

AMENDMENTS TO LB156

Introduced by Urban Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Sections 1 to 15 of this act shall be known and may be
4 cited as the Municipal Inland Port Authority Act.

5 Sec. 2. The Legislature finds and declares as follows:

6 (1) Nebraska is ideally situated as a potential industrial and
7 logistical hub for multiple industries across the rest of the country.
8 The state is home to major railroads and trucking firms, and is within a
9 two-day drive to major cities on the east coast, west coast, Mexico, and
10 Canada;

11 (2) Increasingly, major companies looking to locate their
12 headquarters or expand operations seek large shovel-ready commercial and
13 industrial sites, commonly referred to as mega sites;

14 (3) Nebraska currently lacks the economic development tools
15 necessary to acquire and develop large shovel-ready commercial and
16 industrial sites, and the creation of one or more inland port authorities
17 in Nebraska could serve as a mechanism to develop such sites; and

18 (4) In addition to the development of large shovel-ready commercial
19 and industrial sites, the creation of one or more inland port authorities
20 could serve as a regional merging point for multi-modal transportation
21 and distribution of goods to and from ports and other locations in other
22 regions.

23 Sec. 3. For purposes of the Municipal Inland Port Authority Act:

24 (1) Board means the board of commissioners of an inland port
25 authority;

26 (2) City means any city of the metropolitan class, city of the
27 primary class, or city of the first class which contains an area eligible

1 to be designated as an inland port district;

2 (3) Direct financial benefit means any form of financial benefit
3 that accrues to an individual directly, including compensation,
4 commission, or any other form of a payment or increase of money, or an
5 increase in the value of a business or property. Direct financial benefit
6 does not include a financial benefit that accrues to the public
7 generally;

8 (4) Family member means a spouse, parent, sibling, child, or
9 grandchild;

10 (5) Inland port authority means an authority created by a city,
11 county, or a city and one or more counties under the Municipal Inland
12 Port Authority Act to manage an inland port district;

13 (6) Inland port district means an area within the corporate
14 boundaries or extraterritorial zoning jurisdiction or both of a city,
15 within the boundaries of one or more counties, or within both the
16 corporate boundaries or extraterritorial zoning jurisdiction or both of a
17 city and the boundaries of one or more counties, and which meets at least
18 two of the following criteria:

19 (a) Is located within one mile of a navigable river or other
20 navigable waterway;

21 (b) Is located within one mile of a major rail line;

22 (c) Is located within two miles of any portion of the federally
23 designated National System of Interstate and Defense Highways or any
24 other four-lane divided highway; or

25 (d) Is located within two miles of a major airport;

26 (7) Intermodal facility means a hub or other facility for trade
27 combining any combination of rail, barge, trucking, air cargo, or other
28 transportation services;

29 (8) Major airport means an airport with commercial service as
30 defined by the Federal Aviation Administration; and

31 (9) Major rail line means a rail line that is accessible to a Class

1 I railroad as defined by the federal Surface Transportation Board.

2 Sec. 4. (1) Any city which encompasses an area greater than three
3 hundred acres eligible to be designated as an inland port district may
4 propose to create an inland port authority by ordinance, subject to the
5 cap on the total number of inland port districts provided in subsection
6 (4) of this section. In determining whether to propose the creation of an
7 inland port authority, the city shall consider the following criteria:

8 (a) The desirability and economic feasibility of locating an inland
9 port district within the corporate boundaries, extraterritorial zoning
10 jurisdiction, or both of the city;

11 (b) The technical and economic capability of the city and any other
12 public and private entities to plan and carry out development within the
13 proposed inland port district;

14 (c) The strategic location of the proposed inland port district in
15 proximity to existing and potential transportation infrastructure that is
16 conducive to facilitating regional, national, and international trade and
17 the businesses and facilities that promote and complement such trade;

18 (d) The potential impact that development of the proposed inland
19 port district will have on the immediate area; and

20 (e) The regional and statewide economic impact of development of the
21 proposed inland port district.

