

Transcript Prepared by Clerk of the Legislature Transcribers Office
Urban Affairs Committee February 14, 2023
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McKINNEY: All right. Good afternoon. Welcome to your Urban Affairs Committee. Today is February 14, 2023. I am Senator Terrell McKinney. I represent District 11, and I'm the Chairman of the Urban Affairs Committee. And before we start, I will have each senator introduce themselves, starting at my right.

HARDIN: Brian Hardin, District 48: Scotts Bluff, Banner, Kimball Counties.

LOWE: John Lowe, District 37: Gibbon, Shelton, and Kearney.

BLOOD: Good afternoon. Senator Carol Blood representing part of Bellevue and Papillion, Nebraska.

McKINNEY: Thank you. And the committee legal counsel is Elsa Knight and the committee clerk is Raquel Dean. Today and before all hearings to be heard will be posted on the hearing room. The senator introducing the proposed legislation will present first. Senators who serve on the committee are encouraged to ask questions for clarification. With that said, the presenter and those testifying are not allowed directly to question senators on, on this committee. For purposes of accuracy for the record, we ask each presenter to state one's name, spell it, and state who you represent, if not yourself. If you're planning to testify today, please fill out the testifier sheets that are on the table in the back of the room. Be sure to print clearly and fill them out completely. When it is your turn to come forward to testify, give the, give the testifier sheet to the page or the committee clerk. And if you are testifying today and-- on which-- whichever bill and you're sitting in the back, please feel free to move up. If you do not wish to testify, but would like to indicate your position on a bill, please complete the sign-in sheets on the back table. This sheet will be included as an exhibit in the official hearing record. In your Urban Affairs Committee, we use the light system to promote maximum engagement to those wishing to express their position on proposed legislation before us. The light system will generally be five minutes with a green light and one minute with the yellow. With the red light, you're asked to conclude. We, we will recognize opponents, proponents, neutral testifiers, and we also acknowledge letters received from all concerned parties. Should you have handouts you wish to share, please share ten copies or ask the clerk-- committee clerk to make copies. The clerk will then distribute any handouts to the committee. Following all proponent, opponent, and neutral testimony, the bill's presenter is offered the opportunity to

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close with final remarks. As a committee, we will work diligently to give full and fair hearing-- hearings and we will make effort to accommodate special requests if needed. At this hearing, we ask you to be respectful of the process and to one another and please silence your phones or turn them off. Thank you. And Senator Linehan, you can begin.

LINEHAN: Thank you, Chair McKinney and members of the Urban Affairs Committee. My name is Lou Ann Linehan, L-o-u A-n-n, Linehan, L-i-n-e-h-a-n, and I'm from Legislative District 39 which is Elkhorn and Waterloo surrounding areas in Douglas County. I am here today-- I was going to introduce two bills LB691 and LB693, but the reasons for these bills has dissipated, gone away, MUD and the city to come to an agreement. So I would ask that you IPP both bills.

McKINNEY: OK. Thank you. Before you go, I just had a question, and I was wondering if you had any-- got any answers on this. According to the statute, it says that Metro Transit shall have full and exclusive jurisdiction and control over transit. So what authority is going to be over the streetcar?

LINEHAN: I have, as you know, Senator McKinney, from our conversations, I have a lot of questions about what's going on with the streetcar. But this is one subject that--

McKINNEY: OK.

LINEHAN: --has been settled. I, I don't quite understand-- and I'm not a lawyer so hopefully-- and we could probably name many people that will come to these-- I don't understand how we can have a streetcar authority without elected people being on there. And I don't know if they're planning on running it. I think this is all very-- but I will say, and I'm very happy, I have gotten calls from the city that they are going to be-- they've offered, they've offered to brief us more thoroughly on it so I look forward to that.

McKINNEY: All right. Thank you.

LINEHAN: Thank you.

McKINNEY: Are there any proponents? Any opponents? Any neutral? And with that, we close the hearing on LB691 and LB693. And I forgot to mention our page for the day is Sophia. She's a student at UNL. She's a senior studying political science and prelaw. And for LB691, there was four proponent online comments, zero opponent, zero neutral. And

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for LB693, there were five proponents, zero opposition, and zero neutral.

GREG HOLLOWAY: You want, you want opponents?

McKINNEY: No. No. Whose bill is this?

ELSA KNIGHT: [INAUDIBLE]--

McKINNEY: Holdcroft.

ELSA KNIGHT: --Holdcroft's bill.

McKINNEY: We're going to wait for Senator Holdcroft to come.

LOWE: He was expecting those two bills to last a little longer.

McKINNEY: All right. How you doing, Senator Holdcroft?

HOLDCROFT: I'm doing well, and you, Senator McKinney?

McKINNEY: Doing good. Thanks. Thanks for coming.

HOLDCROFT: You bet.

McKINNEY: You can begin when you're ready.

HOLDCROFT: Thank you. Good afternoon, Chairman McKinney and members of the Urban Affairs Committee. For the record, my name is Senator Rick Holdcroft, spelled R-i-c-k H-o-l-d-c-r-o-f-t, and I represent Legislative District 36, which includes western and southern Sarpy County. I am here today to discuss LB274 which would allow holders of license plates for Disabled American Veterans, or DAV plates, to park in stalls otherwise designated for persons in possession of a handicapped placard or license plate. There are currently 1,340 DAV license plate holders in the state of Nebraska. While exact numbers aren't available, it is logical to assume that some DAV plate holders have also been issued handicapped parking placards. According to the Nebraska Department of Motor Vehicles, as of December 31, 2022, there were 172,469 valid handicapped parking permits in the state. There are also 5,452 valid handicapped license plates issued in Nebraska. There is not any data available on the total number of handicapped parking spots in Nebraska. According to research by the Council of State Governments, midwestern states have varying statutory language and rules on this issue. It is common for states to provide specialty

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license plates for disabled veterans. More variation occurs over whether these plates come with special parking privileges, such as parking in handicapped areas. In many midwestern states, disabled veterans with these plates still must separately secure handicapped stickers, placards, plates in order to park in handicapped spots. Please refer to your handout for additional details. My office made a research request to the Legislative Research Office. They conducted a 50-state survey to determine how many states currently allow disabled veterans to obtain a disabled veteran license plate. And if so, is the plate holder given accessibility or handicapped parking privileges? The research found that 40 states currently issue some type of license plate to disabled veterans that, with some variances, allows them the ability to park in handicapped stalls. Kansas has added some restrictions since this chart was published. The qualifications to obtain a disabled veteran license plate vary between states, but the most common qualification requires the veteran to be considered as permanently and totally disabled with a service-connected disability. Typically, a letter from the Department of Veterans' Affairs is required stating the veteran has a disability rating of at least 100 percent. Again, this criterion varies between states. A table created by research analyst Jeffrey Fryman was handed to each of you. The table lists all of the states currently offering this benefit to disabled veterans. The table includes the relevant statute requirements to obtain the license plates and also an image of each of the 41 disabled veteran license plates that allow the parking privileges. We made contact with veterans service agencies in some of our neighboring states, including North Dakota and South Dakota. Their statements are included with your exhibits. As an example, the state commissioner of the Department of Veterans Affairs in North Dakota told us that during the 2013 legislative session, Senate Bill 2120 was passed amending state law to allow 100 percent disabled veterans who have the DMV license plate displayed on their vehicle to park in handicapped parking. He says that the bill was supported by the North Dakota veteran service organizations and their leadership. His office has not received any negative feedback from the law. A preliminary conversation with legal counsel for the DMV indicates that they expect, they expect any expenses incurred to implement this program would be minor and not subject to any appropriation. I am wanting to present a clean bill to this committee at this time. If there is interest in revising the current design of the DAV license plate, including the possible addition of the international symbol of access, it could be addressed in an amendment to the bill by this committee or be addressed by future legislation. Not all all the

