades three, four, five years down the road with the inconsistency of the application. I see my time is out. [LB589]

SENATOR FISCHER: Thank you, Mayor. Are there questions? Senator Lautenbaugh. [LB589]

SENATOR LAUTENBAUGH: Yes, thank you, Chairman Fischer. And thank you for coming today, Mayor. I can hear your enthusiasm for Papillion. They're lucky to have you. I always want to ask about United Cities of Sarpy County because that hadn't been my experience historically. Is that something new? [LB589]

DAVID BLACK: United Cities? [LB589]

SENATOR LAUTENBAUGH: Yes. [LB589]

DAVID BLACK: It's probably three to four years old. All of the cities came together; we formed an official interlocal and the mayors get together once a month specifically for cooperative reasons. Some of those, if one of us finds we have the need for a resource, the other one might have it. We'll share resources; we'll get into interlocal agreements because of the understanding. And a lot of times one of us might have an issue and we learn how another one solved it or we may realize there is no way to solve it. Let's work together down at the Legislature and have a single voice. Very good organization. [LB589]

SENATOR LAUTENBAUGH: We should send you to the Middle East next time. (Laughter) But that said, you heard my question of Senator Smith about indemnity. I think you indicated in your comments that you're already doing something in that regard. [LB589]

DAVID BLACK: (Exhibit 9) Yes, in fact I brought...I didn't bring enough copies, but I can leave it behind if I need to. This is our special event application which was turned down. Attached to it is a certificate of coverage by LARM with a \$5 million policy. I believe they required \$2 million. We also have an additional insured naming the state as an additional insured. In addition to that, we have a very specific waiver of transfer rights of recovery. And I believe there is one other waiver in here as well. So we...and we did take a vote of our elected people. We put it on our agenda; we said are we willing to

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

Transportation and Telecommunications Committee
March 08, 2011

waive our rights and we did and that's when we received these. So we're open to the proper discussions of what form does that take. But that's exactly what we want. If the local municipality by a vote of the elected people are willing to indemnify and take that risk, we just say then that permit shall be issued. [LB589]

SENATOR LAUTENBAUGH: So if this bill were amended to include a requirement of not just waiving claims against the state, but indemnity, that would be okay? Indemnifying the state to be specific. [LB589]

DAVID BLACK: One of the proper...yeah, yeah. [LB589]

SENATOR FISCHER: Could we make a copy of that? [LB589]

DAVID BLACK: You can have it. I'll leave it behind. [LB589]

SENATOR FISCHER: Thank you. Other questions. Senator Hadley. [LB589]

SENATOR HADLEY: Senator Fischer, thank you. Mr. Mayor, thank you for coming. Did you say you had been turned down? [LB589]

DAVID BLACK: Yes. [LB589]

SENATOR HADLEY: And what was the reasoning for the...? [LB589]

DAVID BLACK: I don't know if I could give you a solid reason. I think the Department of Roads left. Most...we sat down and had conversations with them. We've been turned down a couple of times. And the one that started it, we have bike race, it's a very unique bike race. I explain it to people, think of NASCAR racing on an Indy track on a city street on a bike. It's the most bizarre thing you've ever seen. But people travel a long ways to go to these events. And Papillion's has been a regional qualifying event to national levels. In fact, our race director is our planning director. He participates in these and he is a state champion. He's here if you've got specific questions about those type of races. But two years ago, we applied for that one. That's actually in our downtown area which is on 84th Street which is a state highway, 25 miles an hour, we got turned down. The explanation was liability. We sat down with the Department of Roads which is where we came up with the concept, well, if we can find a way to put the risk on us, would you grant that? Through a number of discussions, we ended up getting that permit, but then in that conversation our triathlon, which runs one mile on Highway 370 came into question and that is the one that got turned down. It also happens to be the exact same stretch that the Nebraska Torch Run runs on and is approved. And the Nebraska Torch Run has two police officers; one at the beginning and one at the back and no cones. We have an entire police force, cones, public safety, Public Works and Recreation watching that event. [LB589]

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

Transportation and Telecommunications Committee
March 08, 2011

SENATOR HADLEY: Thank you. [LB589]

