

**DeBOER:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifteenth day of the One Hundred Eighth Legislative Sess-- Legislature, Second Session. Our chaplain for today is Pastor David Witkop of Thanksgiving Church of Bellevue in Bellevue, Nebraska, Senator Carol Brol-- Blood's district. Please rise.

**DAVID WITKOP:** Thank you for your service for our state. Almighty God, we thank you for the opportunity to gather this morning. Thank you how you prove your faithfulness time and time again as you make the sun to rise and set. You bring the seasons in their due course. And your provision is more than we could ask or imagine. In the beginning, you declare that all people are created in your image and therefore have dignity, value, and worth. And when you finished all that you had created, you said that it was good, just as it was intended to be. God, we confess this morning that we often live beneath your plans and purposes for our lives, both individually and as communities. And today, today we ask your renewing grace to shower down upon us like a Nebraska spring rain that will bring flourishing to us and to our neighbors. On this day, may we remember that you are a pursuing and giving God, that you desire all those who are lost to be found, all those that are hungry may be fed, all those who are lonely would find community, and those without purpose and direction would look to you, Almighty God, to find their destiny. Thank you that you remind us that you're pursuing us with goodness and mercy all the days of our lives, and therefore we're grateful this day that you brought Heaven to Earth when you sent your Son, Jesus, to experience your kingdom coming and your will being done on Earth as it in Heaven. And finally today, we pray for wisdom and inspiration for our elected representatives, who make decisions on behalf of the great state of Nebraska, that they would seek the good and welfare of all and that all might have the opportunity to flourish and thrive. We pray this through the one who ushered in a new kingdom full of grace and truth. In Jesus' name. Amen.

**DeBOER:** I recognize Senator Holdcroft for the Pledge of Allegiance.

**HOLDCROFT:** Please join me in the pledge. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

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**DeBOER:** Thank you. I call to order the fifteenth day of the One Hundred Eighth Legislature, Second Session. Senators, please record your ples-- presence. Roll call.

**Unidentified:** You. Yeah. But.

**HOLDCROFT:** To me in our office.

**Unidentified:** Oh, OK. Yeah.

**HOLDCROFT:** That's about 999.

**Speaker 3:** Would you call Timothy and see if she'll come.

**Unidentified:** Around just like I.

**DeBOER:** Mr. Clerk, please record.

**CLERK:** There's a quorum present, Madam President.

**DeBOER:** Thank you, Mr. Clerk. Are there any corrections for the Journal?

**CLERK:** I have no corrections this morning.

**DeBOER:** Thank you. Are there any messages, reports, or announcements?

**CLERK:** There are, Madam President. Notice of committee hearings from the Revenue, Natural Resources, General Affairs, and Agriculture Committees. Additionally, notification from Senator Lowe that he's selected LB541 as his senator personal priority bill. Senator Lowe, LB541 as his personal priority. That's all I have this morning, Madam President.

**DeBOER:** Thank you, Mr. Clerk. Speaker Arch for an announcement.

**ARCH:** Thank you, Madam President. Colleagues, if you look at today's agenda, you will see I've-- I have added some worksheet General File order bills. At this time, I'm scheduling some worksheet order bills which had full support coming out of committee until such time as I receive more 2024 priority bills designated and placed on General File. Also as a reminder that the State of the Judiciary Address by Chief Justice Heavican will be at 10 a.m. tomorrow morning. We will convene at the regular time of 9 a.m. and debate legislation before breaking at 10 a.m. for the address. After the address, we will pick up the debate where we left it at 10 a.m. Thank you, Madam President.

**DeBOER:** Thank you, Mr. Speaker. Senator Albrecht would like to recognize Dr. David Hoelting of Pender, who is serving as the family physician of the day. Please stand and be recognized by your Nebraska Legislature. We will now proceed to the first item on the agenda. Mr. Clerk.

**CLERK:** Madam President: LB164, introduced by Senator McKinney. It's a bill for an act relating to buildings; adopts updates to building and energy codes; and repeals the original section. The bill was read for the first time on January 9 of last year and referred to the Urban Affairs Committee. That committee placed the bill on General File. There are committee amendments as well as additional amendments, Madam President.

**DeBOER:** Thank you, Mr. Clerk. Senator McKinney, you're recognized to open on LB164.

**McKINNEY:** Thank you, Madam President. I guess-- can we get to the amendment or I-- just-- clo-- yeah.

**DeBOER:** You can waive your opening and we can go directly to the committee amendment. Senator McKinney waives his opening. We will proceed to the committee amendment. Senator McKinney, you're recognized to open on the committee amendment.