22 (2) Any city and one or more counties in which a city of the
23 metropolitan class, city of the primary class, or city of the first class
24 is located, or in which the extraterritorial zoning jurisdiction of such
25 city is located, which encompass an area greater than three hundred acres
26 eligible to be designated as an inland port district may enter into an
27 agreement pursuant to the Interlocal Cooperation Act to propose joint
28 creation of an inland port authority, subject to the cap on the total
29 number of inland port districts provided in subsection (4) of this
30 section. In determining whether to propose the creation of an inland port
31 authority, the city and counties shall consider the following criteria:

1 (a) The desirability and economic feasibility of locating an inland
2 port district within the corporate boundaries or extraterritorial zoning
3 jurisdiction or both of the city, or within both the corporate boundaries
4 or extraterritorial zoning jurisdiction or both of a city and the
5 boundaries of one or more counties;

6 (b) The technical and economic capability of the city and county or
7 counties and any other public and private entities to plan and carry out
8 development within the proposed inland port district;

9 (c) The strategic location of the proposed inland port district in
10 proximity to existing and potential transportation infrastructure that is
11 conducive to facilitating regional, national, and international trade and
12 the businesses and facilities that promote and complement such trade;

13 (d) The potential impact that development of the proposed inland
14 port district will have on the immediate area; and

15 (e) The regional and statewide economic impact of development of the
16 proposed inland port district.

17 (3) Any county with a population greater than twenty thousand
18 inhabitants according to the most recent federal census or the most
19 recent revised certified count by the United States Bureau of the Census
20 which encompasses an area greater than three hundred acres eligible to be
21 designated as an inland port district may propose to create an inland
22 port authority by resolution, subject to the cap on the total number of
23 inland port districts provided in subsection (4) of this section. In
24 determining whether to propose the creation of an inland port authority,
25 the county shall consider the following criteria:

26 (a) The desirability and economic feasibility of locating an inland
27 port district within the county;

28 (b) The technical and economic capability of the county and any
29 other public or private entities to plan and carry out development within
30 the proposed inland port district;

31 (c) The strategic location of the proposed inland port district in

1 proximity to existing and potential transportation infrastructure that is
2 conducive to facilitating regional, national, and international trade and
3 the businesses and facilities that promote and complement such trade;

4 (d) The potential impact that development of the proposed inland
5 port district will have on the immediate area; and

6 (e) The regional and statewide economic impact of development of the
7 proposed inland port district.

8 (4) No more than five inland port districts may be designated
9 statewide. No inland port authority shall designate more than one inland
10 port district, and no inland port authority may be created without also
11 designating an inland port district.

12 (5) Following the adoption of an ordinance, resolution, or execution
13 of an agreement pursuant to the Interlocal Cooperation Act proposing
14 creation of an inland port authority, the city clerk or county clerk
15 shall transmit a copy of such ordinance, resolution, or agreement to the
16 Department of Economic Development. Upon receipt of such ordinance,
17 resolution, or agreement, the Director of Economic Development shall
18 certify to the city clerk or county clerk whether the proposed creation
19 of such inland port authority exceeds the cap on the total number of
20 inland port districts pursuant to subsection (4) of this section. If the
21 proposed inland port authority does not exceed such cap, the inland port
22 authority shall be deemed created. If the proposed inland port authority
23 exceeds such cap, the city shall repeal such ordinance, the county shall
24 repeal such resolution, or the city and county or counties shall rescind
25 such agreement and the proposed inland port authority shall not be
26 created.

27 Sec. 5. (1) The city council of any city which has created an
28 inland port authority pursuant to subsection (1) of section 4 of this act
29 shall designate what areas within the corporate limits, extraterritorial
30 zoning jurisdiction, or both of the city shall comprise the inland port
31 district, subject to the limitations of the Municipal Inland Port

1 Authority Act. The boundaries of any inland port district shall be filed
2 with the city clerk and shall become effective upon approval of the city
3 council. The city council may from time to time enlarge or reduce the
4 area comprising any inland port district, except that such district shall
5 not be reduced to an area less than three hundred acres. Any change of
6 boundaries shall be filed with the city clerk and become effective upon
7 such filing.

