

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1003

Introduced by Walz, 15.

Read first time January 15, 2020

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to cities of the second class and villages; to
- 2 amend section 17-405.01, Revised Statutes Cumulative Supplement,
- 3 2018; to provide annexation powers for purposes of relocation due to
- 4 catastrophic flooding; to harmonize provisions; and to repeal the
- 5 original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 17-405.01, Revised Statutes Cumulative
2 Supplement, 2018, is amended to read:

3 17-405.01 (1) Except as provided in subsections ~~subsection~~ (2) and
4 (3) of this section and section 17-407, the mayor and city council of any
5 city of the second class or the chairperson and members of the village
6 board of trustees may by ordinance, except as provided in sections
7 13-1111 to 13-1118, at any time, include within the corporate limits of
8 such city or village any contiguous or adjacent lands, lots, tracts,
9 streets, or highways as are urban or suburban in character, and in such
10 direction as may be deemed proper. Such grant of power shall not be
11 construed as conferring power to extend the limits of any city of the
12 second class or village over any agricultural lands which are rural in
13 character.

14 (2) The mayor and city council of any city of the second class or
15 the chairperson and members of the village board of trustees may, by
16 ordinance, annex any lands, lots, tracts, streets, or highways which
17 constitute a redevelopment project area so designated by the city or
18 village or its community redevelopment authority in accordance with the
19 provisions of the Community Development Law when such annexation is for
20 the purpose of implementing a lawfully adopted redevelopment plan
21 containing a provision dividing ad valorem taxes as provided in
22 subsection (1) of section 18-2147 and which will involve the construction
23 or development of an agricultural processing facility, notwithstanding
24 that such lands, lots, tracts, streets, or highways are not contiguous or
25 adjacent or are not urban or suburban in character. Such annexation shall
26 comply with all other provisions of law relating to annexation generally
27 for cities of the second class and villages. The city or village shall
28 not, in consequence of the annexation under this subsection of any
29 noncontiguous land, exercise the authority granted to it by law ~~statute~~
30 to extend its extraterritorial zoning jurisdiction beyond its corporate
31 boundaries for purposes of planning, zoning, or subdivision development

1 without the agreement of any other city, village, or county currently
2 exercising zoning jurisdiction over the area surrounding the annexed
3 redevelopment project area. The annexation of any noncontiguous land
4 undertaken pursuant to this subsection shall not result in any change in
5 the service area of any electric utility without the express agreement of
6 the electric utility serving the annexed noncontiguous area at the time
7 of annexation, except that at such time following the annexation of the
8 noncontiguous area as the city or village lawfully annexes sufficient
9 intervening territory so as to directly connect the noncontiguous area to
10 the main body of the city or village, such noncontiguous area shall,
11 solely for the purposes of section 70-1008, be treated as if it had been
12 annexed by the city or village on the date upon which the connecting
13 intervening territory had been formally annexed. ~~(3)~~ For purposes of this
14 ~~subsection (2) of this section~~, agricultural processing facility means a
15 plant or establishment where value is added to agricultural commodities
16 through processing, fabrication, or other means and where eighty percent
17 or more of the direct sales from the facility are to other than the
18 ultimate consumer of the processed commodities. A facility shall not
19 qualify as an agricultural processing facility unless its construction or
20 development involves the investment of more than one million dollars
21 derived from nongovernmental sources.

22 (3) The mayor and two-thirds of the city council of any city of the
23 second class or the chairperson and two-thirds of the members of the
24 village board of trustees may, by ordinance, annex any lands, lots,
25 tracts, streets, or highways when such annexation is for the purpose of
26 relocating part or all of such city or village due to catastrophic
27 flooding, notwithstanding that such lands, lots, tracts, streets, or
28 highways are not contiguous or adjacent or are not urban or suburban in
29 character. Such annexation shall comply with all other provisions of law
30 relating to annexation generally for cities of the second class and
31 villages. The city or village shall not, in consequence of the annexation

1 under this subsection of any noncontiguous land, exercise the authority
2 granted to it by law to extend its extraterritorial zoning jurisdiction
3 beyond its corporate boundaries for purposes of planning, zoning, or
4 subdivision development without the agreement of any other city, village,
5 or county currently exercising zoning jurisdiction over the area
6 surrounding the annexed area. The annexation of any noncontiguous land
7 undertaken pursuant to this subsection shall not result in any change in
8 the service area of any electric utility without the express agreement of
9 the electric utility serving the annexed noncontiguous area at the time
10 of annexation, except that at such time following the annexation of the
11 noncontiguous area as the city or village lawfully annexes sufficient
12 intervening territory so as to directly connect the noncontiguous area to
13 the main body of the city or village, such noncontiguous area shall,
14 solely for the purposes of section 70-1008, be treated as if it had been
15 annexed by the city or village on the date upon which the connecting
16 intervening territory had been formally annexed. If, within five years
17 following an annexation undertaken pursuant to this subsection, part or
18 all of the city or village has not been relocated to the annexed area,
19 the city or village shall initiate disconnection of such annexed area
20 pursuant to section 17-414.

21 Sec. 2. Original section 17-405.01, Revised Statutes Cumulative
22 Supplement, 2018, is repealed.