

E AND R AMENDMENTS TO LB 998

Introduced by McKinney, 11, Chairman Enrollment and Review

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

3 Section 1. Section 13-3301, Revised Statutes Supplement, 2021, is
4 amended to read:

5 13-3301 Sections 13-3301 to 13-3313 and section 4 of this act shall
6 be known and may be cited as the Municipal Inland Port Authority Act.

7 Sec. 2. Section 13-3303, Revised Statutes Supplement, 2021, is
8 amended to read:

9 13-3303 For purposes of the Municipal Inland Port Authority Act:

10 (1) Board means the board of commissioners of an inland port
11 authority;

12 (2) City means any city of the metropolitan class, city of the
13 primary class, or city of the first class which contains an area eligible
14 to be designated as an inland port district;

15 (3) Direct financial benefit means any form of financial benefit
16 that accrues to an individual directly, including compensation,
17 commission, or any other form of a payment or increase of money, or an
18 increase in the value of a business or property. Direct financial benefit
19 does not include a financial benefit that accrues to the public
20 generally;

21 (4) Family member means a spouse, parent, sibling, child, or
22 grandchild;

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

26 (6) Inland port district means an area within the corporate
27 boundaries or extraterritorial zoning jurisdiction or both of a city,

1 within the boundaries of one or more counties, or within both the
2 corporate boundaries or extraterritorial zoning jurisdiction or both of a
3 city and the boundaries of one or more counties, and which meets at least
4 two of the following criteria:

5 (a) Is located within one mile of a navigable river or other
6 navigable waterway;

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

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

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

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

15 (8) Major airport means an airport with commercial service as
16 defined by the Federal Aviation Administration; ~~and~~

17 (9) Major rail line means a rail line that is accessible to a Class
18 I railroad as defined by the federal Surface Transportation Board; and -

19 (10) Nonprofit economic development corporation means a chamber of
20 commerce or other mutual benefit or public benefit corporation organized
21 under the Nebraska Nonprofit Corporation Act to assist economic
22 development.

23 Sec. 3. Section 13-3304, Revised Statutes Supplement, 2021, is
24 amended to read:

25 13-3304 (1) Any city which encompasses an area greater than three
26 hundred acres eligible to be designated as an inland port district may
27 propose to create an inland port authority by ordinance, subject to the
28 cap on the total number of inland port districts provided in subsection
29 (4) of this section. In determining whether to propose the creation of an
30 inland port authority, the city shall consider the following criteria:

31 (a) The desirability and economic feasibility of locating an inland

1 port district within the corporate boundaries, extraterritorial zoning
2 jurisdiction, or both of the city;

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

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

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

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

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

24 (a) The desirability and economic feasibility of locating an inland
25 port district within the corporate boundaries or extraterritorial zoning
26 jurisdiction or both of the city, or within both the corporate boundaries
27 or extraterritorial zoning jurisdiction or both of a city and the
28 boundaries of one or more counties;

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

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

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

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

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

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

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

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

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

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

31 (4) No more than five inland port districts may be designated

1 statewide. No inland port authority shall designate more than one inland
2 port district, and no inland port authority may be created without also
3 designating an inland port district.

4 (5) Following the adoption of an ordinance, resolution, or execution
5 of an agreement pursuant to the Interlocal Cooperation Act proposing
6 creation of an inland port authority, the city clerk or county clerk
7 shall transmit a copy of such ordinance, resolution, or agreement to the
8 Department of Economic Development along with an application for approval
9 of the proposal. Upon receipt of such ordinance, resolution, or agreement
10 and application, the department shall evaluate the proposed inland port
11 authority to determine whether the proposal meets the criteria in
12 subsection (1), (2), or (3) of this section, whichever is applicable, as
13 well as any prioritization criteria developed by the department. Upon a
14 determination that the proposed inland port authority sufficiently meets
15 such criteria, the Director of Economic Development shall certify to the
16 city clerk or county clerk whether the proposed creation of such inland
17 port authority exceeds the cap on the total number of inland port
18 districts pursuant to subsection (4) of this section. If the department
19 determines that the proposed inland port authority sufficiently meets
20 such criteria and does not exceed such cap, the inland port authority
21 shall be deemed created. If the proposed inland port authority does not
22 sufficiently meet such criteria or exceeds such cap, the city shall
23 repeal such ordinance, the county shall repeal such resolution, or the
24 city and county or counties shall rescind such agreement and the proposed
25 inland port authority shall not be created.

26 Sec. 4. (1) In the event that a city, a city and one or more
27 counties, or a county, as such are described in subsections (1), (2), and
28 (3) of section 13-3304, has or have not proposed to create an inland port
29 authority as provided in such section, a nonprofit economic development
30 corporation which serves such city, such city and one or more counties,
31 or such county may propose to create an inland port authority using the

1 criteria in subsection (1), (2), or (3) of section 13-3304, whichever is
2 applicable, by submitting an application to the Department of Economic
3 Development.