8 (2) The city council of any city and county board of any county or
9 counties which have created an inland port authority pursuant to
10 subsection (2) of section 4 of this act shall designate what areas within
11 the corporate limits, extraterritorial zoning jurisdiction, or both of
12 the city or within the county or counties shall comprise the inland port
13 district, subject to the limitations of the Municipal Inland Port
14 Authority Act. The boundaries of any inland port district shall be filed
15 with the city clerk and the county clerk or clerks and shall become
16 effective upon approval of the city council and the county board or
17 boards. The city council and the county board or boards may from time to
18 time enlarge or reduce the area comprising any inland port district,
19 except that such district shall not be reduced to an area less than three
20 hundred acres. Any change of boundaries shall be filed with the city
21 clerk and the county clerk or clerks and become effective upon such
22 filing.

23 (3) The county board of any county which has created an inland port
24 authority pursuant to subsection (3) of section 4 of this act shall
25 designate what areas within the county shall comprise the inland port
26 district, subject to the limitations of the Municipal Inland Port
27 Authority Act. The boundaries of any inland port district shall be filed
28 with the county clerk and shall become effective upon approval of the
29 county board. The county board may from time to time enlarge or reduce
30 the area comprising any inland port district, except that such district
31 shall not be reduced to an area less than three hundred acres. Any change

1 of boundaries shall be filed with the county clerk and become effective
2 upon such filing.

3 Sec. 6. (1) An inland port authority shall have the power to:

4 (a) Plan, facilitate, and develop the inland port district in
5 conjunction with the city, the county or counties, and other public and
6 private entities, including the development of publicly-owned
7 infrastructure and improvements within the inland port district;

8 (b) Engage in marketing and business recruitment activities and
9 efforts to encourage and facilitate development of the inland port
10 district;

11 (c) Apply for and take all other necessary actions for the
12 establishment of a foreign trade zone, as provided under federal law,
13 within the inland port district;

14 (d) Levy a sales and use tax, upon a two-thirds vote of the board,
15 within the boundaries of the inland port district for the purposes of
16 paying any part of the cost of a project in such inland port district;

17 (e) Issue and sell revenue bonds as provided in section 8 of this
18 act;

19 (f) Acquire, own, lease, sell, or otherwise dispose of interest in
20 and to any real property and improvements located thereon, and in any
21 personal property, necessary to fulfill the purposes of the inland port
22 authority;

23 (g) Acquire rights-of-way and property of any kind or nature within
24 the inland port district necessary for its purposes by purchase or
25 negotiation;

26 (h) Enter into lease agreements for real or personal property,
27 either as lessee or lessor;

28 (i) Sue and be sued in its own name;

29 (j) Enter into contracts and other instruments necessary,
30 incidental, or convenient to the performance of its duties and the
31 exercise of its powers, including, but not limited to, agreements under

1 the Interlocal Cooperation Act with the city, the county or counties, or
2 any other political subdivision of this or any other state;

3 (k) Borrow money from private lenders, from the state, or from the
4 federal government as may be necessary for the operation and work of the
5 inland port authority;

6 (l) Accept appropriations, contributions, gifts, grants, or loans
7 from the United States, the State of Nebraska, political subdivisions, or
8 other public and private agencies, individuals, partnerships, or
9 corporations;

10 (m) Employ such managerial, engineering, legal, technical, clerical,
11 accounting, advertising, administrative, or other assistance as may be
12 deemed advisable, or to contract with independent contractors for any
13 such assistance;

14 (n) Adopt, alter, or repeal its own bylaws, rules, and regulations
15 governing the manner in which its business may be transacted, except that
16 such bylaws, rules, and regulations shall not exceed the powers granted
17 to the inland port authority by the Municipal Inland Port Authority Act;

18 (o) Enter into agreements with private operators or public entities
19 for the joint development, redevelopment, reclamation, and other uses of
20 property within the inland port district; and

21 (p) Own and operate an intermodal facility and other publicly-owned
22 infrastructure and improvements within the boundaries of the inland port
23 district.

