

Amendment No. 540

Assembly Amendment to Assembly Bill No. 182 First Reprint (BDR 22-177)

Proposed by: Assemblywoman Kirkpatrick

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 182 (§ 26).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

HAC/WLK



Date: 4/26/2011

A.B. No. 182—Authorizes the creation of inland ports. (BDR 22-177)



ASSEMBLY BILL NO. 182—COMMITTEE ON
COMMERCE AND LABOR

(ON BEHALF OF THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE
TO STUDY THE DEVELOPMENT AND PROMOTION OF LOGISTICS
AND DISTRIBUTION CENTERS AND ISSUES CONCERNING
INFRASTRUCTURE AND TRANSPORTATION)

FEBRUARY 16, 2011

Referred to Committee on Government Affairs

SUMMARY—Authorizes the creation of inland ports. (BDR 22-177)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to inland ports; authorizing the creation of inland ports and inland port authorities under certain circumstances; requiring the Commission on Economic Development to develop a State Plan for Inland Ports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 10-13 of this bill authorize, upon approval by the Commission on Economic Development, the creation of an inland port and an inland port authority by one or more boards of county commissioners of counties or one or more governing bodies of incorporated cities, or both. **Section 14** of this bill sets forth the membership of a board of directors of an inland port authority.

Sections 19-27 of this bill set forth powers and duties of an inland port authority.

Section 31 of this bill requires the Commission on Economic Development to: (1) develop a State Plan for Inland Ports; and (2) set forth the requirements for the creation of an inland port.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 22 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 30, inclusive, of this act.

Sec. 2. *This chapter may be known and cited as the Inland Port Authority Act.*

1 Sec. 3. *As used in this chapter, unless the context otherwise requires, the*
2 *words and terms defined in sections 4 to 8, inclusive, of this act have the*
3 *meanings ascribed to them in those sections.*

4 Sec. 4. *“Authority” means an inland port authority created pursuant to this*
5 *chapter.*

6 Sec. 5. *“Board” means the board of directors of an authority.*

7 Sec. 6. *“Commission” means the Commission on Economic Development*
8 *created by NRS 231.030.*

9 Sec. 7. *“Inland port” means an area located away from traditional borders*
10 *but having direct access to highway, railway and air transport facilities and, if*
11 *applicable, intermodal facilities.*

12 Sec. 8. *“Participating entity” means the board of county commissioners of*
13 *a county or the governing body of an incorporated city.*

14 Sec. 9. *The Legislature hereby finds and declares that the creation of an*
15 *inland port:*

16 1. *Is essential to:*

17 (a) *Develop and diversify the economy of the State;*

18 (b) *Provide employment opportunities for Nevadans; and*

19 (c) *Develop and expand transportation and commerce in this State.*

20 2. *Will facilitate commerce and economic development in this State*
21 *through:*

22 (a) *Strategic investment in multimodal transportation assets; and*

23 (b) *Comprehensive planning, development, management and operation of*
24 *facilities and supporting infrastructure for transportation, commercial processing and*
25 *domestic and international trade.*

26 Sec. 10. 1. *Subject to the requirements set forth in this section and*
27 *sections 11, 12 and 13 of this act, an inland port may be created only in a*
28 *contiguous area that:*

29 (a) *Includes at least two of the following:*

30 (1) *A municipally owned airport with a runway of at least 4,500 feet.*

31 (2) *A portion of a highway that is part of the National Highway System.*

32 (3) *Operating assets of at least one Class I railroad as classified by the*
33 *Surface Transportation Board.*

34 (b) *Does not include any residential property.*

35 2. *All areas within the boundaries of an inland port must be within the*
36 *boundaries of the county or counties and incorporated city or cities, as*
37 *applicable, of the one or more participating entities which apply to the*
38 *Commission pursuant to section 11 of this act for the creation of the inland port.*

39 3. *If the boundaries of an inland port will include a municipally owned*
40 *airport as described in subparagraph (1) of paragraph (a) of subsection 1:*

41 (a) *The municipality that owns and operates the airport must be a*
42 *participating entity; or*

43 (b) *If the municipality that owns and operates the airport is not a*
44 *participating entity, the municipality, by ordinance, must approve of the inclusion*
45 *of the airport within the boundaries of the inland port.*

46 Sec. 11. 1. *One or more participating entities may apply to the*
47 *Commission to create, operate and maintain an inland port and authority.*

48 2. *A participating entity is eligible to apply to the Commission pursuant to*
49 *subsection 1 if the county or incorporated city, as applicable, of the participating*
50 *entity is located in whole or in part within the proposed boundaries of the inland*
51 *port.*

1 3. *The Commission may approve the creation of an inland port and*
2 *authority if the proposed inland port and authority conform to the State Plan for*
3 *Inland Ports developed by the Commission pursuant to section 31 of this act.*

4 Sec. 12. 1. *If the Commission approves the creation of an inland port and*
5 *authority pursuant to section 11 of this act, each participating entity shall hold at*
6 *least two public hearings to discuss the creation of the inland port and authority.*

