

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 51

Introduced By: Hudkins, 21;
Read first time: January 4, 2007
Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Industrial Development
2 Corporation Act; to amend sections 21-2301 and 21-2308,
3 Reissue Revised Statutes of Nebraska; to include cities of
4 the primary, first, and second class and villages under the
5 act; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 21-2301 Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 21-2301. For purposes of the Nebraska Industrial Development
4 Corporation Act, unless the context otherwise requires:

5 (1) Corporation means any corporation organized pursuant to
6 the act;

7 (2) Local political subdivision means any county or any city
8 ~~of the metropolitan class; or village;~~ and

9 (3) Project means any land and any building or other
10 improvement on the land, and all real and personal properties deemed
11 necessary in connection therewith, whether or not now in existence,
12 which shall be suitable for use by the following or by any combination
13 of two or more of the following: (a) Any industry for the
14 manufacturing, processing, or assembling of any agricultural,
15 manufactured, or mineral products, (b) any commercial enterprise in
16 storing, warehousing, distributing, or selling any products of
17 agriculture, mining, or industry, or (c) any enterprise for research
18 in connection with any of the foregoing or for the purpose of
19 developing new products or new processes or improving existing
20 products or known processes, or for the purpose of aiding in the
21 development of facilities for the exploration of outer space or
22 promoting the national defense, but shall not include facilities
23 designed for the sale or distribution to the public of electricity,
24 gas, water, telephone, or other services commonly classified as public
25 utilities.

26 Sec. 2. Section 21-2308 Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 21-2308. (1) The corporation shall have the following powers
2 together with all powers incidental or necessary for the performance
3 of its duties under the Nebraska Industrial Development Corporation
4 Act: (a) To have succession by its corporate name for the period
5 specified in the articles of incorporation unless sooner dissolved as
6 provided in section 21-2314, (b) to sue and be sued and to prosecute
7 and defend, at law or in equity, in any court having jurisdiction of
8 the subject matter and of the parties, (c) to have and to use a
9 corporate seal and to alter the corporate seal at pleasure, (d) to
10 acquire, whether by purchase, construction, exchange, gift, lease, or
11 otherwise, and to improve, maintain, equip, and furnish one or more
12 projects, including all real and personal properties which the board
13 of directors may deem necessary in connection with the projects and
14 regardless of whether or not any of the projects shall be in
15 existence, (e) to lease to others any or all of its projects and to
16 charge and collect rent for the projects and to terminate any lease
17 upon the failure of the lessee to comply with any of the obligations
18 of the lease, (f) to sell, exchange, donate, and convey any or all of
19 its properties whenever its board of directors find the action to be
20 in furtherance of the purposes for which the corporation was
21 organized, (g) to issue its bonds for the purpose of carrying out its
22 powers, (h) to mortgage and pledge any or all of its projects or any
23 part or parts of its projects, whether then owned or thereafter
24 acquired, and to pledge the revenue and receipts from the mortgage or
25 pledge as security for the payment of the principal and interest on
26 any bonds issued and any agreements made in connection with the bonds
27 issued, and (i) to employ and pay compensation to the employees and

1 agents, including attorneys, as the board of directors deem necessary
2 for the business of the corporation.

3 (2)(a) If the local political subdivision is a county, any
4 project or projects of the corporation shall be located within the
5 county, except that in no event shall any project or part of a project
6 be located within the corporate limits of a city or village.

7 (b) If the local political subdivision is a city ~~of the~~
8 ~~metropolitan class, or village,~~ any project or projects of the
9 corporation may be located within or without or partially within and
10 partially without ~~the city of the metropolitan class,~~ such city or
11 village, subject to the following conditions: (i) No project or part
12 of a project shall be located more than twenty-five miles from the
13 corporate limits of the city ~~of the metropolitan class, or village,~~
14 (ii) in no event shall any project or part of a project be located
15 within the corporate limits of another city or ~~of any~~ village in
16 this state, (iii) no project or part of a project shall be located
17 within the police jurisdiction of another city or ~~of any~~ village in
18 this state unless the governing body of the city or village has
19 adopted a resolution consenting to the location of the project or part
20 of the project in the police jurisdiction of the city or village, and
21 (iv) no project or part of a project shall be located in a county
22 other than that in which the city ~~of the metropolitan class or~~
23 village is situated unless the board of county commissioners of the
24 other county has adopted a resolution consenting to the location of
25 the project or part of the project in the county.

26 (c) The corporation shall not operate any project as a
27 business other than as a lessor.

1 Sec. 3. Original sections 21-2301 and 21-2308, Reissue
2 Revised Statutes of Nebraska, are repealed.