24 (2) An inland port authority shall neither possess nor exercise the
25 power of eminent domain.

26 Sec. 7. The State of Nebraska and any municipality, county, or
27 other political subdivision of the state may, in its discretion, with or
28 without consideration, transfer or cause to be transferred to any inland
29 port authority or place in its possession or control, by lease or other
30 contract or agreement, either for a limited period or in fee, any real
31 property within its inland port district. Nothing in this section shall

1 in any way impair, alter, or change any obligations of such entities,
2 contractual or otherwise, existing prior to the effective date of this
3 act.

4 Sec. 8. (1) An inland port authority created under the Municipal
5 Inland Port Authority Act may issue and sell revenue bonds necessary to
6 provide sufficient funds for achieving its purposes, including the
7 construction of intermodal facilities and the financing of port
8 improvement projects, except that such authority shall not issue or sell
9 general obligation bonds.

10 (2) The State of Nebraska shall not be liable for any bonds of any
11 inland port authority. Any such bonds shall not be a debt of the state
12 and shall contain on the faces thereof a statement to such effect.

13 (3) No commissioner of any board of any inland port authority or any
14 other authorized person executing inland port authority bonds shall be
15 personally liable on such bonds or be subject to any personal liability
16 or accountability by reason of the issuance thereof.

17 Sec. 9. No inland port authority shall be required to pay any taxes
18 or any assessments whatsoever to the State of Nebraska or to any
19 political subdivision of the state. The bonds of every inland port
20 authority and the income therefrom shall, at all times, be exempt from
21 any taxes and any assessments, except for inheritance and gift taxes and
22 taxes on transfers.

23 Sec. 10. (1) An inland port authority shall be administered by the
24 board which shall consist of:

25 (a) If created by a city of the metropolitan class, nine members;

26 (b) If created by a city of the primary class, seven members;

27 (c) If created by a city of the first class, five members;

28 (d) If jointly created by a city of the metropolitan class and one
29 or more counties, eleven members;

30 (e) If jointly created by a city of the primary class and one or
31 more counties, nine members;

1 (f) If jointly created by a city of the first class and one or more
2 counties, seven members; or

3 (g) If created by a county, nine members.

4 (2) Upon the creation of an inland port authority under subsection
5 (1) or (2) of section 4 of this act, the mayor of the city that created
6 the authority, with the approval of the city council, and, if the
7 authority is created under subsection (2) of section 4 of this act, with
8 the approval of the county board or boards, shall appoint a temporary
9 board to govern the authority until a board is elected pursuant to
10 section 11 of this act. Members of the temporary board shall be residents
11 of the city, or, if the authority is created under subsection (2) of
12 section 4 of this act, members of the temporary board shall be residents
13 of the county or counties.

14 (3) Upon the creation of an inland port authority under subsection
15 (3) of section 4 of this act, the chairperson of the county board, with
16 the approval of the county board, shall appoint a temporary board to
17 govern the authority until a board is elected pursuant to section 11 of
18 this act. Members of the temporary board shall be residents of the
19 county.

20 (4) Any vacancy on the temporary board of an inland port authority
21 shall be filled in the same manner as the vacating board member was
22 appointed to serve the unexpired portion of the temporary board member's
23 term.

24 Sec. 11. (1) Following the creation of an inland port authority,
25 the election commissioner or county clerk of the county in which the
26 majority of the inland port district is located shall divide the
27 territory of the city, county, or the city and county or counties which
28 created the authority into the number of districts required under
29 subsection (1) of section 10 of this act for the purpose of electing
30 members to the board. Such districts shall be compact and contiguous and
31 substantially equal in population. The newly established districts shall

1 be certified to the Secretary of State following such creation. The newly
2 established districts shall apply beginning with the nomination and
3 election of board members at the next statewide primary and general
4 elections held at least seventy days after the creation of the inland
5 port authority. Following the drawing of initial districts pursuant to
6 this section, additional redistricting shall be undertaken by the board
7 according to section 32-553. One member shall be elected from each
8 district as provided in section 12 of this act.

