



**Hundredth Legislature - First Session - 2007
Committee Statement
LB 591**

Hearing Date: February 20, 2007
Committee On: Urban Affairs

Introducer(s): (Cornett)

Title: Provide for a change in zoning regulations for cities of the first class

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - Advanced to General File with Amendments
 - X Indefinitely Postponed
-

Vote Results:

6	Yes	Senator Friend, Cornett, Janssen, Lathrop, McGill, White
0	No	
0	Present, not voting	
1	Absent	Senator Rogert

Proponents:

Senator Abbie Cornett
Chris Shewchuk
Lynn Rex

Representing:

Introducer
City of Bellevue
League of NE Municipalities

Opponents:

Charles Chevalier
Fred Uhe

Representing:

South Sarpy School Dist. #46
Sarpy County Board

Neutral:

None

Representing:

Summary of purpose and/or changes: This bill proposes to amend Sec. 16-901 (which establishes the formal zoning jurisdiction of first class cities). Extraterritorial zoning jurisdiction is based largely upon the official corporate boundaries of the city, extending jurisdiction to such for an area of up to two miles beyond such boundaries.

Basically, through the use of a defined legal fiction, the legislation would authorize a given first class city to substantially extend its zoning jurisdiction by enlarging its corporate boundaries.

By the terms of the legislation (and only for the express purposes of section 16-901), if the corporate boundaries of the first class city are “adjacent” to a governmental installation “that cannot be annexed” the governmental installation shall be considered to lie within the corporate boundaries of the city.

This legislation has particular reference to the City of Bellevue and the neighboring federal installation, Offutt Air Force Base. The attempt by the City of Bellevue to formally annex the base in 1970 led to federal litigation (United States v. City of Bellevue, 334 F.Supp. 881 (D. Neb. 1971) & United States v. City of Bellevue, 474 F.2d 473 (8th Cir. 1973)) that established that Bellevue could not annex the base.

Explanation of amendments, if any: None.

Senator Mike Friend, Chairperson