**McKINNEY:** Thank you, Madam President. AM2105 has the following changes. It allows for seven inland port districts, which is an increase from the current amount of five. It changes the makeup of a Port Authority Board and the qualifications of a commissioner to a inland port authority. It also creates the Inland Port Authority Fund, which draws-- which would also take interest from the Coronavir-- the Coronavirus State Fiscal Recovery Fund, the Perkins Canal Fund, and, the, prison fund. And those are interests that were set aside last year for three years. It's not new interest money we're trying to take this year. This was already agreed upon last year. And also money from the Economic Recovery Contingency Fund. This is a needed change in the law and in what's going on because there are projects in north Omaha around the airport business park that need coordination. And that is the reasoning behind this. It's not about trying to slow down anything. It's not trying to stop anything. It's about coordination and ensuring that the community of north Omaha has a voice, has transparency, and we limit as much confusion as possible. Because what has happened over the past year up to now, in my opinion, has been a lot of confusion. And in, in my opinion, it's been intentional

confusion behind the individuals behind-- that are seeking to do these projects. One made a comment over the weekend at a, at a community meeting that they didn't have community outreach because they didn't want to cause any confusion. But what they did was cause confusion. Caused confusion, especially in a community, which is a problem. I'm being messaged on every platform that I'm on, emails and calls about what's going on. And in my opinion, I, I don't think that should be. We worked diligently over the past couple years to try to get these projects funded and try to get them off, off the ground to bring some economic change to north Omaha, bring in jobs, making sure we create things that are long-lasting and would have long-lasting impact for the community. Because, as we all know, north Omaha has been economically impoverished and not invested in for years now. That is the biggest reason behind this. It's not to slow anything down. It's to ensure that these projects are done according to the law, they're done correctly, and state dollars and taxpayer dollars are not wasted or going just to the pockets of developers that want to charge high fees to do these projects. These projects were brought about because of the community and comments from the community that-- over the years that's saying, like, hey, we need to bring jobs to the community. We need some economic development within the community. And what I've seen thus far over the past couple years since we introduced LB1024 is that people who have never cared about investing in the community in north Omaha are trying all they can to get their hands on dollars that are for the community in north Omaha. And that is something that I will not stand for and that is something I will fight against until I can't anymore. I wasn't sent here just to sit back and allow those who have been a part of the problem to benefit off of my community and not do what's right. Yes, we need a business park. Yes, we need jobs. But it has to be done right. To have a planning process-- there was a planning grant for these projects: \$400,000. Do you know how much community outreach was done with \$400,000? None. Zero. If that is not an issue, I don't know what is. We, we heard last week about power lines being put up in communities and there being multiple community meetings and things like that. That hasn't happened in north Omaha. It's all been behind the scenes, and those that don't want to answer questions or don't have the best interests of the community are doing it. We just want to make sure that everything is coordinated, we limit confusion, and things are done for the best interest of the community. And I think that's what can happen with an inland port authority. You have a board that's subject to public meeting laws. You have a board that has to communicate with, with the community, has to have a level of transparency, but you also have a board that is charged with the

overall development of the area. The public will have somewhere to go. They won't have to send emails to private developers who don't have to reply and don't have to answer those questions. A public board is what we need. We can't have private people doing development in a community that has for years feel-- felt, you know, neglected. Having people do this under the guise of, oh, I'm, I'm, I'm going to do it in the best interest of the community. But then in another breath saying, we haven't held any community meetings, but we have these big, elaborate plans for the community, and we made a vision for the community. That doesn't make any sense to me. How can you make a vision for the community without the community at the table? Without listening to the community about what they want? This isn't about Senator McKinney and this is not about Senator Wayne. This is about the communities that we represent and us trying to ensure that the communities that we represent are not neglected, are not forgotten about, are not ran over. That's all we're doing. And that's why I believe everybody in this body should stand up and support this. You voted to spend dollars for these projects. I, I believe you should also vote to make sure we have some transparency around these projects and make sure that taxpayer dollars are done right. We passed a bill the other day to address the issues around Saint Francis Ministries because there was issues around how the dollars were spent, a lack of transparency and things like that. This is the same thing. This is all we're trying to do, is ensure these projects are done with the best interest of the community first-- there's conversations with the community, the community feels like they have a voice. Currently, they don't. And, and, and we're trying to make that change. I'm not standing up here to just knock anybody or just say something to say it, to try to get on people. It's just the fact and reality that these projects were planned and are being planned but the community has not yet been at the table. One of the individuals involved in these projects said, oh, the, the LB1024 coordination plan process was, was a part of that. And that's not, that's not even factually true. The LB1024 process was about the North/South Omaha Grant Program, which was created. It wasn't about the airport business park. It wasn't about the innovation hub. That is separate. This is needed, and I hope that everyone in this body sees the need to ensure we put some transparency in these projects and ensure that taxpayer dollars are used in the right way, with the best interest of north Omaha included. And-- but before I get off the mic, I'll say one thing. One last reason why this is needed is you all committed to build a \$350 million prison. The reason you had to do that or you felt like you had to do that is because our prison population is overcrowded and--

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**DeBOER:** One minute.

