

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

COMMITTEE STATEMENT

LB984

Hearing Date: January 29, 2008

Committee On: Urban Affairs

Introducer(s): (Cornett)

Title: Eliminate resolution, public hearing, and publication requirements for annexation by cities of the first class

Roll Call Vote - Final Committee Action:

Placed on General File

Vote Results:

7 Yes	Senators Cornett, Friend, Janssen, Lathrop, McGill, Rogert, White
0 No	
0 Absent	
0 Present, not voting	

Proponents:

Senator Abbie Cornett
Dan Hoins
Tim Gilligan
Gary Krumland
Joe Mangiomelli

Representing:

Introducer
City of Papillion
City of Gretna
League of NE Municipalities
City of Columbus

Opponents:

None

Representing:

Representing:

Neutral:

Michael Nolan

City of Norfolk

Summary of purpose and/or change: This bill proposes to amend section 16-117, the main statute governing the annexation of territory by first class cities. Basically, current subdivisions (3) through (6) of the statute are repealed. Again, it applies only to first class cities and they are the only class of city that is subject to these requirements when conducting an annexation.

Subdivision (3) requires the city council prior to any annexation to adopt a resolution stating its intent to annex territory and proposing a plan for extending city services to the land. The resolution must set out the time, date, and place for a general public on the annexation proposal (to be held within sixty days of the adoption of the resolution). Additionally, the resolution must set out a general description of the boundaries of the land proposed for annexation and inform the public that the plan for extending public services is available for public inspection.

Subdivision (4) specifies that the city council must adopt a plan for the extension of city services “in sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services...” The plan must state the estimated cost impact of providing the services and the method by which city plans to finance the extension of services and the maintenance of existing services. The plan must also include a timetable for extending the services. Finally, the plan must include a scale map showing the boundaries of the area to be annexed, the current boundaries of the city, and the general land use pattern in the area proposed for annexation.

Subdivision (5) provides for the public hearing noted in subdivision (3).

Subdivision (6) requires the publication of notice of the hearing in a newspaper of general local distribution in the city at least once in the ten days immediately prior to the hearing. A copy of the scale map showing the area proposed for annexation is to be printed with the notice and a copy of the resolution. A copy of the resolution is also to be mailed (first class) following its adoption to any school district serving the area proposed for annexation.

This bill would repeal statutory provisions which were enacted in 1989 in LB 421. That bill was introduced by Sen. Jacklyn Smith of Hastings and was intended to address some of the public discord (and litigation) arising from a program of annexation in Hastings in the prior year (1988). In consequence, the legislation only proposed changes governing first class cities. The intent of the legislation was to slow down the annexation process to provide for more opportunity for public input both from citizens of the city and the citizens of the area being proposed for annexation. Additionally, it called for the development of a plan for providing city services which was intended to allay the fears and suspicions of residents of the area proposed for annexation and to require the city to address service and finance issues prior to the effective date of the annexation. It also established a process to be followed which would substantially extend the timeline for an annexation by a first class city. First class cities are the only class of cities (or villages) that must follow the extended timeline and “jump the additional hoops.”

Explanation of amendments, if any: None.

Senator Mike Friend, Chairperson