SENATOR FISCHER: Thank you, Senator. Senator Campbell. [LB589]

SENATOR CAMPBELL: Mr. Mayor, thank you for coming and testifying today. And my question really is to Senator Fischer and that is, have we ever had an interim study on this, on events and all that's tied together? [LB589]

SENATOR FISCHER: I don't know if we've had. [LB589]

SENATOR CAMPBELL: Okay. Thank you. [LB589]

SENATOR FISCHER: Not since I've been on the committee, no. [LB589]

SENATOR CAMPBELL: Okay. Thank you. [LB589]

DAVID BLACK: You asked one other question about safety. Can I give one more response? [LB589]

SENATOR FISCHER: Yes, you may. [LB589]

DAVID BLACK: Safety of the event is absolutely critical. And that's why we want the permit, the one that we were turned down for. We believe that with that application, that puts us in the safest area. We're still holding the event that was turned down. But to do that, we actually had to change the racecourse to get off of the highway. That put us on a less safe course. We ran that course last year, and our injuries actually went up. And we knew that going in that that was a less safe route. In addition, when we were talking to the Department of Roads, we said is there any way we could hold this event where it is? The conversation of the torch run came up, they said...we raised that question that...the state of Nebraska State Patrol runs an event through our city on the exact same road, why can't we run it? The idea was it's a rolling roadblock. You're not shutting down the road. I said, I can put a police officer at the beginning of my marathon and a police officer at the back of my marathon and I'll call it a rolling roadblock. It didn't go over too well. We also were told under existing statutes we can cross, and I believe Senator Campbell asked about this, we can cross perpendicular to the highway, that's okay, but I can't put 300 people for an hour and a half perpendicular across the highway because I'm going to have to shut the entire thing down and barricade it. That's not safe and that's not good, but I can do that today. That would be legal. If the city did not sponsor the event, it's legal to jog on the shoulder of the highway. I could just coincidentally have 300 people show up in town and jog along the highway and that would be legal. None of those are safe. The safest thing we want to do is what the law will not allow us to do. [LB589]

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

Transportation and Telecommunications Committee
March 08, 2011

SENATOR HADLEY: Has all the attributes of a good mayor. [LB589]

SENATOR FISCHER: Senator Hadley is a former mayor. [LB589]

DAVID BLACK: Thank you, sir. [LB589]

SENATOR LAUTENBAUGH: Where was it? Thedford? [LB589]

DAVID BLACK: You can be my mentor. [LB589]

SENATOR FISCHER: Thank you, Senator Hadley. [LB589]

SENATOR LAUTENBAUGH: Was it Thedford he was mayor of? [LB589]

SENATOR FISCHER: Senator Louden, please. [LB589]

SENATOR LOUDEN: Yes, thank you, Senator Fischer. Well, did they...when they turned you down, did they say because it was a traffic count or did they give a reason; they just said no? [LB589]

DAVID BLACK: No, it has to do with it being...they referenced the speed limit that it being a 55-mile-an-hour road and the concern of the liability, but then as Senator Smith pointed out, we're aware of other races that occur at 65 miles an hour including the state run that ends up on our 55-mile-an-hour stretch. [LB589]

SENATOR LOUDEN: And that was the state highway or federal highway? [LB589]

DAVID BLACK: State highway, Highway 370. [LB589]

SENATOR LOUDEN: Now did you ask them if you could drive a herd of cattle down that road? [LB589]

DAVID BLACK: Well, some conversations related to some events that occur in Chadron, Nebraska, were talked about. And I think one of those involved cattle. [LB589]

SENATOR LOUDEN: Well I mean they drive cattle down highways all the time where I come from. And my understanding is it isn't against state law because that's a public thoroughfare and that's what that public thoroughfare is for. So I'm wondering how they connect what you're trying to do with people running down the road to driving a herd of cattle down there. [LB589]

DAVID BLACK: When we were getting into some of those, is it legal or not and could I