**McKINNEY:** --we have too many people in prison. We have too many people in prison because too many people haven't been afforded the good life or an opportunity for a livable wage job, a real opportunity to see something in society. This is a part of that. If we do this right, there is-- we, we limit the need to build another prison in the state of Nebraska. And that's something you should keep at the top of your mind when we talk about this. Thank you.

**DeBOER:** Thank you, Senator McKinney. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. And colleagues, there is an amendment being drafted, primarily because Senator Jacobson didn't call me until about 4:00 yesterday with, with some stuff regarding Hershey's [SIC]. What I'm passing out to you-- and I hope today is a fruitful conversation-- is the years of this two miles that this body has been educated on and, and started going through. And so in 2017, I first introduced a bill called Extremely Blighted that went-- didn't go anywhere. But in 2018-- actually, the first time this body heard about an inland port for Omaha. And we actually went into a lot of detail about an inland port for Omaha in 2018. And what I actually did was pass out-- on this is a-- the, the actual thing I passed out on the floor. And I passed it out on the floor, then talked about there's three big things around this airport park we got to focus on, which is business investment, a three-pronged approach to how to, how to do construction, and affordable housing. And so what I hope today is, before we just jump into corners, that I-- that we had a lot of turnover due to term limits that, that everybody can get educated on this area and the significant investment the state decided to put in. And I'll tell you how it worked is we would literally invite people to Omaha-- and many of you got invitations. I remember Curt Friesen sitting-- Senator Friesen sitting at Harold's Cafe counting the number of busses and, and semis that, that went, went down 30th Street. And we brought back another bill in 2018 and '19 to get that passed. It was actually a study that was done by MAPA. But-- then in 2019, we also-- that was the year we appropriated \$75,000 for the study around 30th Street and the airport park. And that's also attached to where we did this. And we passed out another floor thing we-- that's also on page 1 of 5 of, of this handout, where MAPA actually came in and said, here's the number of semis. For those who came in with me, you heard me talk about a bridge. They looked at the bridge across the Missouri. There was a lot of conversations, and they proposed two alternatives to deal with this issue of this idea of a airport business park. Then

in 2020, we actually adopted-- we came back with the inland port for Omaha. And what we heard from western Nebraska was, well, we want an inland port. Particularly, North Platte wanted an inland port. Particularly, particularly Adams Industry out in Scottsbluff wanted an inland port. So that bill wasn't ready for prime, so we indefinitely postponed it. Then we came back again in 2021 and did it just for western Nebraska because we weren't sure, with the Army Corps of Engineers and potentially some funding around a bridge, whether that was the best way or to go DOT. So we passed it for western Nebraska on the condition that we would tweak it to fit Omaha. So this has been a six-year process of how we're getting here. And then in 2022, funding came around. And I say all that to say this body spent a lot of time-- I remember Natural Resources had an interim study hearing at the OPPD property in the-- in-- where the airport pro-- project is going. And Senator Hughes at the time, Dan Hughes, helped-- drove around with me to educate them on how we could actually do this and put some funds behind it. So this has been a long process. And now at the end-- we're getting to the end. We shouldn't rush it just to rush it. It isn't about right now. It's about making sure it is rightly done. And you've-- if you haven't read the articles, there's been plenty of articles about the community getting no input. And, and here's, here's a full disclosure. I'm the one who brought the current awardees to the table.