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injuries sustained by our veterans are physical, and not all of them are immediately visible just by casual observation. And this bill does more than just provide parking convenience for disabled vets. It is also a tangible way that we can thank them for their service and honor, and honor them for putting themselves in harm's way and then living the consequences. Chairman McKinney and members of the Urban Affairs Committee, thank you for your consideration of LB274. I believe this bill is a significant and substantial way that we can honor members of our armed forces that have received injuries or impairments in conjunction with their military service. I would appreciate a yes vote to advance the legislation and I would be happy to answer any questions you might have.

McKINNEY: Thank you. Are there any questions from the committee? Yes, Senator Lowe.

LOWE: Thank you. So what degree of disability do you have to have to get one of these plates?

HOLDCROFT: You have to have 100 percent disability. Your disability has to be 100 percent related to your service. In other words, whatever disability you have is 100 percent related to, to your, your, your service, however long that might be.

LOWE: Would, would, say, missing a finger, missing a, a hand or something like that qualify?

HOLDCROFT: Yes, if you lost it--

LOWE: During.

HOLDCROFT: --during your service.

LOWE: All right. Thank you very much.

McKINNEY: Senator Blood.

BLOOD: Thank you, Chair McKinney. Senator Holdcroft, I think this is a good opportunity to explain how people are identified as being 100 percent disabled. It's not usually one thing. In most cases, it's multiple things. Can you just do like a really brief synopsis to help Senator Lowe with that?

HOLDCROFT: Sure. So when you come in, obviously, when you're in the service, you get annual physicals. So we know when you start in the

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service what your condition is and, and typically if you're-- you have to be pretty, pretty fit to be admitted into the Armed Services of the United States. Well, when you leave the service, whether it is at the end of two years, four years, or a 20-year career, you're given a, a discharge physical. And then there's a determination of what disabilities that you have incurred during, during your time in the service and they can be, you know, 10 percent, 20 percent, 30 percent. But if 100 percent of those can be attributed to your time in the service, then you're eligible for a disabled veteran, disabled veteran plate.

LOWE: All right. Thank you.

McKINNEY: Senator Blood.

BLOOD: Thank you. And for clarification. So maybe hearing is 30 percent and a hand is 20 percent. The percentages, I mean, not quite that easily, but basically add up and could meet it 100 percent, correct?

HOLDCROFT: Well, yes, but you can be, like, 20 percent disabled, but if 100 percent of that can be related to your disability while you're in the service then it's 100 percent disability.

BLOOD: I, I think it's confusing for people that haven't worked with it and I just want to make sure we're clear on the record. Thank you.

McKINNEY: Senator Lowe.

LOWE: Thank you. So would you say today is a great Navy day?

HOLDCROFT: Every day is a great Navy day.

LOWE: All right. Thank you.

McKINNEY: I, I have a question. I'm looking online at some of, like, the online comments or online statements and there's one from the DMV that's neutral and I'm going to read it and I just want to get your response on it and how you feel. The DMV request the committee to consider comparable federal compliance requirements as LB274 will put the state out of compliance with the federal requirements. The, the current definition for handicapped or disabled person for purposes of obtaining a handicapped permit or plate under the rules is modeled after the federal definition. Additionally, it requires a medi-- a medical provider certification to provide satisfactory evidence that

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the applicant meets the physical limitations outlined in the definition of a handicapped or disabled person found under the rules. And they, they also stated, although LB274 authorizes motor vehicles with DAV plates to park in handicapped or disabled parking spaces to qualification requirements for DAV plates are not the same as those required for handicapped plates or permits. The rules identifies to qualifi-- for qualification requirements for a DAV plate as a veteran of the United States Armed Forces who was discharged or otherwise separated with the characterization of honorable or general who was, who was classified by the United States Department of Veterans Affairs as 100 percent service-connected disabled. And they also state LB274 does not harmonize the qualifications of this plate with the federal requirements and statutory requirements. How do, how do you feel about that?

HOLDCROFT: OK, so the purpose of this bill is not to be-- frankly, be in compliance with the federal definition of handicapped, immobile. So this only requires that you be 100 percent dis-- you have a DAV plate, which means you're 100 percent disabled. It may be loss of hearing or loss, loss of-- high blood pressure, which may not affect your mobility. So in that case, in that case, we would not meet the requirements of the, of, of the, the federal requirements for parking in a handicapped spot. But the reason I'm bringing this bill forward is to recognize that sacrifice, whether it is mobility related or not mobility related, to recognize the sacrifice that our, our disabled veterans have made to their country and allow them to be able to park a little bit closer to, to, you know, to the, to the front door. So that's, that's kind of the rub here. If you want to look at it that way, we will not be in compliance with, with federal regulations as far as being able to park in a handicapped spot. But, you know, we-- other states have, have certainly done it and authorized, you know, nonmobility impacted veterans to park in handicapped spots with the plate.

McKINNEY: All right. Thank you. Are there any other questions from the committee? Seeing none, we'll--

HOLDCROFT: I will be for close.

McKINNEY: OK, and we'll take the first proponent.

R.G. SMITH: Good afternoon, committee, Chairman. My name is R.J. Smith. I'm here representing myself, and I thought I was organized.

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McKINNEY: Can you spell your name?

R.G. SMITH: Oh, I'm sorry. S-m-i-t-h, R.G. S-m-i-t-h.

McKINNEY: OK. Thank you.

R.G. SMITH: Excuse me, sir. OK, I've done a lot of research. I'm a disabled veteran. I moved here in 2020 from Nevada, and the only reason I got involved with this is because in Nevada they recognize disabled veterans at 100 percent to have a handi-- handicapped parking access. I asked DMV why they did this and they basically told me it's a way to honor the sacrifices and service of what disabled veterans have done. So when I moved here, I was a little disappointed to find out that the DAV plate did not have that same thing. So I went into a research mode and I spent hours and hours and hours researching all the states, the laws, the legislation and I, I actually have probably a little more information than Senator Holdcroft has given you so I can answer any questions afterwards. But basically, it works like this, federal law requires that all states recognize disability access plates from all other states and countries. So there's 33 states have an international symbol of access available for disabled veteran plates. This is a trend to standardize and create uniformity between states. Currently, there are 16 states: Arizona, California, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maine, Maryland, Montana, Nevada, North Carolina, North Dakota, Ohio, and Tennessee with similar legislation as LB274 with the following proposed amendments that I'm proposing. So, one, is that the DMV requires a certified letter from the U.S. Department of Veterans Affairs on the initial application, or in our case, or on file with the Nebraska Department of Veterans' Affairs, which includes the following information. This is what the letter contains. The applicant has one or more service-connected disabilities, the applicant is being paid at the 100 percent rate, the applicant is considered to be totally and permanently disabled. Number two, what I'm proposing is to modify our current plate that says DAV on it to read disabled veteran and allow the plate for disabled veterans who rate less than 100 percent with no handicapped access. Number three, have a new plate with the ISA that reads disabled veteran for 100 percent disabled veterans. So there's several states; Georgia, Kentucky, Louisiana, Maine, Maryland, Ohio, Oregon, South Carolina, and Tennessee, they make the, the license plate permanent for disabled veterans to reduce costs for DMV as well as the disabled veteran. Why have a disabled veteran plate? One, the majority of states recognize a disabled veteran's service in this manner. Two, on behalf of a state's citizens, a great way to honor service and