7 2. *The participating entity shall give notice of the hearing by publication in*
8 *a newspaper published in the county not later than 7 days before the hearing.*
9 *The notice must include, without limitation:*

10 (a) *The date, time and place for the hearing;*

11 (b) *The boundaries of the proposed inland port, including, without*
12 *limitation, a map of the proposed inland port; and*

13 (c) *The powers of the proposed authority.*

14 Sec. 13. *If a participating entity obtains approval of the Commission for the*
15 *creation of an inland port and authority pursuant to section 11 of this act, the*
16 *participating entity shall create the inland port and authority by ordinance. The*
17 *ordinance must include, without limitation:*

18 1. *A description of the boundaries of the inland port;*

19 2. *The location of the principal office of the authority;*

20 3. *The name of the inland port and authority; and*

21 4. *The number of directors who will compose the board of the authority*
22 *pursuant to section 14 of this act.*

23 Sec. 14. 1. *An authority must be governed by a board of directors with an*
24 *odd-numbered membership set by the participating entity or entities. If there is*
25 *more than one participating entity, the membership of the board of directors must*
26 *be agreed to by all of the participating entities. The board of directors must be*
27 *composed of:*

28 (a) *One director appointed by each county that is a participating entity, if*
29 *any;*

30 (b) *One director appointed by each city that is a participating entity, if any;*

31 (c) *If the authority includes a municipally owned airport described in*
32 *subparagraph (1) of paragraph (a) of subsection 1 of section 10 of this act, one*
33 *director appointed by:*

34 (1) *In a county whose population is 700,000 or more, the department of*
35 *aviation of the county; or*

36 (2) *In a county whose population is less than 700,000, the governing*
37 *body of the airport authority, if any, and if there is not an airport authority, by*
38 *the governing body of the municipality which owns the airport; and*

39 (d) *Any other directors appointed in accordance with this section and as*
40 *provided in an ordinance adopted by a participating entity pursuant to section 13*
41 *of this act.*

42 2. *Except as otherwise provided in this section, the directors described in*
43 *subsection 1 must be appointed to terms of 4 years. The terms must be staggered*
44 *in such a manner that, to the extent possible, the terms of one-half of the*
45 *directors will expire every 2 years. The initial directors of the authority shall, at*
46 *the first meeting of the board after their appointment, draw lots to determine*
47 *which directors will initially serve terms of 2 years and which will serve terms of*
48 *4 years. A director may be reappointed.*

49 3. *A vacancy occurring during the term of a director must be filled by the*
50 *appointing participating entity for the unexpired term as soon as is reasonably*
51 *practicable.*

52 Sec. 15. 1. *A director of a board must reside within the boundaries of the*
53 *participating entity that appoints him or her.*

2. The following persons are not eligible to be appointed to a board:

(a) An elected official of any governmental entity.

(b) An employee of a participating entity.

Sec. 16. 1. A majority of the board constitutes a quorum for the transaction of business. If a vacancy exists on the board, a majority of directors serving on the board constitutes a quorum.

2. The board shall annually elect a chair and vice chair. The vice chair presides in the absence of the chair.

3. The board may elect any other officers that it considers appropriate.

4. Each director serves without compensation and, while engaged in the business of the board, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 17. All meetings of an authority must be conducted in accordance with the provisions of chapter 241 of NRS.

Sec. 18. 1. The governing body of a county, city or other governmental entity may convey title or rights and easements to any real property to an authority to effect any purpose of the authority.

2. An authority may not exercise the power of eminent domain.

Sec. 19. 1. An authority may enter into an agreement that provides for the lease of rights-of-way, the granting of easements or the issuance of franchises, concessions, licenses or permits.

2. Except as otherwise provided in subsections 3 ~~and 4~~, 4 and 5, with the consent of any county, city or other governmental entity, an authority may:

(a) Use streets, alleys, roads, highways and other public ways of the county, city or other governmental entity; and

(b) Relocate, raise, reroute, change the grade of or alter, at the expense of the authority:

(1) A street, alley, highway, road or railroad;

(2) Electric lines and facilities;

(3) Telegraph and telephone properties and facilities;

(4) Pipelines and facilities;

(5) Conduits and facilities; and

(6) Other property,

as necessary or useful in the construction, reconstruction, repair, maintenance and operation of the inland port.

3. An authority may not alter:

(a) A highway that is part of the state highway system without the consent of the Department of Transportation.

(b) A railroad without the consent of the railroad company.

(c) A municipally owned airport.

4. If an inland port includes a municipally owned airport:

(a) An authority may not interfere with or exercise any control over commercial air transportation operations or ~~commercial~~ airlines that operate at the airport; and

(b) The airport authority, department of aviation or other existing governing body that owns or manages the airport retains such ownership or management control.

5. Nothing in this section authorizes an authority to perform any action in violation of any requirement of federal law or condition to the receipt of federal money.