**DeBOER:** One minute.

**WAYNE:** We brought them to the table and we had three conditions: community input, transparency, and efficiency. That's what we sold this body on. And the last thing about all that, the overall arching goal was it has to produce jobs. So in 2022, the Urban Affairs Committee sat and listened to hours of testimony, many around this airport business park, about creation of jobs. And now we have a plan that produced zero jobs-- a \$90 million investment that produced zero jobs. That's not what this body decided was the best move. So now we're trying to correct and pivot that course just a little bit. If nothing else, keep the pressure on to make sure we are creating jobs with our investment. And the next time on the mic, there's this rumor--

**DeBOER:** Time, Senator.

**WAYNE:** --that this is going to slow it down, and that is absolutely false. Thank you, Mr.-- Madam President.

**DeBOER:** Thank you, Senator Wayne. Senator Linehan, you're recognized.

**LINEHAN:** Thank you, Madam President. And good morning, colleagues. I rise in support of this effort. I, I'm going to hand out an article from April 28, 2022 by Fred Knapp, who was at the press conference when former Governor Ricketts, U.S. Senator Ricketts now, Just-- excuse me-- Senator Wayne, Senator McKinney, Senator McDonnell are all pictured here-- and Senator Vargas. It's very clear, if you read this article, what this was supposed to be about. And somehow it's gotten off track. Now, some of that probably is on us, but my, my main point of this whole thing is you cannot disconnect from the Legislature and what they have been-- they-- bills they have passed. There was efforts last year for the Chamber for money for a shovel-ready project. I got asked about it several times. I don't think it came out of committee. But all of a sudden now we're going to have a shovel-ready project for \$90 million. That's not what came out of committee. So I'm going to yield the rest of my time to Senator Wayne, and I just want people to listen and think about, if you pass a bill-- and this is something-- it's not-- this is not the first time it happens. We pass legislation here, we need to be involved. Monday morning, I listened to the radio. There was an int-- interview about this subject. Everybody got thanked but the Legislature. That's not OK, guys. It's not OK. I yield the rest of my time to Justin Wayne-- Senator Wayne.

**DeBOER:** Thank you, Senator Linehan. Senator Wayne, you're yielded 3 minutes.

**WAYNE:** Thank you-- thank you, Senator Linehan. So there's this notion that this is going to slow it down. And that's just blatantly false. And I'm going to tell you why. And I know Senator von Gillern knows-- does some construction, so he can probably help you, but-- I understand if you don't necessarily believe me. But ask me questions because I'm really trying to just deal with facts. This is not Justin's opinions. These are all based on facts. The fact is I passed out a colored map. That color map shows the business park area. That map is an extremely blighted and CRA, which is a community redevelopment law, all right-- act. And you can ask Senator Jacobson about this because Senator Jacobson was the director for the C-- C-- CRA in North Platte. If you look what's not in the green or pink area but where you can see trees, that's exactly where the airport business park is going. What that means is they haven't even-- the city of Omaha hasn't even declared this TIF-eligible. So they can't even get the financing done on any projects related to TIF for at least six months. That's typically how long, six to eight months, that process

to go through a TIF process in the city of Omaha because it goes, it goes through three rounds of debate and everything else. So the financing won't even-- they can't even put a capital stack together. And if you look at their budget that I handed out, there isn't any capital stack. There's a \$100 million gap. What the inland port does-- it has revenue streams. And what I will tell you is between the state and private investments, there is about \$200 million of projects going on within this two-mile area, and none of it's being coordinated right now. The city of Omaha has \$45 million youth sports complex that's going directly in this area next--

**DeBOER:** One minute.

**WAYNE:** --to the park. That infrastructure has to be coordinated along with their new truck route that's going to run through kind of the business park, along with a 200 apartment housing that's going to-- that's soon to be announced in this area, along with a potential hotel that is soon to be announced in this area. And it was-- again, the city of Omaha-- and you could ask Senator Kauth, who was in the meeting-- came to us with this idea. Came to us with this idea. So this isn't Senator McKinney and Wayne going out against anybody. This is, one, what the community has asked and, two, what the city has asked. So I'm going to talk a little bit more when I get time about the phased approach, about the nonphased approach, which is also in the handout that I gave you. The point is--

**DeBOER:** Time, Senator.

**WAYNE:** Thank you, Madam President.

**DeBOER:** Thank you, Senator Linehan and Wayne. Senator Vargas, you're recognized.

**VARGAS:** Thank you very much, Madam President. Colleagues, I rise in support of the amendment and LB164, with just a few caveats. Here's the reason why I'm support of it. We've been talk-- the, the whole process for the Economic Recovery Contingency Fund, LB1024, and, and what we passed last year, was all predicated on this idea that the voices of the community are incredibly important to listen to and to engage. And it's why we had the Economic Recovery Special Committee. So I, I, I think the policy decision that, that is being debated, which I support, which is providing a more local entity the ability to have say over where these funds go is a worthwhile practice and a worthwhile policy decision that is being introduced, obviously, by the