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sacrifice. Three, if a disabled veteran is having a medical issue, people may become more willing to assist them than they would a complete stranger. Disabled veteran license plates are issued in recognition of a resident's military service-connected disabilities. I encourage this committee to adopt my proposed amendments in order to preserve the legislative intent for all disabled veterans. Additionally, to help justify my support for this type of legislation, I submit to you H. Con. Resolution 336 which is in your packet there. And I thank you for your time and consideration on this important legislation. There was one more thing I was going to add. I think, you know, a lot of people don't understand the 100 percent thing. So the way that works, I'm 100 percent disabled veteran. But you look at me, you, you couldn't tell it, but I'm legally, right now without my glasses or contacts, I'm legally blind right now. So I got 22-- 20/200 vision. OK? I have some other medical problems, too. But the way the VA works is if, if you have a disability for 30 percent and then you have a second disability for 30 percent, you can-- Senator Blood was talking about that, if you combine them, our math is 60 percent. It doesn't work that way with the VA, it's 50 percent. So you actually have to work harder at having things connected to your service to get to the 100 per-- so it's not easy to get to 100 percent, right, without missing a leg or something like that.

McKINNEY: OK. Can you wrap up?

R.G. SMITH: Yes, I'm done.

McKINNEY: OK.

R.G. SMITH: I just wanted to clarify that because I think I know where Senator Blood was going with that.

McKINNEY: All right. Thank you. Are there any questions from the committee? Seeing none, thank you.

J. CAVANAUGH: Can I ask--

McKINNEY: Oh.

J. CAVANAUGH: I'm sorry.

McKINNEY: Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chairman. I apologize. What was your name, sir?

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R.G. SMITH: R.G. Smith, sir.

J. CAVANAUGH: Mr. Smith, thank, thank you for your service. Thanks for being here. I walked in a little late, so I might be behind the ball. So under the bill as it's written, anybody who has any level of disability would qualify or what's, what's--

R.G. SMITH: No, the way the bill's written now is that anybody with that DAV plate, it would just become handicapped accessible. The problem with that is Nebraska had a thing going on-- when I moved here, I filled out my application for that plate and it basically said that if your disability that you had from the service was 100 percent, not 100 percent disability, but let's say you had a disability and 30 percent, but it was 100 percent related to the military so that wasn't the intent when DMV did that, that wasn't their intent. So actually some disabled veterans was able to acquire that plate without being 100 percent. So when I pulled up the application now that they have, they took off that language and I talked to the Nebraska Department of Veterans' Affairs and they told me that's the reason they took that off because some people got that plate that maybe only have 30 percent, OK, because of the way the language. So that's why they took it off the application. So that's why I'm proposing that we make that plate for all disabled veterans and then we have a new plate with the ISA just for 100 percent disabled veterans. That way, you know, we don't have, you know, other people parking in that. And then the reason that Nevada recognizes the-- you know, they do this, for example, as well as these other 15 states is because, you know, if, if you're, if you're not able to-- I mean, if you're if you have that much wrong with you as a 100 percent is kind of like, you know, maybe you might need that space. I mean, people don't need the license plate. They don't have-- nobody is forced to get that. If they want to keep the disabled veteran plate, you know, the one we have now or whatever, that's fine or they can have a regular plate. But it's nice that a state recognizes our service and sacrifice in this manner and I felt good when I found out that Nevada did that when they didn't have to, so.

J. CAVANAUGH: Well, thanks for clarifying.

R.G. SMITH: Yeah, no problem.

McKINNEY: Are there any other questions? Senator Lowe.

LOWE: Thank you. Did you serve on the Constellation?

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R.G. SMITH: Yes, sir.

LOWE: Thank you very much.

McKINNEY: Thank you. Any others? No. Seeing none--

R.G. SMITH: OK. If you have any questions--

McKINNEY: --thank you.

R.G. SMITH: --or concerns, please feel free to contact me. Like, like I said, I did a lot of hours of research on this so I put a lot of effort into this. Thank you, everybody.

McKINNEY: Any other proponents? Any other proponents? Opponents?

GREG HOLLOWAY: Good afternoon, my name is Greg Holloway, G-r-e-g H-o-l-l-o-w-a-y. I see a couple familiar faces in here, but most of you I have never testified at, at this committee before. I've been doing this for about 25 years, and it's kind of nice to come to this committee for a change. I am actually the legislative advocate for the Nebraska Veteran's Council and also the legislative advocate for the Department of Nebraska Disabled American Veterans. I'm past State Commander for the Disabled American Veterans, past State Commander for the Vietnam Veterans of America. I'm the cochair for the Nebraska Veteran's Council and I'm the cochair for the Nebraska Veterans' Home. Those are some of my credentials. I was a county veteran service officer for Lancaster County back in the '90s, so I'm very well-versed on 100 percent service-connected disabilities because I've applied for it myself. I'm a combat-wounded Vietnam veteran from 1968 and I draw 100 percent service-connected disability in what's called an "S award" also, which I have one service-connected disability at 100 percent, and I have combined service-connected disabilities of 60 or more. It gives me a few more bucks to spend. OK, so I'm pretty up on service-connected disabilities. Now the Nebraska Veteran's Council is comprised of the eight veteran recognized-- nationally recognized and accredited veteran service organizations in the state of Nebraska, United States, and also the Nebraska County Veterans Service Officers Association and we voted at our meeting to oppose this bill. The Paralyzed Veterans oppose it very much because couple things. There's two ways of being 100 percent service-connected disabled veteran. One is called individual unemployability. If your service-connected disabilities keep you from being able to work at your profession, you can get what's all considered individual unemployability. And which