4 (2) Following the submission of an application from a nonprofit
5 economic development corporation proposing the creation of an inland port
6 authority, the Department of Economic Development shall evaluate the
7 proposed inland port authority to determine whether the proposal meets
8 the criteria in subsection (1), (2), or (3) of section 13-3304, whichever
9 is applicable, as well as any prioritization criteria developed by the
10 department. Upon a determination that the proposed inland port authority
11 sufficiently meets such criteria, the Director of Economic Development
12 shall certify to the nonprofit economic development corporation and the
13 city clerk or county clerk or clerks whether the proposed creation of
14 such inland port authority exceeds the cap on the total number of inland
15 port districts pursuant to subsection (4) of section 13-3304. If the
16 proposed inland port authority sufficiently meets such criteria and does
17 not exceed such cap, such city, such city and one or more counties, or
18 such county shall create an inland port authority pursuant to subsection
19 (1), (2), or (3) of section 13-3304, whichever is applicable, based on
20 the criteria utilized by the nonprofit economic development corporation
21 pursuant to subsection (1) of this section.

22 Sec. 5. Section 13-3305, Revised Statutes Supplement, 2021, is
23 amended to read:

24 13-3305 (1) The city council of any city which has created an inland
25 port authority pursuant to subsection (1) of section 13-3304 shall
26 designate what areas within the corporate limits, extraterritorial zoning
27 jurisdiction, or both of the city shall comprise the inland port
28 district, subject to the limitations of the Municipal Inland Port
29 Authority Act. The boundaries of any inland port district shall be filed
30 with the city clerk and shall become effective upon approval of the city
31 council. The city council may from time to time enlarge or reduce the

1 area comprising any inland port district, except that such district shall
2 not be reduced to an area less than three hundred acres. Any change of
3 boundaries shall be filed with the city clerk and become effective upon
4 such filing.

5 (2) The city council of any city and county board or boards of any
6 county or counties which have created an inland port authority pursuant
7 to subsection (2) of section 13-3304 shall designate what areas within
8 the corporate limits, extraterritorial zoning jurisdiction, or both of
9 the city or within the county or counties shall comprise the inland port
10 district, subject to the limitations of the Municipal Inland Port
11 Authority Act. The boundaries of any inland port district shall be filed
12 with the city clerk and the county clerk or clerks and shall become
13 effective upon approval of the city council and the county board or
14 boards. The city council and the county board or boards may from time to
15 time enlarge or reduce the area comprising any inland port district,
16 except that such district shall not be reduced to an area less than three
17 hundred acres. Any change of boundaries shall be filed with the city
18 clerk and the county clerk or clerks and become effective upon such
19 filing.

20 (3) The county board of any county which has created an inland port
21 authority pursuant to subsection (3) of section 13-3304 shall designate
22 what areas within the county shall comprise the inland port district,
23 subject to the limitations of the Municipal Inland Port Authority Act.
24 The boundaries of any inland port district shall be filed with the county
25 clerk and shall become effective upon approval of the county board. The
26 county board may from time to time enlarge or reduce the area comprising
27 any inland port district, except that such district shall not be reduced
28 to an area less than three hundred acres. Any change of boundaries shall
29 be filed with the county clerk and become effective upon such filing.

30 (4) Not more than twenty-five percent of the area within an inland
31 port district designated pursuant to this section may be noncontiguous

1 with the remaining portions of such inland port district. Such
2 noncontiguous area shall be no more than one-quarter mile from the
3 remaining portions of such inland port district.

4 (5) Nothing in this section shall require that any real property
5 located within the boundaries of an inland port district be owned by an
6 inland port authority or the city or county or counties in which such
7 real property is located.

8 Sec. 6. Section 13-3307, Revised Statutes Supplement, 2021, is
9 amended to read:

10 13-3307 (1) The State of Nebraska and any municipality, county, or
11 other political subdivision of the state may, in its discretion, with or
12 without consideration, transfer or cause to be transferred to any inland
13 port authority or place in its possession or control, by lease or other
14 contract or agreement, either for a limited period or in fee, any real
15 property within its inland port district.

16 (2) Nothing in this section shall:

17 (a) In ~~in~~ any way impair, alter, or change any obligations of such
18 entities, contractual or otherwise, existing prior to August 28, 2021;
19 or -

20 (b) Require that any real property located within the boundaries of
21 an inland port district be owned by an inland port authority or the city
22 or county or counties in which such real property is located.

23 Sec. 7. Section 81-12,150, Revised Statutes Supplement, 2021, is
24 amended to read:

25 81-12,150 The Department of Economic Development may adopt and
26 promulgate rules and regulations to carry out the Site and Building
27 Development Act, including rules and regulations relating to reviewing
28 and prioritizing inland port authority proposals pursuant to section
29 13-3304 and section 4 of this act and providing financial assistance to
30 any inland port authority created under the Municipal Inland Port
31 Authority Act.

1 Sec. 8. Original sections 13-3301, 13-3303, 13-3304, 13-3305,
2 13-3307, and 81-12,150, Revised Statutes Supplement, 2021, are repealed.

3 Sec. 9. Since an emergency exists, this act takes effect when
4 passed and approved according to law.

5 2. On page 1, strike lines 2 through 11 and insert "amend sections
6 13-3301, 13-3303, 13-3304, 13-3305, 13-3307, and 81-12,150, Revised
7 Statutes Supplement, 2021; to define a term; to change certification
8 provisions; to provide for prioritization of inland port authority
9 proposals by the Department of Economic Development; to provide for
10 creation of an inland port authority upon application by a nonprofit
11 economic development corporation; to change provisions relating to inland
12 port districts and rules and regulations relating to inland port
13 authority proposals; to harmonize provisions; to repeal the original
14 sections; and to declare an emergency."