Urban Affairs and Senator McKinney, and, and others are speaking in support. And we'll see how the rest of the conversation goes. I support that and I believe it's a worthwhile, not only proposal and endeavor, but it'll make sure that the original intent-- which, of all the things that were in the East Side Recovery Plan, the, the airport project has been something that has been at the very, very beginning. It's not something that was nebulous or amorphous. It was something that was very intent early on. So the, the idea of transferring those funds to an inland port authority and that an allowable thing happening, that, that's wonderful. The only caveat, which I, I flagged for Senator McKinney and for Senator Wayne and flagging for others, is if-- is, is moving the funds from the interest from the Perkins Canal and the capital construction fund. Because technically, those funds were obligated to previous projects within the North and South Omaha Recovery Fund from last year. If you remember last year, we created new allowable uses in the funds and we created new funding sources from the interest. And so if we move over the interest from this, we will have a negative inflow of funds to the Economic Recovery Contingency Fund, which basically will mean that there won't be sufficient funds into the end of the fiscal year for the existing projects. And I flagged that because I think there's, there's a-- we, we probably have to do a fix that will take the interest in the future beyond this year so that once those funds-- the funds from the interest fully fund the projects from last year that we passed, the new allowable uses, then the interest-- the rest or the remaining interest for another year can go to this fund. This is simply for our accounting because we have earmarked in appropriations funding for the projects that you see in the-- in, in that sheet that was being passed out by Senator McDonnell, and, and for the airport project. All those mund-- funds have been earmarked. And the new allowable uses of the museum from a, a Nebraska Hall of Fame Museum and the federally qualified health center, those two allowable grant uses from last year, are funded by the interest of many of these funds that are proposed to be transferred. So I've mentioned that already and talked to Senator McKinney and Senator Wayne. It's something that we can fix. That is my only hang up. And that is not policy related or intent. That is more-- that's more financial. But I can't support it unless we fix that because, either way, we won't be able to do it. And second, we, we have already obligated certain funds from, from that interest and-- anyway, we'll work on something. I'll, I'll still be supporting the underlying bill. And we'll work on something between the, the stages of debate. But again, the reason why I'm supporting the underlying bill is because there's more inherent, shorter, local

control here. And I think that is not only a worthwhile endeavor, it was the original intent of what we--

**DeBOER:** One minute.

**VARGAS:** --were really trying to do. So again, thank you to the dialogue and to my colleagues on this issue. This has not happen-- this has happened over many, many years. This is not something that was done overnight. And it's OK that we have a conversation on where the funds could and should be going when we're talking about a big project like this airport project. And I think that's why this is an important conversation and important piece of legislation. Thank you.

**DeBOER:** Thank you, Senator Vargas. Senator Blood, you're recognized.

**BLOOD:** Thank you, Madam President. Fellow senators, friends all, I stand in enthusiastic support of AM2105 and hopefully eventually the underlying bill. I think Senator Wayne unknowingly gave me an early birthday present because he knows that inland ports are one of my favorite things to talk about next to blockchain and, and, circuit breaker bills that cut your taxes. So I just want to remind you a little bit about what the amendment is about. And I know that we've had a lot of change in the body, and so you may not be familiar with why this amendment is so important. Inland ports are really an important part of our global supply chain. It helps us to balance the supply and demand of goods, which is really important to Nebraska because what drives our economy? What did every one of you talk about when you're in a debate or when you knocked on the door? Ag drives our economy in Nebraska, right? So you always hear people pontificate on things when there's inflation, as we've experienced over the last few years. And I would think that those have been pontificating and pointing fingers on inflation should look at the things that actually help us get out of inflation, and that is to make sure that we have the ability to have inland ports because they play a key role in supply and demand. They support manufacturing. They support ag-- and again, ag drives our economy-- and other core industries. It increases the intermodal, intermodal capacity for inland freight. Ever hear of Werner Truckering-- Trucking? One of many, many big trucking companies that we have here in Nebraska. I don't think people sometimes realize how amazing these ports are going to be for-- not just to create jobs, but to make us a hub, a hub in the country, all over the state-- not just one location, but multiple locations. In fact, I had hoped to have a map for you, but Bellevue has created its own iHub. And it's going to be perfect because we are on the far eastern end of the

state. We are close to multiple-- use-- multiple ways of transportation. We're close to the airport. We are close to highways and the interstate and the river. So it was brilliant in Bellevue to do it. And I'm sorry I didn't have a map for you. I did request one from the city. What I like about the hubs too is that it can consolidate import and distribution. So think about what that can do for us in Nebraska, and not for our ag but bringing people in from other states and other countries. And it improves speed to market with the lowest cost when it comes to that supply, to that shipping. So what does that mean for consumers? That means that consumers can pay less because we were forward-thinking, we were diligent, and that we understood the importance of these inland ports. And I, I think about when we first started discussing it and all people could think about were, like, waterway ports and ships and-- you know, I don't know if you remember the news just a couple years ago where those ports had all these metal containers stacked up and they couldn't get to them and things were going bad and going out of date. Inland ports help things like that. We're going to help move this country. And so this amendment allows us to do even more ports within Nebraska. It utilizes our resources that we have that are existing and it brings in new business. So why don't we want to get in front of this and support this amendment enthusiastically?