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

Transportation and Telecommunications Committee
March 08, 2011

put a police officer at the back and at the end and call it a rolling roadblock? Can I just not advertise it and just coincidentally have the 300 people show up? Could I run perpendicular? I think we were getting on the bounds of what was legal and what was not. And we got to the point we didn't want to play games, especially once we were having the conversation with the Department of Roads, I finally just said, our police are there and they will protect it. And they said, well, it's not legal and the State Patrol will address that. And I didn't want to put my own police officers at risk of playing games and that's when I said, let's fix it the right way. Let's get consistency; let's work with the Legislature. [LB589]

SENATOR LOUDEN: Okay, thank you. [LB589]

SENATOR FISCHER: Thank you, Senator Louden. Other questions? I see none. Thank you, Mayor, for coming in today. Thank you for the information. [LB589]

DAVID BLACK: Thank you. [LB589]

SENATOR FISCHER: Next proponent, please. Good afternoon. [LB589]

KEVIN NOKELS: (Exhibit 10) Good afternoon. Chairperson Fischer, members of the Transportation and Telecommunications Committee, as a community member and business leader I'm here in support of LB589 as it supports community wellness, events that promote active lifestyles, consistent with both the Governor's message of wellness and the Nebraska physical activity and nutrition state plan. Like most states... [LB589]

SENATOR FISCHER: If I could just interrupt you and have you state your name and spell it please. [LB589]

KEVIN NOKELS: I skipped that part. Kevin Nokels, K-e-v-i-n N-o-k-e-l-s. [LB589]

SENATOR FISCHER: Thank you. [LB589]

KEVIN NOKELS: Like most states, Nebraska has a challenge with overweight and obesity in our population; 2009 Nebraska Behavior Risk Factor Surveillance System reported that nearly two in three adults were overweight or obese. And one in three did not meet recommended guidelines for physical activity. Studies will also show that those who are not active, overweight, obese, also have higher health risks which lead to higher healthcare costs. Nebraska Physical Activity and Nutrition Plan--Promoting Healthy Weight and Preventing Chronic Disease, they state as their mission create a Nebraska where individuals, communities, and public and private entities share the responsibility for developing, enhancing, and maintaining environments and policies that support and promote active lifestyles and healthy eating. To achieve this mission, there is an active living task force, developed a plan that included among others the following

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

Transportation and Telecommunications Committee
March 08, 2011

recommendations and I provided this to you: 4D--enhance the planning built environment and policies that improve access to physical activity by encouraging state and local interagency coordination between planning, transportation, health, education, parks and recreation departments. Second recommendation that's in there is: 5--enhance the parks and recreation built environment and policies that improve access to physical activity in communities. The Governor's Excellence in Wellness Award, an award created to recognize employers for a commitment to employee wellbeing as a means to encourage healthy and active lifestyles. To qualify for this award, one requirement is the business must demonstrate community involvement. Community events hosted by the city of Papillion and many other cities, organizations in the state are examples of public-private partnerships and encourage community wellness. On behalf of Alegent Health, we strongly support these events that bring people together to promote wellness. Passage of LB589, I think, supports state, community, and business wellness goals to encourage healthy and active lifestyles. I thank you for your consideration. [LB589]

SENATOR FISCHER: Thank you very much. Are there any questions? I see none. Thanks for coming down today. [LB589]

KEVIN NOKELS: Thank you. [LB589]

SENATOR FISCHER: Next proponent, please. Good afternoon. [LB589]

LASH CHAFFIN: Good afternoon. My name is Lash, L-a-s-h, Chaffin, C-h-a-f-f-i-n. I'm a staff member at the League of Nebraska Municipalities. And first we'd really like to thank Senator Smith for bringing this issue forward. This issue has generated a lot of discussion within our organization since 2009. And let me put a little historical perspective on it and perhaps answer a few of the questions that have been brought up. This issue popped up in the fall of 2009. And we started receiving a proliferation of phone calls from cities with respect to their various events: parades, dances, marathons, car races, you name it, and it wasn't so much...the issue wasn't that the Department of Roads was denying permits at the time, the issue was, it's just mass confusion from area to area how the interpretation of what a lane closure was. Or for that...either a half...either a part of the highway or the full highway and then the next step was, if a city was having an event, or village was having an event, to what extent the Department of Roads would micromanage the management of the event. We require two crossing guards; we require a policeman; we require State Patrolman; these sorts of issues. And so our staff approached the Department of Roads around Christmas of 2009 so about a year, a little plus, and we said, look, what's going on here? And it seemed to vary...you talked to a person one place and they got the permit; then in one place it was micromanaged to the point that they couldn't have the event. So we said, what's going on? You know, look, jeez, this is the fabric of Nebraska. What is the issue here? So, over the next few months the Department of Roads realized they

