

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.