**DeBOER:** One minute.

**BLOOD:** And I know there's so much more involved today than just this amendment, but I'd like to remind everybody of how important these inland ports are to help stop inflation, to help create jobs, to help protect consumers, and to make Nebraska more awesome than it already is. Thank you, Madam President.

**DeBOER:** Thank you, Senator Blood. Senator Jacobson, you're recognized.

**JACOBSON:** Thank you, Madam Chair. Well, I think it's probably important-- I think everybody's talked around the issue here this morning, but let's just face the issue head on, OK? We're using the inland port authority law to be able to do a work-around. OK? The, the real issue here this morning is how the dollars got spent that went to, went to Omaha last session. That's the real issue. OK? So my concern-- and I've had conversations with Senator Wayne since the session began. And just to refresh everyone's memory, we passed the rail park bill, and that rail park bill was introduced by, my-- by my predecessor. And it, it was brought because of the North Platte Chamber and Economic Development Group because we have the largest

rail classification yard in the world in North Platte. And because of the reduced traffic by UP through that, that rail facility, we were able to finally get access to siting. We're able to buy a site to where we could provide a rail park and wanted to get capacity to do an inland port. We have the first inland port designation in North Platte-- actually, technically Hershey, just west of North Platte-- and we're building out a rail park. And we did get access to 60% of the \$60 million fund-- or, the \$50 million fund that was created to fund rail parks. Now, part of that was there was going to be a limit of five inland ports. Well, as all of you know, we also-- the voters passed a, an initiative a few years ago here now to allow casino gambling in Nebraska. And there was an automatic approval by the Racing and Gaming Commission to put those tracks and casinos and the six existing racetracks all in the eastern third of Nebraska. Western Nebraska shut out. Now they've done a study because there were limitations that we couldn't expand the number of casinos because we didn't want to take away from the existing ones and create too much competition where none of them, none of them succeed. That's my concern, when we start messing with the rail park issue and the inland ports. How many can we sustain? North Platte has Highway 83 running north and south from Mexico to Canada. We have the Interstate 80. We have an airport. And we also have the largest rail classification yard in the world. That's why it made sense to put a rail park in North Platte and Hershey and to get a inland port designation. These should not be handed out like candy. We can't have all of these-- every-- all these ports out there. And by the way, an inland port would be that first designation, first area. If you're flying in or bringing in by rail something from outside the country, it has to go into those ports before they-- that would have to be the first destination and be unloaded there. It is significant. I agree with Senator Blood. This is a big deal. But how many can we sustain? How many do we need? Five's more than we need, in my judgment. And frankly, if you're not on the interstate, I think it's kind of hard to make sense out of that. But right now, you've got North Platte and you've got Fremont that have been approved. And I think Grand Island's very close behind. So there would be three. How many can we sustain? So my concern with this entire bill is that it's a work-around and we're using the port authority language to use a work-around to redeploy these dollars.

**DeBOER:** One minute.

**JACOBSON:** To me, redeployment of the dollars is not-- that's a separate issue. And I'm not taking a position on that, OK? But I am concerned about protecting the inland port designations that are out

there today. And so I have spoken to Senator Wayne. He's going to bring another amendment that will solve a couple of the concerns I have. I will likely vote for that amendment. I will vote for that amendment. I'm not going to vote for AM2105, but I will-- I'll vote for the other amendment that's being dropped. And then I will reserve judgment on where I go on LB164 after I hear from the rest of the body. So that's where I'm at. Thank you, Madam President.