keeps you rated at 100 percent. And then you have the 100 percent service-connected disability like I have that's permanent and total. Now, I tried to-- I thought about doing this years ago. Paralyzed Veterans said we're going to kick your butt if you do it. So I researched it. That's when I found out-- one of my service-- I was wounded severely by a grenade, blew the back of my head out. All right? I have what's called a zero percent service-connected disabled-- disability for what's called organic brain syndrome. One hundred percent of that zero percent was service connected. So that would have gotten me the plate. Now, he's-- they're saying that they changed that. I don't know if they did or not to be honest with you. DMV might have changed it because they, they make up their own rules, you know, once they pass a bill then they make, make up their own rules to apply that bill and DMV was doing that. Keith Fickenscher was the director Department of Veterans' Affairs when they changed that. So if you have to be 100 percent permanent and total now, that's fine and dandy, but there's a lot of plates out there that they are not 100 percent service connected, rated and a lot less. Now also I have-- I know a guy that's 100 percent service connected for hearing loss. If you're deaf in one ear as a result of your military service, you can get-- be 100 percent. He's 100 percent permanent and total. Permanent and total means there's no scheduled appointments, so you're not going to have to go in for another physical or anything like that. So you could be 100 percent for hearing loss. All the veterans' organizations, we need to just forget this bill, start all over. The DAV license plate that's-- I helped put it together. My license plate number is number 12. So I've been around for a long time. If they want to develop a brand new plate in John Hilgert's office, the Department of Veterans' Nebraska said they will help us put together a new plate because we might have to get rid of this plate to start with because the disabled-- we didn't ask the Disabled American Veterans to use DAV. Now we were at the mid-winter conference, we're asking them permission to use that plate so we can keep that plate. They might say we have to get rid of that plate completely and not use it because it might not be legal, actually. We didn't think of that-- I didn't think about that when we said let's do this. So we just need to kind of forget this bill, start over. Next year, short session, just write a new one, bring it, bring it in. All right? I'll answer any questions because I-- that you have to ask and I'm ready to answer questions.

HUNT: Thank you. Thank you for your testimony today and thank you very much for your service. Are there any questions from the committee?
Senator Lowe.

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LOWE: Thank you, Vice Chair Hunt. And thank you, Mr. Holloway, for being here today. And I agree with Senator Hunt, thank you for your service. I think all of us would agree with that. So you think you can do it internally with the Veterans' Affairs Department?

GREG HOLLOWAY: We could, we could develop a new plate through the-- and Nebraska Veterans' Affairs would assist in that plate. Then again, you can put a new plate that allows disabled veterans that are rated at 100 percent, odds are the Paralyzed Veterans of America is going to come in and, and argue against it. So odds are.

LOWE: So you're, you're talking maybe about two plates then for the, the veterans [INAUDIBLE]?

GREG HOLLOWAY: Well, we might have to just forget this one and start all over.

LOWE: Yeah.

GREG HOLLOWAY: And it's going to be-- logistically, we'll have to figure out how to grandfather all those plate holders in now. So there will still be plate holders that are not 100 percent. I mean, that's not fair to them to say, OK, you can't have your license plate no more because that's what I thought when I was going to do this. I said I'm going to get beat up a lot, you know, and I've been around a long time and I'm the voice of all the veterans in the state, really, basically. Most-- all, all the veterans that are members of veterans' organizations, so.

LOWE: All right. Thank you.

GREG HOLLOWAY: You're welcome.

HUNT: Thank you, Senator Lowe. Any other questions? Senator Cavanaugh.

J. CAVANAUGH: Thank you, Vice Chair. And thank you-- is it Holloway?

GREG HOLLOWAY: Holloway.

J. CAVANAUGH: Holloway. Thank you, Mr. Holloway. Thank you for your service. Reiterate what everybody else said. I'm just trying to wrap my head around the opposition. So would there be opposition just to allowing folks with a disabled veterans' plate to use a handicapped parking spot?

GREG HOLLOWAY: I would be 99.99 percent correct if I said the Paralyzed Veterans of America would not oppose--would, would oppose that type of legislation to have just a disabled veteran license plate be able to access handicapped parking.

J. CAVANAUGH: And what's the reason for the opposition to that?

GREG HOLLOWAY: Because they feel that you don't have enough physi-- there's-- you could be 100 percent and not have enough physical disabilities to utilize a handicapped parking place.

J. CAVANAUGH: OK.

GREG HOLLOWAY: Now, any, any veteran that is in the, in the VA system that goes to the VA Medical Center can ask their primary care physician to obtain the paperwork and fill it out for them to get a handicapped placard. I have one because I do have mobility issues. Once in a while my leg bothers me. When I was wounded, I blew a hole completely through my left foot and shredded my right leg. So I have mobility issues once in a while, it all depends on what car I drive. If I drive my pickup, I'm good. If I drive my little Ford Focus, it takes me a while when I get out of it to get moving so I, I can get that handicapped placard. You want to fix something? You know, the handicapped placards say permanent and there's an expiration date on it. That don't make any sense to me, but pretty much anybody can get-- it's easy to get the handicapped placard from the VA. Easy.

J. CAVANAUGH: All right. Thank you.

HUNT: Thank you, Senator Cavanaugh. Any other questions? Seeing none, thank you very much for being here.

GREG HOLLOWAY: Thank you very much for indulging me. All right.

HUNT: Next opponent to LB274? Welcome to your Urban Affairs Committee.

ROBERT TOBIN: Thank you. I'm Dr. Robert John Tobin, Lieutenant Colonel, U.S. Army, retired. I-- oh, Tango, Oscar, Bravo, [INAUDIBLE], November. I--

HUNT: For-- sorry. For the transcribers, can I have you spell your first and last name with the regular letters?

ROBERT TOBIN: Oh, Robert, R-o-b-e-r-t, T-o-b-i-n.

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HUNT: Thank you. It's not for our benefit, it's for transcribers.
Thank you.

ROBERT TOBIN: OK. I oppose LB274. I was wounded in combat in Baghdad, 15 June 2007. I was awarded the Purple Heart for wounds sustained by enemy fire. As a Purple Heart recipient, like most other such recipients, I've got a Purple Heart license plate, not a DAV license plate. Before surgery and physical therapy at the VA. I spent months having to walk with a cane. Now I, I walk with a limp, but, but I can walk. Everybody with a Purple Heart license plate, and I think there might be about 200 of us, I don't know that for a fact, but everybody with a Purple Heart license plate, by definition, has combat-derived wounds, which may or may not diminish their ability to walk. By contrast, membership in Disabled American Veterans does not require that one have abilities associated with a combat deployment or to be a combat veteran at all. In fact, most DAV members are veterans of peacetime service or veterans from a time of war, but who never deployed into combat. DAV members, again, may or may not have disabilities that diminish their ability to walk. Now I'm told by the VA that later my wounds and injuries will probably diminish my ability to walk, at which time I can always apply for a handicapped parking permit, which I'll do. I see no reason to assume that all DAV members need handicapped parking permits any more than that all Purple Heart license plate recipients need such permits. In both cases, individuals who have disabilities involved-- involving diminished ability to walk can independently apply for handicapped parking permits. For these reasons, I oppose LB274. Thank you.

HUNT: Thank you, Dr. Tobin. Any questions from the committee? Seeing none, thank you very much for being here and thanks--

ROBERT TOBIN: Thank you.

HUNT: --for your service. Next opponent to LB274. Welcome.

