

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 983

FINAL READING

Introduced by Moser, 22.

Read first time January 12, 2022

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to political subdivisions; to amend sections
2 13-1111 and 13-1121, Reissue Revised Statutes of Nebraska; to
3 redefine a term and change review, notice, hearing, and designation
4 provisions relating to industrial areas; and to repeal the original
5 sections.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-1111, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 13-1111 As used in sections 13-1111 to 13-1120, unless the context
4 otherwise requires: (1) Industrial area shall mean a tract of land used
5 or reserved for the location of industry, except that such land may be
6 used for agricultural purposes until the use is converted for the
7 location of industry as set forth in sections 13-1111 to 13-1120; and (2)
8 industry shall mean (a) any enterprise whose primary function is to
9 manufacture, process, assemble, or blend any agricultural, manufactured,
10 mineral, or chemical products; (b) any enterprise that has as its primary
11 function that of storing, warehousing, or distributing, and specifically
12 excluding those operations whose primary function is to directly sell to
13 the general public or store personal property; or (c) any enterprise
14 whose primary function is research in connection with any of the
15 foregoing, or primarily exists for the purpose of developing new products
16 or new processes, or improving existing products or known processes. The
17 owner or owners of any contiguous tract of real estate containing twenty
18 acres or more, no part of which is within the boundaries of any
19 incorporated city or village, except cities of the metropolitan or
20 primary class, may file or cause to be filed with the county clerk of the
21 county in which the greater portion of such real estate is situated if
22 situated in more than one county, an application requesting the county
23 board of such county to designate such contiguous tract as an industrial
24 area.

25 Sec. 2. Section 13-1121, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 13-1121 Beginning in 1980 and every even-numbered year thereafter
28 during the month of March, the appropriate county board may, of its own
29 volition or shall, at the request of the municipal governing body having
30 zoning jurisdiction over the designated industrial tract, review any or
31 all industrial areas in its jurisdiction. When the review is at the

1 request of the municipal governing body having zoning jurisdiction over
2 the designated industrial tract, the county board shall ~~notify such~~
3 ~~municipal governing body of the date, time, and location of the review.~~
4 ~~If the county board determines during the review that there is a problem~~
5 ~~with the industrial area designation of any tract, or a portion of such~~
6 ~~tract, the county board shall give notice of a hearing by registered or~~
7 certified mail to the municipal governing body and the owners of the
8 tract, ~~or a portion of such tract,~~ if such owners are known, within
9 ninety days prior to the hearing, and if the owners are not known or
10 cannot be located, then by publishing a notice three successive weeks in
11 some newspaper published and of general circulation in the county or
12 counties in which the real estate is located, and if no newspaper is
13 published in the county, such notice shall be published in some newspaper
14 having a general circulation in such county. The burden of proving that
15 the tract continues to be used for industry as defined in section 13-1111
16 shall be on the owners of the tract. If the owners of the tract do not
17 attend the hearing, the county board shall remove the designation of the
18 industrial area from such tract. If after the hearing the county board
19 finds that the industrial area or a portion thereof is no longer suitable
20 for industrial purposes, or is being used for nonindustrial enterprises,
21 or has had no improvements or industrial buildings thereon within seven
22 years from the date of original industrial designation, or is not in
23 compliance with the zoning ordinances of any city or village exercising
24 zoning control of it, or is not platted in accordance with such zoning
25 ordinances or is no longer in compliance with the definition of industry
26 as set forth in section 13-1111, such county board shall remove the
27 designation of industrial area from such tract or portion of such tract.
28 Any tract or portion of such tract used or reserved for industry prior to
29 August 24, 1979, shall not be removed from the industrial area
30 designation against the wishes of its owners as long as the use of such
31 tract or portion continues to be in compliance with the definition of

1 industry as set forth in section 13-1111. A certified copy of such order
2 shall be filed with the register of deeds and the county assessor of the
3 county or counties in which the real estate is located.

4 Sec. 3. Original sections 13-1111 and 13-1121, Reissue Revised
5 Statutes of Nebraska, are repealed.