**DeBOER:** Thank you, Senator Jacobson. Senator Lowe, you're recognized.

**LOWE:** Thank you, Madam President. On Wednesday, January 10, I received an email from the Urban Affairs Committee, of which I sit in. And it said: We will be holding a hearing on AM2075 to LB164 on January 16 at noon. The hearing will be held in room 1510. On January 16, following that, I responded back to the Urban Affairs Committee: Chairman McKinney and members of the great Urban Affairs Committee, I will not be able to attend the Urban Affairs hearing today on AM2075 and-- to be LB164, as I have an Executive Board hearing and Referencing meeting after adjournment today. I am not in favor of attaching an amendment to a bill that does not have anything to do with the subject matter-- adopt updates to the building and energy codes-- just to get an amendment heard early this week. I'll be voting no on the principle. I will probably be voting yes if the-- if this was brought as a bill. After closely reviewing the bill, I cannot vote for it. The right way to bring this amendment would have been to bring it as a bill, as we are still introducing the bills at that time. There was plenty of time to bring this amendment the proper way. And then allow it to go through the Referencing and then to the proper committee. Would this bill have gone to Urban Affairs? Would it have gone to Military-- or, Government, Military and Veterans Affairs? Or would it have gone to Transportation or to Natural Resources? The first time around, Senator Wayne got the port authority bill rereferenced to the Urban Affairs Committee back in 2021. Did it belong there? We've done that to several other bills this year, and I question why it went to those bills that it went to-- or, those committees that they went to. Politics is a long game, and those willing to play that long game try to win that game. And that's what's being done today. AM20-- AM2105 should have been brought as a bill so the committee could have heard it properly when the committees began hearing bills. This bill was, was-- this amendment was heard in committee a week before our committee started. This is not the proper way to introduce your bill. This is an end-around. This is a way to get it through. This is a way to sneak it up so it's early on the agenda, and I'm not in favor of it. Thank you, Madam President.

**DeBOER:** Thank you, Senator Lowe. Senator Fredrickson, you're recognized.

**FREDRICKSON:** Thank you, Madam President. Good morning, colleagues. Good morning, Nebraskans. I'm listening really closely to the debate here. I am really grateful to the work of my colleagues in Urban Affairs, and particularly Senator McKinney and Senator Wayne, for their work on this, as well as their sharing of kind of some of the historical prect-- perspective of the work done here. I am in full agreement that the creation of an inland port authority is a wise decision for us. I think that this makes a lot of sense in terms of both the city of Omaha, but also for the project at hand here. I support the creation of this, including for the very practical reasons of community involvement and input on this whole process. I'm also a huge proponent of job creation. I know we've talked a lot about that's something that has the potential here in the opportunities that can come out of this. And I think that that is-- I think, frankly, there, there's, there's a way where this is a really exciting opportunity for, for this area around our airport in Omaha. I do want to express a couple of concerns. And I, I think I-- I've spoken a little bit on the mic about-- earlier this session about this idea of trust and sort of, how do we kind of rebuild trust within this legislative body, but also how do we build trust in the Legislature itself from, from the public? And I think that one thing that does come up for me is I wonder about the potential of what precedent this might set if we as a legislative body decide to transfer funds that have already been allocated or awarded by the executive branch. I'm not saying I agree with how these funds have been distributed or the practice that's going on here, but we have spoken a lot in here about the separation of powers, exec-- executive branch, legi-- legislative branch, judicial branch. We've been trying to assert our authority as an independent branch in the Legislature. This is sort of an example where the executive branch has granted funds or awarded funds, and I'm just not sure if there might be any legal questions there. I'm willing to be wrong. Frankly, I hope I'm wrong. But I do have some questions about the potential precedent that that might set there. So it might not be a popular question or position, but it is something that I, I did want to kind of put out there and express as a concern. Like many of my colleagues, I'm continuing to listen. Like I said, I'm inclined to support what we have on the board here. I'm inclined, inclined to-- I, I do think that the creation of a port authority is-- an inland port authority is, is, I think, the right move for Omaha. I think it's the right move for our state. And I'm going to continue to listen to debate. And like I said,

I'm inclined to support, but I did want to put out there some concern about some of the precedent that this, that this could potentially set, specifically as it relates to transfer of funds and separations of powers. Thank you, Madam President.

**DeBOER:** Thank you, Senator Fredrickson. Senator Dorn, you're recognized.

**DORN:** Thank, thank you, Madam President. Good morning, everyone. Thank you for the discussion this morning. I think this bill, as we've had some discussion on other bills this year, some of those we, we-- I didn't have the discussion like we're having here and what we need here. So I thank Senator McKinney and Senator Wayne for bringing this forward and we're having the discussion. Would Senator McKinney yield to a question?

**DeBOER:** Senator McKinney, will you yield?

**McKINNEY:** Yes.

**DORN:** Yeah. Talked to you a little bit ago. Right now, AM2105 will be the bill you have on-- when I look at it on the website, it shows that there's another amendment. But this is going to be the only amendment brought by you to have this as the bill.

