

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1314

Introduced by McKinney, 11.

Read first time January 17, 2024

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to inland port authorities; to amend section
2 13-3301, Reissue Revised Statutes of Nebraska, section 84-602,
3 Revised Statutes Cumulative Supplement, 2022, and sections 61-305,
4 72-819, 72-1001, and 81-12,244, Revised Statutes Supplement, 2023;
5 to create a fund; to provide powers and duties for the State
6 Treasurer; to provide for certain grants; to change provisions
7 relating to the credit of interest from certain funds; to eliminate
8 obsolete provisions; to harmonize provisions; to repeal the original
9 sections; and to declare an emergency.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-3301, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 13-3301 Sections 13-3301 to 13-3313 and sections 2 and 3 of this act
4 shall be known and may be cited as the Municipal Inland Port Authority
5 Act.

6 Sec. 2. (1) The Inland Port Authority Fund is created. The fund
7 shall be used by the State Treasurer to carry out section 3 of this act.
8 The fund shall consist of transfers by the Legislature and any federal
9 funds which may become available for the purposes of the Municipal Inland
10 Port Authority Act. Any money in the fund available for investment shall
11 be invested by the state investment officer pursuant to the Nebraska
12 Capital Expansion Act and the Nebraska State Funds Investment Act. Any
13 investment earnings from investment of money in the fund shall be
14 credited to the fund.

15 (2) The State Treasurer shall transfer (a) any interest earned after
16 July 1, 2024, on federal funds allocated to the State of Nebraska from
17 the federal Coronavirus State Fiscal Recovery Fund pursuant to the
18 federal American Rescue Plan Act of 2021, 42 U.S.C. 802, as amended, to
19 the Inland Port Authority Fund no later than five business days after the
20 effective date of this act, and on or before June 30 of each year
21 thereafter, on such dates and in such amounts as directed by the budget
22 administrator of the budget division of the Department of Administrative
23 Services and (b) any investment earnings from the investment of money in
24 the Perkins County Canal Project Fund pursuant to section 61-305 and the
25 Nebraska Capital Construction Fund, from transfers credited to such fund
26 that are designated for the construction of a new state prison pursuant
27 to section 72-1001, to the Inland Port Authority Fund no later than five
28 business days after the effective date of this act, and on or before June
29 30 of each year thereafter through June 30, 2026, on such dates and in
30 such amounts as directed by the budget administrator of the budget
31 division of the Department of Administrative Services.

1 Sec. 3. An inland port authority located within the boundaries of a
2 city of the metropolitan class may apply to the State Treasurer for a
3 grant to carry out the functions of such inland port authority as
4 authorized under the Municipal Inland Port Authority Act. The application
5 for such grant shall be submitted on a form prescribed by the State
6 Treasurer. The application shall only include the amount of grant funds
7 requested and a certified copy of the approved city ordinance creating
8 such inland port authority. The State Treasurer shall not be required to
9 verify the information submitted in the application. If adequate funds
10 are available in the Inland Port Authority Fund, the State Treasurer
11 shall award the grant.

12 Sec. 4. Section 61-305, Revised Statutes Supplement, 2023, is
13 amended to read:

14 61-305 (1) The Perkins County Canal Project Fund is created. The
15 fund shall be administered by the Department of Natural Resources. The
16 State Treasurer shall credit to the fund any money transferred by the
17 Legislature and such grants, loans, donations, gifts, bequests, or other
18 money received from any federal or state agency or public or private
19 source for use by the department for the canal project. Any fees
20 collected for water delivery may be credited to the fund. Any money in
21 the Perkins County Canal Project Fund available for investment shall be
22 invested by the state investment officer pursuant to the Nebraska Capital
23 Expansion Act and the Nebraska State Funds Investment Act. Any investment
24 earnings from investment of money in the Perkins County Canal Project
25 Fund shall be credited to such fund, except that ~~for fiscal years~~
26 ~~2023-24, 2024-25, and 2025-26,~~ such investment earnings shall be credited
27 to the Economic Recovery Contingency Fund for fiscal year 2023-24 and to
28 the Inland Port Authority Fund for fiscal years 2024-25 and 2025-26.