9 (2) A vacancy in office for an elected member of the board shall
10 occur upon the happening of an event as described in section 32-560.
11 Whenever any such vacancy occurs, the remaining members of the board
12 shall appoint an individual residing within the geographical boundaries
13 of the district in which the vacancy occurred for the balance of the
14 unexpired term.

15 Sec. 12. (1) Members of the board of an inland port authority shall
16 be nominated at the statewide primary election and elected at the
17 statewide general election following the creation of the authority as
18 provided in section 11 of this act, and subsequently elected members
19 shall be nominated at subsequent statewide primary elections and elected
20 at subsequent statewide general elections. Candidates for election shall
21 be nominated upon a nonpartisan ballot.

22 (2) A member elected to represent an odd-numbered district in the
23 first election of board members shall be elected for a two-year term. A
24 member elected to represent an even-numbered district in the first
25 election of board members shall be elected for a four-year term. Members
26 elected in subsequent elections shall be elected for four-year terms and
27 until their successors are elected and qualified.

28 (3) Members shall take office on the first Thursday after the first
29 Tuesday in January following their election, except that members
30 appointed to fill vacancies shall take office immediately following
31 administration of the oath of office.

1 Sec. 13. (1) No individual may serve as a commissioner or an
2 employee of an inland port authority if:

3 (a) The individual or a family member of the individual owns an
4 interest in any real property located within the boundaries of the inland
5 port district; or

6 (b) The individual or a family member of the individual owns an
7 interest in, is directly affiliated with, or is an employee or officer of
8 a private firm, company, or other entity that the individual reasonably
9 believes is likely to:

10 (i) Participate in or receive a direct financial benefit from the
11 development of the inland port district; or

12 (ii) Acquire an interest in any facility located within the inland
13 port district.

14 (2) Before taking office as a commissioner or accepting employment
15 with an inland port authority, an individual shall submit to the
16 authority a statement verifying that the individual's service as a
17 commissioner or an employee will not violate subsection (1) of this
18 section.

19 (3) An individual shall not, at any time during the individual's
20 service as a commissioner or an employee of an inland port authority,
21 acquire or take any action to initiate, negotiate, or otherwise arrange
22 for the acquisition of an interest in any real property located within
23 the boundaries of the inland port district.

24 (4) A commissioner or an employee of an inland port authority shall
25 not receive a direct financial benefit from the development of any real
26 property located within the boundaries of the inland port district.

27 Sec. 14. (1) The board shall cause minutes of meetings and a record
28 to be kept of all its proceedings. Meetings of the board shall be subject
29 to the Open Meetings Act.

30 (2) An inland port authority's records and documents, except those
31 which may be lawfully excluded, shall be considered public records for

1 purposes of sections 84-712 to 84-712.09.

2 Sec. 15. (1) The city council of a city that created an inland port
3 authority under subsection (1) of section 4 of this act or the county
4 board of a county that created an inland port authority under subsection
5 (3) of section 4 of this act may dissolve such inland port authority if
6 such inland port authority has no outstanding obligations. The inland
7 port authority shall be dissolved as of the date of approval by the city
8 council or county board. All funds and other assets of the inland port
9 authority shall be transferred upon dissolution to the city or county.

10 (2) The city council of a city and the county board or county boards
11 of a county or counties that created an inland port authority under
12 subsection (2) of section 4 of this act may dissolve such inland port
13 authority if such inland port authority has no outstanding obligations.
14 The inland port authority shall be dissolved as of the date of approval
15 by the city council and the county board or boards. Upon dissolution, all
16 funds and other assets of the inland port authority shall be transferred
17 to the city or the county or counties as agreed upon by the city and
18 county or counties.

19 Sec. 16. The Revisor of Statutes shall assign sections 1 to 15 of
20 this act to a new article in Chapter 13.