

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB467**

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**Hearing Date:** Tuesday February 10, 2009  
**Committee On:** Urban Affairs  
**Introducer:** McCoy  
**One Liner:** Require voter approval for annexation of cities or villages

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**Roll Call Vote - Final Committee Action:**  
Indefinitely postponed

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**Vote Results:**

<b>Aye:</b>	6	Senators Coash, Cook, Friend, Lathrop, Rogert, White
<b>Nay:</b>		
<b>Absent:</b>	1	Senator McGill
<b>Present Not Voting:</b>		

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**Proponents:**

Senator McCoy  
Tom Fencil  
Jason Fuller  
Rex Moats

**Representing:**

Introducer  
Citizens for a Free Nebraska  
Citizens for a Free Nebraska  
Self

**Opponents:**

Alan Thelen

**Representing:**

City of Omaha

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

The legislation deals with annexation by cities and villages, proposing to require a vote of the people of the city or village which is the subject of the annexation whenever such an annexation is proposed.

The bill would be applicable to cities and villages of all classes and sizes.

Identical legislation to this proposal was introduced as LB 971 in the 2008 legislative session by Sen. Dwite Pederson (District 39) and Sen. Gale Kopplin (District 3). It was heard by the Urban Affairs Committee and was subsequently indefinitely postponed by the committee.

In broad general terms, this bill would require a favorable vote of the residents of any city or village proposed for annexation by a larger city before such annexation could be consummated.

Section 1 proposes to amend section 14-117 (governing annexation by metropolitan class cities) to provide that when the city attempts to annex a first class city with a population of less than ten thousand inhabitants, or any second class city or village, the action must be approved by a majority of the registered voters of the city or village voting on the issue at a statewide general or primary election.

Section 2 proposes to amend section 15-104 (governing annexation by primary class cities) to provide that when the city undertakes the annexation of a village which is totally surrounded by the city, the annexation is only effective if the action is approved by a majority of the registered voters of the village voting on the issue at a statewide primary or general election.

Sections 3 and 4 propose only minor amendments to sections 15-111 and 15-112 (governing annexation by primary class cities when the city proposes to annex a second class city or village located adjacent to the city) since these sections already provide for the vote of residents of the annexed city or village to authorize the annexation.

Section 5 proposes to amend section 16-117, the primary annexation statute governing first class cities. It provides that a first class city cannot annex another first or second class city or village unless the annexation is approved by a majority of the registered voters of the other city or village voting on the issue at a statewide primary or general election.

Section 6 proposes to amend section 16-122 (also governing annexation by first class cities). It specifically deals with annexation of a second class city or village which is entirely surrounded by the first class city. Amongst the other qualifications necessary to permit such an annexation is added the requirement that a majority of the registered voters of the village or second class city must approve the annexation by vote at a statewide primary or general election.

Section 7 proposes to amend section 17-402 which governs the voluntary consolidation of a second class city or village with another second class city or village (although the term "annexation" is used). The changes do not so much amend existing law as clarify it regarding the need for a vote of the residents of the city or village requesting annexation.

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Mike Friend, Chairperson