AMANDA VAZQUEZ: Thank you. Good afternoon. Thank you, Senator Hunt and committee members for the opportunity to speak today. For the record, my name is Amanda Vazquez and I am the government relations director for the Paralyzed Veterans of America Great Plains Chapter. And I am here to oppose LB274 as it would negatively impact quality of life for paralyzed veterans and others with a mobility impairment who rely on accessible parking to remain independent, active members of their community. My name is spelled A-m-a-n-d-a V-a-z-q-u-e-z. LB274 would automatically allow a veteran who is 100 percent service-connected

disabled and has a DAV license plate to park in a handicapped parking space. What you may know now is that a veteran with the DAV plate can be 100 percent service connected for a disability unrelated to their ability to walk. With the passage of this bill, veterans without a need for a handicapped parking space would legally have the right to park in a space that is designated for people who do have limitations to their mobility and often have no other options for parking. Currently, Nebraska state law allows an individual, veteran or nonveteran, to apply for a handicapped license plate or placard who has a certified medical condition limiting personal mobility, resulting in the applicant's inability to travel more than 200 feet without assistance, such as a wheelchair, crutch, walker, prosthetic, or other device. A veteran with 100 percent rating through the VA may not have a limitation to their mobility, making them unqualified for handicapped parking. Yet under this bill, if passed, those veterans would automatically qualify simply based on their 100 percent rating. State law already allows disabled veterans to apply for handicapped parking the same as anyone else who truly needs the accessibility offered by these spaces. This bill would cause handicapped parking spaces to be more difficult to access because they could be used lawfully by people who do not need the accessibility they provide. People with mobility limiting conditions are already at a disadvantage when accessing the community. For someone who uses a wheelchair and drives independently, they rely on the designated handicapped parking spaces wherever they go. Handicapped spaces are very limited. By law, only one handicapped space is required for every 25 regular spaces. For very large parking lots, there may be many spaces available, but for many parking lots, those spaces are extremely limited and often filled up. These spaces make it possible for a person to exit and reenter their vehicles without navigating long distances through busy parking lots where other drivers may not see them. Situations where all of the handicapped parking spaces are filled happen more often than you might think. A 2018 national survey of 4,000 people with disabilities found that 96 percent of respondents said accessible parking was key to their independence. Fifty-two percent reported they were forced to turn back because there was no accessible parking available to them. This has unfortunately happened to many of the veterans we serve as well. If you talk to a person who uses a wheelchair, I can almost guarantee they will have a story to share about how they missed an event, couldn't shop where they wanted, or were late for an appointment all because they couldn't find an open handicapped parking space. People with limited mobility, especially those who drive independently and need handicapped parking, literally

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choose whether to participate in an event, meeting, or other activity based on the likelihood that there will be accessible parking for them. This has a major negative impact on their quality of life. LB274 would allow veterans who do not have a need for handicapped parking to legally park in these spaces, taking away an opportunity from someone who, who does need that space. It is already a significant problem negatively impacting quality of life for people with disabilities, and this bill would exacerbate the situation. I understand that this bill is an effort to honor disabled veterans, but it would be at great cost to the independence and quality of life of the subset of paralyzed veterans and others with mobility challenges. Let's find another way to honor disabled veterans without causing more hardship to those who already face barriers to parking. I hope you will oppose LB274 and keep handicapped parking for those who really need it. Thank you for the opportunity and I would be happy to answer any questions.

HUNT: Thank you, Ms. Vazquez. Senator Blood.

BLOOD: Thank you, Vice Chair Hunt. How are you today, Amanda?

AMANDA VAZQUEZ: I'm good. How are you?

BLOOD: Nice to see you. I am well, thank you. I have a quick question and it pertains to not only the bill but some language that I talk about a lot and I'm interested in getting on the record today. So what I loved is your next to last paragraph, you said people with disabilities, but then you go the next paragraph and, of course, your organization is, is PVA, I think, right?

AMANDA VAZQUEZ: Yeah.

BLOOD: When are we going to get our veterans, including things like license plates, caught up with the rest of the communities of disabilities? Because in those communities we always put the person first which, of course, you did, people with disabilities, Nebraskans with disabilities,--

AMANDA VAZQUEZ: Right.

BLOOD: --but we're still behind when it comes to honoring our veterans and we still say disabled veterans. Do you see that changing? I, I just-- and I know we'd have to change all these organizations' names like DAV and PVA, but we talk about dignity and we talk about respect. Why are we not putting the veteran's name before the disability?

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AMANDA VAZQUEZ: That's a very, that's a very good point. I, I do not have an answer to that. I-- the organizations have been around for a long time.

BLOOD: Long time.

AMANDA VAZQUEZ: Ours-- our national has been around for over 75 years. Our chapter in Omaha has been around for over 50. So it's not something that's come up internally among the veterans that we serve, but it is a fair point. It is certainly needed and, and we work on that as far as person-first language in the community. So thank you for your thoughts on that.

BLOOD: I, I have concerns when we want to label things knowing that we're labeling things in a way that I feel is disrespectful to veterans. And I know we're not doing that to be disrespectful, but I want to put the person first, so you'll probably hear me ask that every time you come in front of me for future reference, so.

AMANDA VAZQUEZ: All right.

BLOOD: Thank you.

AMANDA VAZQUEZ: Thank you.

HUNT: Thank you, Senator Blood. Any other questions from the committee? Seeing none, thank you very much for being here today.

AMANDA VAZQUEZ: Thank you.

HUNT: Any other opponents to LB274? Come on down. Welcome.

MARY BUSHMAN: Thank you. Thank you, Senator Hunt and committee members for the opportunity to speak today. For the record, my name is Mary Bushman. It is spelled M-a-r-y B-u-s-h-m-a-n. I am the executive director for the Paralyzed Veterans of America Great Plains Chapter, and I am also the mother of a 28-year-old daughter born with the birth defect spina bifida. Her name is Stephanie and she has used a wheelchair since she was two years old. Both Stephanie and I are on the board of directors for Nebraska Spina Bifida, which is a nonprofit organization dedicated to improving the lives of children and adults born with spina bifida. I am here to oppose the LB274 as it would negatively impact quality of life for paralyzed veterans and also others with mobility impairments who rely on accessible parking to remain independent and active members of their community. LB274 would

automatically allow a veteran who is 100 percent service-connected disabled and has a Disabled American Veterans license plate to park in a handicapped parking space, even if their disability does not impact their mobility. If this bill passes, these spots would be taken away from people with mobility issues who often have no other options for parking. My coworker Amanda Vazquez, from Paralyzed Veterans of America Great Plains Chapter, has just given testimony as to how this bill would negatively impact paralyzed veterans if the demand for handicapped parking is increased but the supply of handicapped parking spaces remains the same. I fully support her testimony, and in addition, I would like to testify as to the ripple effect that LB274 could have on the greater disabled community. For a person using a wheelchair, venture-- venturing out into the community can be scary because you don't always know how accessible the place you're going to be-- how the accessible the place you're going to it will be. Maintaining a job and having a social life can be even extra challenging. One of the primary goals of Nebraska Spinal Bifida is to help our members to become active, contributing members of society. This means they need access to places of employment, doctor's offices, pharmacies, grocery stores, restaurants, entertainment venues and businesses. And this access begins in parking lots. The first challenge that wheelchair users face before they even try to enter an establishment is finding a parking space and safely exiting their vehicle. Adults who use a wheelchair and drive a ramp van are already limited because they not only have to find a handicapped parking spot, but they need to find one with a ramp access aisle next to it. This is the same for a parent who drives their van to transport their child who uses a wheelchair. Many of us take independence for granted and sometimes even grumble because we have to do something by ourselves. But for a person with a disability, independence is cherished. Driving independently and having an accessible vehicle is never taken for granted. How many times have you all gone to an event and you've had to drive around the parking lot looking for a parking space? Maybe you had to park in the very back of the lot, or maybe you even had to go into the neighboring-- neighborhood streets to find a parking space. But you did this because the event you were going to was important and you wanted to be there. You didn't want to miss it. Well, for a person who needs handicapped parking, especially ramp access, if there's not a handicapped spot available for them, they don't have the option of parking somewhere else. And they could be forced to miss out on whatever the activity was that they were planning on going to no matter how important it was to them. If this activity was a doctor's visit, a pharmacy pick up, or a trip to the grocery store, this is not