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

Transportation and Telecommunications Committee
March 08, 2011

really had no standards on closure permits. And each district engineer was treating it differently. And some events...and one event for a road crossing, they were requiring...there was a parking lot on one side of the state highway, the event was on the other side of the state highway, the state highway wasn't even going to be closed, but in order to have a crossing, the Department of Roads went so far as to say, look, we want two police officers...uniformed police officers, etcetera, etcetera, etcetera. Really there was no statutory groundwork for that type of micromanagement. Another case, the city said we'll indemnify you, but we're going to have the sponsor of the event provide the insurance in the corresponding amounts. It's legal insurance, but the indemnification will take...then that wasn't allowed, and another place that was allowed. So they sat down and between May and June of 2010 their district engineers came up with what they felt was a uniform policy. And what they did, they set up a Web site. And the sponsoring governmental entity or the governmental entity that was working with the sponsor goes to the Web site and they enter data into it. They said the length of the event; what is the nature of the event; what's the location, these sorts of things. Then it just kicks back an answer no permit required or permit granted, permit denied, or no permit required. And at this point, almost all the cities who were entering were getting no permit required. And this was after extensive discussions with League staff within their own department. Then along comes...there's a series of events that inexplicably were being denied. And the big one being the Papillion...the race that's going out onto Highway 370. And you got into several of the issues that we thought we had discussed with the Department of Roads; one being the definition of closure. It was pretty clear in...they're not actually closing the entire highway, they're asking to close one lane for a buffer zone to race on the shoulder. So in that case, they were not even asking to close the whole highway. And then also there are...there's half a dozen ways they could legally do it, none of which were remotely as safe as bringing out law enforcement and closing it in that case. But they kept, because of the...what was hitting them, as near as we can tell, is the nature of the highway in question, although there seems to be some inconsistency in that. But we would really like to see this issue come forward...move forward. It is an issue that you might argue in many cases...parts of the state has been taken care of. But it's merely guidelines that they're relying on at this point. And the specter of what's going on in Papillion does scare a lot of people. And the fact that in Papillion's case they have...the alternative seems to be less safe than actual road closure is something that does bother a lot of people. Certainly answer any questions. [LB589]

SENATOR FISCHER: Thank you. Any questions? I see none. Thanks a lot. Next proponent, please. Good afternoon. [LB589]

KENT ROBERT: (Exhibit 11) Good afternoon, Chairman Fischer, members of the Transportation Committee. I come before you in a couple of different ways. My name is Kent Rogert, R-o-g-e-r-t. I represent the Burt County Economic Development Commission. But I also come here to represent past constituents and issues that I've