29 (2)(a) The department shall use the Perkins County Canal Project
30 Fund to identify the optimal route and purchase land for and develop,
31 construct, manage, and operate the Perkins County Canal as outlined by

1 the South Platte River Compact and to contract with an independent firm
2 for the purposes of completing a study of such canal. The study shall
3 include, but may not be limited to, the following:

4 (i) Costs of completion of a canal and adjoining reservoirs as
5 outlined in the South Platte River Compact;

6 (ii) A timeline for completion of a canal and adjoining reservoirs
7 as outlined in the South Platte River Compact;

8 (iii) A cost-effectiveness study examining alternatives, including
9 alternatives that may reduce environmental or financial impacts; and

10 (iv) The impacts of the canal on drinking water supplies for the
11 cities of Lincoln and Omaha.

12 (b) The department shall provide the findings of such study
13 electronically to the Clerk of the Legislature and present the findings
14 at a public hearing held by the Appropriations Committee of the
15 Legislature on or before December 31, 2022.

16 Sec. 5. Section 72-819, Revised Statutes Supplement, 2023, is
17 amended to read:

18 72-819 (1) The Game and Parks Commission shall construct, develop,
19 and manage a museum and visitor center honoring Chief Standing Bear.

20 (2) It is the intent of the Legislature to appropriate to the Game
21 and Parks Commission for the Chief Standing Bear Museum and visitor
22 center:

23 (a) Not more than fifteen million dollars for fiscal year 2025-26
24 from investment earnings from the Perkins County Canal Project Fund and
25 credited to the Inland Port Authority Economic Recovery Contingency Fund
26 as provided in section 61-305 for construction of the museum and visitor
27 center;

28 (b) Seven hundred fifty thousand dollars for fiscal year 2025-26
29 from investment earnings from the Perkins County Canal Project Fund and
30 credited to the Inland Port Authority Economic Recovery Contingency Fund
31 as provided in section 61-305 for exhibit fabrication and historical

1 interpretation; and

2 (c) Two hundred thousand dollars in fiscal year 2025-26 for
3 staffing.

4 (3) The Game and Parks Commission may execute a memorandum of
5 understanding or contract with the Nebraska State Historical Society for
6 purposes of museum and visitor center development, exhibit fabrication,
7 and historical interpretation.

8 Sec. 6. Section 72-1001, Revised Statutes Supplement, 2023, is
9 amended to read:

10 72-1001 The Nebraska Capital Construction Fund is created. The fund
11 shall consist of revenue and transfers credited to the fund as authorized
12 by law. Money shall be appropriated from the fund to state agencies for
13 making payments on projects as determined by the Legislature, including,
14 but not limited to, purchases of land, structural improvements to land,
15 acquisition of buildings, construction of buildings, including
16 architectural and engineering costs, replacement of or major repairs to
17 structural improvements to land or buildings, additions to existing
18 structures, remodeling of buildings, and acquisition of equipment and
19 furnishings of new or remodeled buildings. The fund shall be administered
20 by the State Treasurer as a multiple-agency-use fund and appropriated to
21 state agencies as determined by the Legislature. Transfers may be made
22 from the fund to the Capitol Restoration Cash Fund at the direction of
23 the Legislature. Any money in the Nebraska Capital Construction Fund
24 available for investment shall be invested by the state investment
25 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
26 State Funds Investment Act. Any investment earnings from investment of
27 money in the Nebraska Capital Construction Fund shall be credited to such
28 fund, except that ~~for fiscal years 2023-24, 2024-25, and 2025-26,~~ any
29 investment earnings from investment of money in the Nebraska Capital
30 Construction Fund from transfers credited to such fund that are
31 designated for the construction of a new state prison shall be credited

1 to the Economic Recovery Contingency Fund for fiscal year 2023-24 and to
2 the Inland Port Authority Fund for fiscal years 2024-25 and 2025-26.

3 Sec. 7. Section 81-12,244, Revised Statutes Supplement, 2023, is
4 amended to read:

5 81-12,244 (1) It is the intent of the Legislature to appropriate ten
6 million dollars from the General Fund for fiscal year 2023-24 to the
7 Department of Economic Development to carry out the Economic Recovery
8 Act. The department may use not more than ten million dollars of such
9 money for the administration of the Economic Recovery Act.