just unfortunate, but it could have an adverse effect on a person's health and well-being. LB274 would allow veterans who may not have a need for handi-- handicapped parking to legally park in these spaces. The need for handicapped parking is already greater than the supply of spaces in many parking lots, and unfortunately incidents of handicapped parking abuse exist. This bill would make the situation even worse. If a veteran with a DAV license plate needs a handicapped parking permit, there's a process in place for he or she to obtain one. By just giving handicapped parking access to all veterans with DAV plates, even if they don't need it, LB274 is, in effect, hurting veterans it sets out to help. If, if LB274 passes, not only will it hurt paralyzed veterans, but it will have a negative ripple effect on the larger disability community by increasing demand for an already limited supply of handicapped parking spaces. LB274 would lessen the independence and quality of life for a segment of our population, including my daughter, who faces challenges every day of their lives. I hope you will oppose LB274 and protect handicapped parking for those who really need it. Thank you.

HUNT: Thank you, Ms. Bushman. Let's see if there's any questions from the committee. Seeing none, thank you for your testimony today. Any other opponents for LB274? Anyone? Anyone here to testify in a neutral capacity? Welcome.

LYNN REX: Thank you. Senator Hunt, members of the committee, my name is Lynn Rex, L-y-n-n R-e-x, representing the League of Nebraska Municipalities. We're here in a neutral capacity today just to indicate that depending upon how you decide to proceed, law enforcement and others would encourage you to have use of the international symbol. So it's very clear from the enforcement standpoint whether or not someone is supposed to be in that space or not. You may note in chapter 18-1736, which is the first section of this bill, it talks about cities and villages designating those places. They also deal with enforceability. So they just want to make sure that it's very clear who can be there and who cannot be there. I'd be happy to answer any questions that you might have.

HUNT: Thank you, Ms. Rex. Any questions from the committee? Senator Lowe.

LOWE: Thank you, Ms. Rex, for being here. I've seen in grocery store parking lots where they've had designated parking spaces for veterans. Do cities do that?

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LYNN REX: I-- they might. I'm sorry, I don't know.

LOWE: As a welcome to veterans--

LYNN REX: Yeah, I don't know.

LOWE: --and to our communities?

LYNN REX: My guess is some do. I don't know. But I, too, have seen at Hy-Vee stores and other locations where they'll have various types of parking designated for seniors, for certain types of folks so that can be done now by the business itself. But when you're dealing with public parking on the streets and that kind of thing, I think that's what we're really talking about here. And from a law enforcement perspective, just to make sure that there is the use of a universal symbol and that people know who's supposed to be there and who isn't once you decide how to proceed here.

LOWE: But you don't know of any cities that just voluntarily put a sign out for veterans, specifically?

LYNN REX: They might, but I'm, I'm sorry, I don't know for sure. You know, we can find out and get back to you. We can, we can do a SurveyMonkey of our members and find out and get back to this committee. We're happy to do that.

LOWE: All right. Thank you.

LYNN REX: Thank you.

HUNT: Thank you, Senator Lowe. Any other questions? Thank you for being here today.

LYNN REX: Thank you very much. Thank you.

HUNT: Are there any other people who would like to testify in a neutral capacity? Seeing none, Senator Holdcroft, you're invited to close. As he comes up, I'll say we did have ADA accommodation written testimony sent in from Kathy Hoell as an opponent and she was just representing herself. And that was submitted as an ADA accommodation written testimony. And for this bill we also had four letters in support, two in opposition, and one in the neutral capacity. Senator Holdcroft.

HOLDCROFT: Thank you, Senator Hunt. Just a few comments to finish up. First, about the confusion about 100 percent. I think that, that came across pretty early on when they were issuing these DAV plates as was quoted earlier. You could have, like, a 10 percent disability for hearing. But if that was 100 percent related to your service, then you qualified as 100 percent for and could get the DAV plate. That's no longer the case. Now the-- to, to, to get one of these plates, you must-- go back to Senator Blood's definition that your disabilities need to add up to 100 percent. And they can be a combination of hearing, high blood pressure, you know, a lot of, a lot of things that you incurred, still 100 percent within your service, service related, but it has to add up to 100 percent to qualify for one of these plates. Now as I, I mentioned before, there are 1,340 of these DAV plates, and any future plates will require that they be 100 percent disabled. So 1,340 plates in the state of Nebraska. There are over 174,000 placards and license plates for handicapped parking. Therefore, 1,340 plates equates to less than 1 percent of that population. So the impact to handicapped spots as been, as been advertised, I think, is minimal at best. The, the other thing that we did was-- I didn't know this, but there's actually a civilian group of folks that work underneath the Omaha Police Department that, that actually patrol to find violators of those who are parking in handicapped spots and within the city limits of Omaha. And in 2018, there were, there were 79 all year, 79. And in 2019, there were 88. So, again, the impact here-- I mean-- and I would ask for your personal observation that when you pull into a, a supermarket or parking lot, I mean, how many times have you seen all the handicapped spots not full? Now, I'm sure it happens. And, and I, you know, like paralyzed veterans I'm sure it happens to them because they go to events where they're having a lot of paralyzed veterans that are coming to those events and my advice to them was, well, call ahead, call ahead and ask that proprietor there to set up some additional spots so-- or add additional handicapped spots for those types of situations where you have a lot of paralyzed veterans coming. So the other-- the last thing I'll leave you with is we want-- I wanted to keep this a clean bill. This is one of the first bills, you know, as a freshman senator, you know, with, you know, ten days to submit a bill and wanted to do something for disabled vets. And this was just take the, the, the plate as it is, we don't have to make a new one. We don't-- there's only, you know, 1,340 of them. It cannot have a big impact, you would think, except for those disabled veterans. And it gets back to we're not, we're not trying to, you know, take away handicapped spots, but we want to recognize the, the sacrifice that

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these disabled veterans have made for their country in line-- in their service. And, and is it such a, a big deal to give them, you know, a little privilege of being able to park a little bit closer to the entrance to, to these places? So with that, I'll be happy to answer any of your questions.

HUNT: Thank you, Senator Holdcroft. Any questions from the committee? Seeing none, thank you for bringing this bill.

HOLDCROFT: Thank you, Senator Hunt.

HUNT: I'll close the hearing on LB274 and we can move on to LB346 from Senator Brandt.

LOWE: You lose a crowd quickly.

BRANDT: I do that. I have that talent.

LOWE: Thank you.

HUNT: Welcome, Senator Brandt.

