

LEGISLATIVE BILL 931

Approved by the Governor April 12, 1996

Introduced by Fisher, 35

AN ACT relating to industrial development; to amend section 21-2308, Revised Statutes Supplement, 1995; to change provisions relating to the Nebraska Industrial Development Corporation Act; to repeal the original section; and to declare an emergency.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 21-2308, Revised Statutes Supplement, 1995, is amended to read:

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

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

(b) If the local political subdivision is a city of the metropolitan class, any project or projects of the corporation may be located within or without or partially within and partially without the local political subdivision city of the metropolitan class, subject to the following conditions: (i) No project or part of a project shall be located more than twenty-five miles from the corporate limits of the local political subdivision, (ii) no project or part of a project shall be located within the corporate limits of another local political subdivision city or of any village in this state, (iii) no project or part of a project shall be located within the police jurisdiction of another local political subdivision city or of any village in this state unless the governing body of the other local political subdivision city or village has adopted a resolution consenting to the location of the project or part of the project in the police jurisdiction of the local political subdivision, and (iv) no project or part of a project shall be located in a county other than that in which the local political subdivision city of the metropolitan class is situated unless the board of county commissioners of the other county has adopted a resolution consenting to the location of the project or part of the project in the county.

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

Sec. 2. Original section 21-2308, Revised Statutes Supplement, 1995, is repealed.

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