Sec. 20. An authority may not provide retail utility services or duplicate a service or facility of another governmental entity.

1 **Sec. 21.** *An authority may enter into an agreement with any person,*
2 *including, without limitation, the United States or any other governmental entity,*
3 *for any purpose of the authority.*

4 **Sec. 22.** *An authority may act jointly with any other person, private or*
5 *public, inside or outside this State or the United States, in the performance of any*
6 *power or duty under this chapter.*

7 **Sec. 23.** *An authority may purchase and pay premiums for insurance of*
8 *any type in an amount considered necessary or advisable by the board.*

9 **Sec. 24.** *An authority may market, advertise and promote the use of the*
10 *inland port that the authority constructs, owns, operates, regulates or maintains.*

11 **Sec. 25.** *An action against an authority must be brought in the county in*
12 *which the principal office of the authority is located.*

13 **Sec. 26.** *1. An authority shall establish and maintain rates, rentals, fees,*
14 *charges or other compensation that is commercially reasonable and*
15 *nondiscriminatory for the use of the facilities owned, constructed, operated,*
16 *regulated or maintained by the authority.*

17 *2. An authority may accept any public or private funding, grant or*
18 *donation.*

19 **Sec. 27.** *Notwithstanding any provision of this chapter to the contrary, an*
20 *authority may not develop, operate or maintain a toll road.*

21 **Sec. 28.** *1. If a participating entity wishes to withdraw from an authority*
22 *with regard to which there is more than one participating entity, the participating*
23 *entity shall:*

24 *(a) Adopt an ordinance providing for the withdrawal;*

25 *(b) Obtain approval from the board; and*

26 *(c) Give notice to the other participating entity or entities of its intent to*
27 *withdraw,*

28 *↳ at least 6 months before the date on which the withdrawal would be effective.*

29 *2. Upon the withdrawal of a participating entity from the authority*
30 *pursuant to subsection 1:*

31 *(a) The boundaries of the inland port must be adjusted by the other*
32 *participating entity or entities to comply with the provisions of section 10 of this*
33 *act; or*

34 *(b) The authority must be dissolved pursuant to subsection 3 as soon as*
35 *practicable.*

36 *3. An authority is dissolved if:*

37 *(a) The dissolution is approved by the board;*

38 *(b) The governing body of each participating entity agrees to the dissolution;*

39 *(c) All debts and other liabilities of the authority have been paid or*
40 *discharged, or adequate provision has been made for the payment of all debts and*
41 *other liabilities;*

42 *(d) There are no suits pending against the authority, or adequate provision*
43 *has been made for the satisfaction of any judgment, order or decree that may be*
44 *entered against the authority in any pending suit; and*

45 *(e) The authority has a commitment from another governmental entity to*
46 *assume jurisdiction of all property of the authority.*

47 **Sec. 29.** *At the request of the Commission, an authority shall report to the*
48 *Commission on all issues and activities necessary for the administration of the*
49 *authority as well as issues and activities pertaining to compliance with any rules*
50 *or regulations set forth by the Commission for the creation, operation or*
51 *maintenance of inland ports pursuant to section 31 of this act.*

52 **Sec. 30.** *This chapter shall be liberally construed in order to facilitate*
53 *economic development, trade and commerce in the State of Nevada.*

1 **Sec. 31.** Chapter 231 of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 **1. The Commission on Economic Development shall:**

4 **(a) Develop a State Plan for Inland Ports. The Plan must include, without**
5 **limitation:**

6 **(1) A comprehensive, long-term general plan for the physical**
7 **development of inland ports which promotes, encourages and aids in the**
8 **development of the economic interests of this State.**

9 **(2) Requirements for the creation of inland ports for the purposes of the**
10 **Inland Port Authority Act which affect economic and industrial development.**

11 **(b) Promote, encourage and aid in the development of inland ports in this**
12 **State.**

13 **(c) Identify sources of financing to assist local governments in developing or**
14 **expanding inland ports.**

15 **(d) Encourage and assist local governments in planning and preparing**
16 **projects for inland ports.**

17 ~~**(e) Arrange by cooperative agreements with local governments to serve as**~~
18 ~~**the single agency in the State from which relocating or expanding businesses**~~
19 ~~**may obtain all required permits to operate in an inland port.**~~

20 **~~(f)~~ Promote close cooperation between local governments, other public**
21 **agencies and private persons that have an interest in creating, operating or**
22 **maintaining inland ports in the State.**

23 **2. As used in this section, “inland port” has the meaning ascribed to it in**
24 **section 7 of this act.**

25 **Sec. 32.** NRS 231.020 is hereby amended to read as follows:

26 231.020 As used in NRS 231.020 to 231.139, inclusive, **and section 31 of**
27 **this act**, unless the context otherwise requires, “motion pictures” includes feature
28 films, movies made for broadcast on television and programs made for broadcast on
29 television in episodes.

30 **Sec. 33.** This act becomes effective on July 1, 2011.