

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 942

Introduced by Wayne, 13.

Read first time January 09, 2018

Committee:

- 1 A BILL FOR AN ACT relating to cities of the metropolitan class; to adopt
- 2 the Metropolitan Port Authority Act; to provide a duty for the
- 3 Revisor of Statutes; and to provide an operative date.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 10 of this act shall be known and may be
2 cited as the Metropolitan Port Authority Act.

3 Sec. 2. The purposes of a port authority are to promote the general
4 welfare, promote development within the port district, encourage private
5 capital investment by fostering the creation of industrial facilities and
6 industrial parks within the port district, increase the volume of local
7 commerce, and promote the establishment of interstate trade within the
8 port district.

9 Sec. 3. Any city of the metropolitan class which is situated upon
10 or adjacent to or embraces within its boundaries a navigable waterway may
11 create a port authority. In determining whether to create a port
12 authority, the city may consider the following criteria:

13 (1) The desirability and economic feasibility of having a port
14 authority within the corporate boundaries of the city;

15 (2) The technical and economic capability of such city and any
16 participating private interests to plan and carry out port development
17 within the proposed port district;

18 (3) The amount of actual and potential river traffic that would make
19 use of any facilities developed by a port authority;

20 (4) The potential economic impact on the immediate area; and

21 (5) The potential impact on the economic development of the entire
22 state and how the proposed port authority's developmental activities may
23 relate to any state plans.

24 Sec. 4. (1) The city council of any city creating a port authority
25 pursuant to section 3 of this act shall designate what areas within such
26 city shall comprise such port district, subject to the limitation that
27 any area designated within a port district shall be or could be
28 reasonably connected to the business of a port. The boundaries of any
29 port district shall be filed with the city clerk and shall become
30 effective upon approval of the city council. The city council may from
31 time to time enlarge or reduce the area comprising any port district. Any

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

3 (2) The city council of any city authorized to create a port
4 authority may appropriate, allocate, and expend such funds of the city
5 for the planning and development of a port district as are reasonable and
6 necessary to carry out the provisions of the Metropolitan Port Authority
7 Act.

8 Sec. 5. (1) Every port authority shall have the power to:

9 (a) Confer with any similar body created under laws of this or any
10 other state for the purpose of adopting a comprehensive plan for the
11 future development and improvement of its port district;

12 (b) Consider and adopt detailed and comprehensive plans for future
13 development and improvement of its port district and to coordinate such
14 plans with regional and state programs;

15 (c) Levy a sales and use tax within the boundaries of any
16 established port district for the purposes of paying any part of the cost
17 of a project in a port district;

18 (d) Pledge both revenues generated by any port district and any
19 other port authority revenue source to the repayment of any outstanding
20 obligations;

21 (e) Either jointly with a similar body, or separately, recommend to
22 the proper departments of the government of the United States, or to the
23 State of Nebraska or any other state or political subdivision thereof, or
24 to any other body, the carrying out of any public improvement for the
25 benefit of its port district;

26 (f) Provide for membership in any official, industrial, commercial,
27 or trade association, or any other organization concerned with such
28 purposes, for receptions of officials or others as may contribute to the
29 advancement of its port district and any industrial development therein,
30 and for other public relations and promotional activities, and such
31 activities shall be considered a public purpose;

1 (g) Represent its port district before all federal, state, and local
2 agencies;

3 (h) Cooperate with other public agencies and with industry,
4 business, and labor in port district matters;

5 (i) Enter into any agreement with any other states, agencies,
6 authorities, commissions, municipalities, persons, corporations, or the
7 United States, to effect any of the provisions contained in the
8 Metropolitan Port Authority Act;

9 (j) Approve the construction of all wharves, piers, bulkheads,
10 jetties, or other structures within the port district;

11 (k) Prevent or remove, or cause to be removed, obstructions in
12 harbor areas, including the removal of wrecks, wharves, piers, bulkheads,
13 derelicts, jetties, or other structures endangering the health and
14 general welfare of the port district. In case of the sinking of a
15 facility or vessel from any cause, such facility or vessel shall be
16 removed from the harbor at the expense of its owner or agent so that it
17 shall not obstruct the harbor;

18 (l) Recommend the relocation, change, or removal of dock lines and
19 shore or harbor lines;

20 (m) Acquire, own, construct, redevelop, lease, maintain, and conduct
21 land reclamation and resource recovery, including the removal of sand,
22 rock, or gravel, residential developments, commercial developments,
23 mixed-use developments, recreational facilities, industrial parks,
24 industrial facilities, and terminals, terminal facilities, warehouses,
25 and any other type port facility;