BRANDT: Wow, this is great. This is the first time I've ever appeared in Urban Affairs. It's taken me five years to get here. Good afternoon, Vice Chair Hunt and members of the Urban Affairs Committee. I am Senator Tom Brandt, T-o-m B-r-a-n-d-t. I represent Legislative District 32: Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster Counties. Today, I am introducing LB346. LB346 would make a simple change to the Local Option Municipal Economic Development Act or LB840 program as it's often referred to. As the law is currently written, the definition of a qualifying business is much broader for municipalities under 2,500 inhabitants. The bill will raise that number to 5,000 inhabitants. The reason for this change is that the definition of a second class city is a municipality with a population of up to 5,000 inhabitants. This would make it more clear that cities in the second class, such as Hickman, Fairbury, David City, Ashland, Aurora, and Wahoo have this greater flexibility to attract businesses to their community. The act empowers cities to take charge of their own economic development by allowing them to levy a local sales tax for the purpose of promoting economic development and revitalizing their communities. This will allow communities to fund initiatives that will attract new businesses and investment, create jobs, and improve the quality of life for residents. The Local Option Municipal Economic Development Act also recognizes the importance of collaboration and partnership between cities and counties by working

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together. Local leaders can leverage the strengths of their communities to achieve greater success in promoting economic development and improving the quality of life for residents. This collaborative approach will help to build stronger, more resilient communities that are better able to face the challenges of the future. Thank you for your time. I'd be happy to answer any questions that you may have.

HUNT: Thank you, Senator Brandt. Any questions from the committee? Center Cavanaugh.

J. CAVANAUGH: Thank you, Vice Chair. Thank you, Senator Brandt for bringing this bill. Welcome to the Urban Affairs Committee. I still get to bring a bill to this committee, but how many towns are between 2,500 and-- or I'm sorry, cities are between 2,500 and 5,000?

BRANDT: There will be somebody from the League testifying right behind me that can answer that question for you. And if not, we'll get you that information.

J. CAVANAUGH: Thank you.

HUNT: I used to know that, but I wish I still did. That would be really impressive. Any other questions from the committee? Seeing none, thank you, Senator Brandt.

BRANDT: OK.

HUNT: Any proponents for LB346? Welcome to your Urban Affairs Committee.

TOM GOULETTE: Thank you, Senator Hunt. Thank you, Urban Affairs Committee members. My name is Tom Goulette, T-o-m G-o-u-l-e-t-t-e. I'm the city administrator for the city of West Point and utility superintendent. The city of West Point is a community of 3,500 people. We are very much engaged in the LB840 program in our community. And what we're always looking for is flexibility to provide services and businesses to our community. We have a, a very viable Main Street. And one of the opportunities that we're always looking at are the service industries. As you know, West Point is a very ag-driven community and services are a huge part of our community. To a point, the LB840 program, as is currently written, is-- I don't want to say exempting that, but, but it makes it a little more difficult to, to produce that. And so this would give our community of 3,500 a lot more flexibility in how we could apply that LB840 program. The other thing

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is, is when we were looking at this, we were looking at it from a statutory standpoint of, as Senator Brandt said, how the communities are divided, first class, second class, and villages. So this would kind of coincide with that and remove the 2,500. I'd like to thank Senator Brandt and the League of Nebraska Municipalities for helping us sponsor this. And if there's any other questions, I would be happy try to answer them.

HUNT: Thank you, sir. Any questions from the committee? Senator Hardin.

HARDIN: Thanks for being here.

TOM GOULETTE: Sure.

HARDIN: Are you aware of any other categories of definitions within first class, second class, and village-- villages that might be knocked over in, in the process of redefining the size? And, for example, I'm just-- I'm wondering out loud about things like retirement.

TOM GOULETTE: Right. Not that I'm aware of that defined less than what the statutory requirements currently are. Not that I'm aware of any way.

HARDIN: OK. Thank you.

TOM GOULETTE: Sure.

HUNT: Thank you, Senator Hardin. Any other questions? Senator Cavanaugh.

J. CAVANAUGH: Thank you, Vice Chair. Thank you for being here. It was Goulette?

TOM GOULETTE: Yes.

J. CAVANAUGH: Thank you, Mr. Goulette.

TOM GOULETTE: Thank you.

J. CAVANAUGH: Can you just give us, like, one example of what you can't do currently that you would be able to do with this change?

TOM GOULETTE: Well, the way the LB840 is currently structured, it, it centers around retail sales. And when you get into insurance

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companies, you know, a guy who wants to open a local brokerage firm is looking for LB840 assistance, whether you're a hairstylist or a barber providing assistance in a community all the way down to, for example, an, an equipment repair person, those type of things that don't involve retail sales, that helps us promote those businesses within our community.

J. CAVANAUGH: So currently you can promote retail sales, but not services?

TOM GOULETTE: Right, it doesn't specify that. Right.

J. CAVANAUGH: Gotcha. But under 2,500 you could promote services?

TOM GOULETTE: Yes. Right. It, it, it takes that proposal to your local city council for approval.

J. CAVANAUGH: OK.

TOM GOULETTE: And this is an advisory committee that drives LB840.

J. CAVANAUGH: Thank you.

TOM GOULETTE: Sure.

BLOOD: Do we have any other questions? Thank you for your testimony.

TOM GOULETTE: Thank you.

BLOOD: Any other proponents? Welcome to Urban Affairs. Please state and spell your name.

CHRISTY ABRAHAM: Thank you, Senator Blood and members of the Urban Affairs Committee. My name is Christy Abraham, C-h-r-i-s-t-y A-b-r-a-h-a-m, here representing the League of Nebraska Municipalities and the Nebraska Economic Development Association. We also want to thank Senator Brandt for introducing this bill. This was something that came through our League legislative process. West Point came to us and said they would like to broaden their authority of qualifying business and so here we are today. I want to give just a brief, I promise, dear Senators, very brief background on what LB840 is. As you heard Senator Brandt call it the Local Option Municipal Economic Development Act. It doesn't roll off the tongue. So we call it LB840 because that is the bill that originally put this into place. There was a constitutional amendment in 1990 that actually made this an

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exception in the constitution to the prohibition of lending credit of the state. So as you all know in Nebraska you can't be a municipality and just give money to a private entity. That is not OK. So under LB840, there is an exception that says look for economic development programs. You can give public resources to qualifying businesses. So what happens in a municipality is there's lots of steps before you can have one of these plans. You have to put together a plan, the city council or village board has to vote on it, and then most importantly, it goes to the vote of the people in that municipality. They actually vote to decide, do we want an LB840 program in our community? It indicates what source of fund is going to be used. Most municipalities use sales tax. That's what they decide to use. But you could use other things. Some committees do use property tax to fund their LB840 programs. There are 77 municipalities in the state that have LB840 programs. And, Senator Cavanaugh, to answer your question, there's actually 19 cities that are going to benefit from this legislation. So I'm sorry that I always talk with my hands, but there are 19 cities between the population of 2,500 and 5,000. So as Senator Brandt mentioned, it's Hickman, Valentine, David City, Valley, Central City, Ashland, Minden, Auburn, Gothenburg, Broken Bow, O'Neill, West Point, Cozad, Falls City, Waverly, Aurora, Wahoo, Ogallala, and Fairbury. So sort of our larger cities of the second class. I couldn't find any legislative history as to why 2,500 was picked as the population as to allowing those municipalities to have this broader definition of what a qualifying business is. But as you heard Mr. Goulette comment, this just makes things sort of consistent. So every city of the second class understands, OK, we've got this broader definition of qualifying business than other municipalities do. So again, we just want to thank Senator Brandt for introducing this. We think this is a great bill. It's going to be of great use to those 19 municipalities that I mentioned, and I'm happy to answer any questions.