10 (2) The State Treasurer shall transfer (a) any interest earned after
11 April 19, 2022, on federal funds allocated to the State of Nebraska from
12 the federal Coronavirus State Fiscal Recovery Fund pursuant to the
13 federal American Rescue Plan Act of 2021, 42 U.S.C. 802, as amended, to
14 the Economic Recovery Contingency Fund between June 1, 2023, and June 30,
15 2023, and on or before June 30, 2024 ~~each year thereafter~~, on such dates
16 and in such amounts as directed by the budget administrator of the budget
17 division of the Department of Administrative Services, and (b) any
18 investment earnings from the investment of money in (i) the Perkins
19 County Canal Project Fund pursuant to section 61-305 and (ii) the
20 Nebraska Capital Construction Fund from transfers credited to such fund
21 that are designated for the construction of a new state prison pursuant
22 to section 72-1001 to the Economic Recovery Contingency Fund between June
23 1, 2023, and June 30, 2023, and on or before June 30, 2024 ~~each year~~
24 ~~thereafter through June 30, 2026~~, on such dates and in such amounts as
25 directed by the budget administrator of the budget division of the
26 Department of Administrative Services.

27 (3) It is the intent of the Legislature that any unobligated amount
28 as of July 1, 2024, of the federal funds allocated to the State of
29 Nebraska from the federal Coronavirus State Fiscal Recovery Fund pursuant
30 to the federal American Rescue Plan Act of 2021, 42 U.S.C. 802, as
31 amended, be appropriated to the Department of Economic Development to

1 carry out the Economic Recovery Act no later than August 1, 2024.

2 ~~(4) It is the intent of the Legislature to appropriate ten million~~
3 ~~dollars from the General Fund to the Department of Economic Development~~
4 ~~for fiscal year 2022-23 to provide grants under the Economic Recovery~~
5 ~~Act.~~

6 (4) (5) It is the intent of the Legislature to transfer ten million
7 dollars from the General Fund to the Economic Recovery Contingency Fund
8 for fiscal year 2023-24 and ten million dollars from the General Fund to
9 the Economic Recovery Contingency Fund for fiscal year 2024-25 to provide
10 grants under the Economic Recovery Act.

11 Sec. 8. Section 84-602, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 84-602 It shall be the duty of the State Treasurer:

14 (1) To receive and keep all money of the state not expressly
15 required to be received and kept by some other person;

16 (2) To disburse the public money upon warrants drawn upon the state
17 treasury according to law and not otherwise;

18 (3) To keep a just, true, and comprehensive account of all money
19 received and disbursed;

20 (4) To keep a just account with each fund, and each head of
21 appropriation made by law, and the warrants drawn against them;

22 (5) To report electronically to the Legislature as soon as
23 practicable, but within ten days after the commencement of each regular
24 session, a detailed statement of the condition of the treasury and its
25 operations for the preceding fiscal year;

26 (6) To give information electronically to the Legislature, whenever
27 required, upon any subject connected with the treasury or touching any
28 duty of his or her office;

29 (7) To account for, and pay over, all money received by him or her
30 as such treasurer, to his or her successor in office, and deliver all
31 books, vouchers, and effects of office to him or her; and such successor

1 shall receipt therefor. In accounting for and paying over such money the
2 treasurer shall not be held liable on account of any loss occasioned by
3 any investment, when such investment shall have been made pursuant to the
4 direction of the state investment officer;~~and~~

5 (8) To develop and maintain the website required under the Taxpayer
6 Transparency Act; and -

7 (9) To award grants as provided under the Municipal Inland Port
8 Authority Act.

9 Sec. 9. Original section 13-3301, Reissue Revised Statutes of
10 Nebraska, section 84-602, Revised Statutes Cumulative Supplement, 2022,
11 and sections 61-305, 72-819, 72-1001, and 81-12,244, Revised Statutes
12 Supplement, 2023, are repealed.

13 Sec. 10. Since an emergency exists, this act takes effect when
14 passed and approved according to law.