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

Transportation and Telecommunications Committee
March 08, 2011

dealt with. I worked on this issue a couple of years. I'm passing out a letter that is from the mayor of Stanton. And Senator Hadley, you mentioned you have a letter, I see, from Judy Throener who is the president of the Stanton Community Club. I had a couple issues hit last year and a couple the year before in my area in northeast Nebraska. And I think this kind of falls into the realm of inconsistency across districts with the Department of Roads and how the system is applied. Last year, middle of June I got a call from some folks in Pender; they were having their quasiquicentennial, 125th anniversary celebration which is usually...on their usual Pender Days week which they close a couple blocks of Highway 94 that comes into town, that actually ends right at the edge of town. So they've closed it for several years for dances and parades and issues that go along throughout the week for part of days during the week. The department just a couple of weeks before the event was to happen denied the permit causing a little bit of a...quite a bit of a scuffle across the town. I was able to get them to allow it for one more year while we figured out the issues. The city of Stanton had several issues trying to do their parade. Stanton sits on two highways that come together and the only route to have it on their business avenues would be across a highway. They were told once again that they would allow it this year, but in the future they would have to find another route or we're going to have to work out the issues of permits. Both Tekamah and Stanton have also been denied until further notice the ability to have their homecoming parades which will be going down Main Street. Reasons being...several things, it was determined to be more of an unnecessary event than a town celebration, decided upon I'm not sure who, but those are the reasons they came about it. I think it's pretty important to...and I won't necessarily belabor the point, but in rural Nebraska every...many, many towns are on a highway or their main streets are along a highway. Their town celebrations are extremely important to them and to not be able to have them on the business sector would be detrimental to the viability of the towns. Senator Lautenbaugh, you asked if we would be willing to go further and indemnify ourselves from the state on these issues. Almost always, I believe the requirement to get a permit is to have event insurance. Event insurance permits for most of these smaller events are usually five, six, seven hundred dollars, not out of the realm of possibility. And I don't think anybody would necessarily have a problem indemnifying the state as long as they are selective to something that was directly related to the event. Currently, I think, we were nervous of doing those things because they wanted indemnification for the entire period of event regardless of what happened, or at least that's what our insurance agents and attorneys looked at the permit and went, hmm, this seems a little nervous. We could be indemnifying them for anything that happened throughout whether it was reasonably closure or not. Senator Fischer, you talked about safety and liability. I think those are issues that we definitely try to address as closely as we can when it comes to these events. The town events don't necessarily have an issue of 55 miles per hour where people come up because we're usually closing it in the areas where it's 25 and 30 mile an hour and having law enforcement on either side is usually a requirement for those events while they do it. I think that's all I've got. I'll answer any questions you have. I've had several incidents of these in the past four years and phone rings and

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

Transportation and Telecommunications Committee
March 08, 2011

people jump and get excited and I think everybody here is glad to help out. [LB589]

SENATOR FISCHER: Thank you, Mr. Rogert. Are there any questions? I see none. Thank you very much. [LB589]

KENT ROGERT: Thank you. [LB589]

SENATOR FISCHER: Any other proponents, please. Good afternoon. [LB589]

BETH BAZYN FERRELL: Good afternoon. Chairman Fischer, members of the committee, for the record my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm representing the Nebraska Association of County Officials in support of LB589. I won't repeat the comments you've heard before; I would just echo those comments. We believe that this bill would provide some clarification for the inconsistencies that we've seen in the special permit process. These events are very beneficial, as you've heard, for regional tourism and we'd like to be able to have those continue and make it as workable process as possible. I'd be happy to try to answer questions. [LB589]

SENATOR FISCHER: Thank you. Any questions? I see none. Thank you very much. Next proponent please. Any other proponents? Any opponents to the bill? Are there opponents? Anyone wishing to testify in the neutral capacity? I see none. Senator Smith, would you like to close? [LB589]

SENATOR SMITH: Thank you again and it's been a real privilege to have Mayor Dave Black speak in support of this bill. It's great to have leaders like Mayor Black in the communities and I can see where he really missed his calling as an auctioneer though. (Laughter) It is absolutely not my intention for the Department of Roads to be heavyhanded and outright prohibit these events throughout the state, that's not what the...we're seeking to do here at all. These events are very important to Nebraska. There have been a number of municipalities that we have contacted as we've been doing this research and they've expressed a concern that they may actually be in violation and they certainly would not want to see their events affected. These events strengthen communities; they attract people from other states; and they are absolutely valuable to the economy. My intent rather with LB589 is for the Legislature to set a policy that is of statewide interest. And, Senator Lautenbaugh, I hope that your questions regarding indemnification and waivers were adequately covered. If not, we certainly would like to address those. We can address those through an amendment if necessary. But it's been a great pleasure to introduce the first bill for this committee this year, and the last bill, and I certainly would appreciate your support on LB589. Thank you very much. [LB589]

SENATOR FISCHER: Thank you, Senator Smith. With that I will close the hearing on

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

Transportation and Telecommunications Committee
March 08, 2011

LB589; close the hearings for the day, and for the year. (See also LB589 Exhibit 7--Special Event Requirements/Instructions; Exhibit 8--Joe Patterson, city of Hastings; Exhibit 12 and 13--signature list for LB244 and LB589.) [LB589]