BLOOD: Do we have any questions? Senator Lowe.

LOWE: Thank you, Senator Blood. And thank you, Ms. Abraham, for being here.

CHRISTY ABRAHAM: Sure.

LOWE: Is there a downside from increasing from 2,500 to 5,000?

CHRISTY ABRAHAM: Is there a downside?

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LOWE: Is there a downside? Could-- will they lose anything in, in the process of increasing the number?

CHRISTY ABRAHAM: No, I think that's a great question. And if there was and I could think of one I would tell you. It's not just because I'm totally supportive of this--

LOWE: Well, that's what I'm asking.

CHRISTY ABRAHAM: --bill, but honestly I can't think of one. I think the only thing it's going to do is really benefit those 19 communities to say they just have a lot more flexibility that, as Mr. Goulette said, it's some sort of service related or retail business moves in that doesn't exactly meet the definition of qualifying business that that municipality can help them and say, look, we're, we're able to give you these local funds to help you locate here or expand here. So I think it's really just a win-win.

LOWE: OK. Thank you.

CHRISTY ABRAHAM: Thank you, Senator Lowe.

BLOOD: Any other questions? Senator Cavanaugh.

J. CAVANAUGH: Thank you, Senator Blood. And thank you, Ms. Abraham, for being here and for answering my first question. So the next question is, what are the population limits or what, what's the definition of first class city, second class city, and village?

CHRISTY ABRAHAM: OK. That is a great question. Do I say that about every question?

J. CAVANAUGH: Only when I ask.

CHRISTY ABRAHAM: So a definition of a city of the second class is between 801 and 5,000. If you're a village you're 800 or less. If you're a first class city, you're between 5,000 and 100,000. And then, of course, you have Lincoln at 100,000 to 400,000, and then Omaha is over 400,000.

J. CAVANAUGH: So what's the reason that we put a population limit in here as opposed to saying cities and-- cities of the second class and villages?

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CHRISTY ABRAHAM: That's a great question. And as I mentioned, I went back through the legislative history and I, I couldn't find exactly why 2,500 was picked. My guess is the public policy reason was we want to make sure in the smallest municipalities they have this extra flexibility and so they picked that number. I don't know why they didn't align it with what the definition of-- is of a city of a second class.

J. CAVANAUGH: And I know we've historically redefined the bounds of, like, what is a city of the primary class, whatever Lincoln is called, right,--

CHRISTY ABRAHAM: Right. Right.

J. CAVANAUGH: --to keep them in that class as opposed to a metropolitan class--

CHRISTY ABRAHAM: Right.

J. CAVANAUGH: --or is that we're not supposed to say that out loud?

CHRISTY ABRAHAM: I think there was a bill last year that did that. Yeah. Yeah.

J. CAVANAUGH: But so have we done that similarly with these other categories to kind of even as smaller communities grow that they don't move up a class or down a class or--

CHRISTY ABRAHAM: No, the only change that I know of, Senator Cavanaugh, is that moving Omaha up to 400,000 or more to sort of keep them as the only metro size and then to have Lincoln be the only primary size city. And as you know, they're both growing and growing and growing. But I haven't been aware of any change to the definition of first class, second class, or villages.

J. CAVANAUGH: I was just curious if maybe we had made a mistake in setting a limit and then we changed the definition of secondary class to up to 5,000 and then now we're just catching up to it or something like [INAUDIBLE].

CHRISTY ABRAHAM: No, that would be a great guess, but I don't believe that's it.

J. CAVANAUGH: Thank you.

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CHRISTY ABRAHAM: You're welcome.

McKINNEY: Any other questions from the committee? Seeing none, thank you.

CHRISTY ABRAHAM: Thanks, Senator.

McKINNEY: Any other proponents? Are there any opponents? Anybody here to testify in the neutral? Seeing none, Senator Brandt, you're welcome to close.

BRANDT: As you heard Mr. Goulette from West Point state they are an ag community and it gives them a lot more flexibility. You know, Ms. Abraham, you know, this is an expander of economic development, rural Nebraska. And I see it as with no other options. Fairbury, perfect example. I live in Jefferson County. Fairbury is my county seat, 7,500 people in the whole county, city of Fairbury is about 3,900 people. We do not have an economic developer. I think I've only got two economic developers in my whole district which, ironically, are in Fillmore and Thayer, my two smallest counties. I would suspect at the time that was probably the rationale for 2,500 or less is these towns and villages have nobody to write these grants. And I know just in our small community of Plymouth, when we apply to Union Pacific or anything, we try and get somebody from the community to do this and it's very frustrating, they're not professional grant writers, and so quite often they're in competition with cities that are. So I would guess at the time it was a break for the rural communities. It does take a vote of the people to pass the LB840 program. So it isn't like your city council can just decide, oh, we're going to do this. No, the people in the town have to do it. Quite often in the past I've seen communities like Hebron and Geneva, which are underneath that threshold, they will come out and say, hey, if we, if we pass this program we're going to use these funds for X or, or for some specific things initially. And when they get past that, they, they quite often listen to the community on where they can use these funds. And with that, I would take any questions.

McKINNEY: Are there any questions from the committee? Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chairman. Thank you, Senator Brandt. I couldn't let you go without asking--

BRANDT: I know.

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J. CAVANAUGH: --all these hard, hard questions. So just to clarify, though, these are funds that come from the community. They create a program, they cap the funds, I mean, you're-- if, if Plymouth starts doing this, it's not going to take money away from--

BRANDT: It's an additional tax.

J. CAVANAUGH: But within that community, right?

BRANDT: Within that community. Yes.

J. CAVANAUGH: So they're not, they're not directly competing with other communities for the money, they may be competing for, whatever, tourism or whatever you're [INAUDIBLE].

BRANDT: Yeah, and Plymouth's a great example. We actually have some-- a lot of viable business there, retail. And so we have a city sales tax that they use for improvements to the park and, and small things like that. The smaller your communities, quite often the less the need, because a lot of our communities-- in the 32nd District, we have 43 towns and villages have nothing beside houses and a water tower. I mean, there's nothing left. They don't have a retail business, the post office, and we can't tax that. And then, you know, usually you might have maybe a bar and, you know, that's about it. And, you know, they're hanging on to what they've got and they have no illusion that, you know, they're going to have an active Main Street anymore. So I think when you get up to this size of, of city, those 19 between that 2,500 and 5,000, quite often are county seats out there. And they are, they're doing some exciting things. You go to Geneva or the small town of Friend and, and you see what those people are doing. Crete, Crete is a little bigger, but I mean, it's really exciting in rural Nebraska what some communities are pulling off.

J. CAVANAUGH: Thank you.

McKINNEY: Thank you. Any other questions? Seeing none, thank you, Senator Brandt.

BRANDT: Thank you.

McKINNEY: And that closes the hearing on LB346 and ends our hearing for today. Thank you.