26 (n) Acquire, own, lease, sell, or otherwise dispose of interest in
27 and to real property and improvements located thereon and in personal
28 property necessary to fulfill the purposes of the port authority;

29 (o) Acquire rights-of-way and property of any kind or nature within
30 its port district necessary for its purposes by purchase or negotiation;

31 (p) Contract, sue, and be sued;

1 (q) Accept appropriations, contributions, gifts, grants, or loans
2 from the United States, the State of Nebraska, political subdivisions,
3 municipalities, foundations, other public or private agencies,
4 individuals, partnerships, or corporations;

5 (r) Employ such managerial, engineering, legal, technical, clerical,
6 accounting, advertising, administrative, and other assistance as it may
7 deem advisable. The port authority may also contract with independent
8 contractors for any such assistance;

9 (s) Improve navigable and nonnavigable areas as regulated by federal
10 law;

11 (t) Disburse funds for its lawful activities and fix salaries and
12 wages of its employees; and

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

17 (2) In implementing its powers, the port authority may enter into
18 agreements with private operators or public entities for the joint
19 development, redevelopment, and reclamation of property within a port
20 district or for other uses to fulfill the purposes of the port authority.

21 Sec. 6. The State of Nebraska and any municipality or other
22 political subdivision of the state may in its discretion, with or without
23 consideration, transfer or cause to be transferred to any port authority
24 or may place in its possession or control, by lease or other contract or
25 agreement, either for a limited period or in fee, any property within a
26 port district or any property wherever situated. Nothing in this section
27 shall in any way impair, alter, or change any obligations of such
28 entities, contractual or otherwise, existing prior to the operative date
29 of this act.

30 Sec. 7. (1) Every port authority created under the Metropolitan
31 Port Authority Act shall have the power to issue and sell revenue bonds

1 necessary to provide sufficient funds for achieving its purposes,
2 including the construction of revenue-producing port facilities and the
3 financing of port improvement projects. Such authority shall not include
4 the issuance or selling of general obligation bonds.

5 (2) The State of Nebraska shall not be liable on any bonds of any
6 port authority. Any such bonds shall not be a debt of the state and shall
7 contain on the faces thereof a statement to such effect.

8 (3) No commissioner of any port authority or any authorized person
9 executing port authority bonds shall be liable personally on such bonds
10 or be subject to any personal liability or accountability by reason of
11 the issuance thereof.

12 (4) No port authority shall be required to pay any taxes or any
13 assessments whatsoever to the State of Nebraska or to any municipality,
14 political subdivision, or agency of the state. The bonds of every port
15 authority and the income therefrom shall, at all times, be exempt from
16 any taxes and any assessments, except for inheritance and gift taxes and
17 taxes on transfers.

18 Sec. 8. Every port authority shall be administered by a board of
19 commissioners which shall consist of at least seven members of which the
20 number of members of one political party shall not exceed the number of
21 members of the other party by more than one. Each port authority shall
22 structure the terms of commissioners so that no more than three members'
23 terms shall expire in any one year. The city council creating the port
24 authority shall determine the method of appointment of the commissioners,
25 and subject to the limitations in this section, shall determine their
26 qualifications, salaries, powers, and duties consistent with the
27 provisions of the Metropolitan Port Authority Act. The city council shall
28 also provide for the filing of annual reports by the board of
29 commissioners and for periodic independent audits of the accounts of the
30 port authority.

31 Sec. 9. (1) Every port authority shall let contracts for all work

1 to be done and for equipment, supplies, or materials to be purchased.
2 Such contracts shall be given to the lowest responsible bidder and upon
3 not less than twenty days notice of the letting given by publication in a
4 newspaper of general circulation in the city creating the port authority.
5 The port authority shall have the power and authority to reject any and
6 all bids and to readvertise the work or proposed purchase.

7 (2) Any expenditure made by a port authority that is over twenty-
8 five thousand dollars, including professional service contracts, shall be
9 competitively bid.

10 Sec. 10. The city council may by majority vote dissolve a port
11 authority if such port authority has no outstanding obligations. The port
12 authority shall be dissolved as of the date of approval of the city
13 council. All funds and other assets of the port authority shall be
14 transferred upon dissolution to the city.

15 Sec. 11. The Revisor of Statutes shall assign sections 1 to 10 of
16 this act to a new article in Chapter 14.

17 Sec. 12. This act becomes operative on January 1, 2019.