**McKINNEY:** Yes. Somehow when we passed the other amendment out of committee, the numbers switched. I still fully don't understand that, but that happened. So this is-- so this is it.

**DORN:** OK. Well, good. Thank you for that clarification just so I understood that. Don't know if I'm OK with this bill or not. Like I said, want to listen to the discussion. Part of what I'm-- I, I question-- I visited with Senator Vargas, and now I want to ask Senator Wayne-- I mean Senator McKinney some more questions. Part of what we are doing here is we're taking the interest off of the Perkins Canal Project and the interest off, I call it, a cap construction fund, which is, basically, most of that money in there is for our future prison. And we're now-- when I read this-- and I'll read this to you, the original bill-- or, the original one had in there any earnings from that shall be credited to such fund. Nebras-- except for-- and you crossed out fiscal years '23-24, '24-25, and '25-26. And then later on down there, you're taking that from the Nebraska Construction Fund to such a fund, and you're, you're designating it to an Economic Recovery Contingency Fund for fiscal years '23-24. And

then to the-- explain that-- to the inland port authority for fiscal year '24-25 and '25-26. So we're creating a new, a new fund that you're now directing those funds to go into where we obligated those last year and now we're switching that.

**McKINNEY:** So last year, when we passed LB531, we got a commitment of three years of the interest from the Perkins Canal Fund and the Prison Contingency Fund. All we're doing with this is just moving-- those, those funds were never obligated. We're just moving them to this. That's all we're doing. We're not taking more interest money in this amendment at all.

**DORN:** You're, you're not taking any more. You're just, I call it, redirecting those funds.

**McKINNEY:** Correct.

**DORN:** But those funds then now-- I guess, I guess, clarification and what I'm looking for is those funds could or could not be used for the, I call it, the North Omaha Project before and now, under the Inland Port Authority Fund, they could be used for that?

**McKINNEY:** They, they still would be used for north Omaha. They-- the intent always was use those interest funds to help with the economic recovery in north Omaha. We're just trying to put it under the inland port authority so there's some coordination around how those dollars will be funded and used and utilized for the community.

**DORN:** Thank, thank you, Senator McKinney. Thank you for answering some of those questions. I-- and, and I don't remember all the discussion last year that we had when we brought the bill forward-- I think Senator Vargas talked something about LB531-- and that we were taking the interest off of the Perkins Canal and, I call it, the prison. Don't remember if I got up--

**DeBOER:** One minute.

**DORN:** --and talked or don't remember what. I, I, I just want to caution the, the body on a couple things, and one of those being that prison that we are going to build, we have approximately \$340 to \$350 million in that fund-- so the interest off of that, you know, \$12, \$15, \$20 million a year, depends on what the growth is. By the time we get that prison done, it will be three to five years from now. The construction cost will have gone up, most likely in the neighborhood of 25%. So by the time we get this done and built, where is the future

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Legislature, where is this body going to come up with those funds to now complete that or to allocate that? Not only that, the Perkins Canal, \$600-and-some million we have in the Perkins Canal. Maybe I don't remember the discussion last year of why we took the interest off of that and allocated it-- which is great. We can do that. But what are we going--

**DeBOER:** Time, Senator.

**DORN:** --to do, I call it-- time?

**DeBOER:** Thank you, Senator Dorn and Senator McKinney. Senator McKinney, you're recognized.

**McKINNEY:** Sorry. Sorry, Madam President. So just for clarification purposes: yes, we had a hearing on the amendment. We put that amendment out seven days prior. There was seven days according to the rules for people to come to the hearing. It wasn't like we put a amendment out one day, and a day later we had a hearing. We went through the proper processes. Individuals from the public had an opportunity to speak on the amendment. We didn't do anything slick. We worked within the rules to have a hearing for the amendment and also have the committee vote it out. There was nothing nefarious about that. And just the, the notion of that is, is not honest. We went through the proper processes. We put the hearing out seven days prior and people had seven days to come speak on the hearing. Just for further clarification, there's a list going around about projects. That has nothing to do with this. And people on that list, a lot of-- some of them didn't even accept those projects. So we shouldn't even have that conversation because that's not about this. What this is about is making sure we utilize these dollars in the most effective way with the community put first. Yes, there's precedence. There's a lot of precedence. And this Legislature since I've been here has broken multiple precedents in this place. People stand up and talk about the institution, but they only talk about the institution and precedence when it works in favor of something else that they want to support. But when it work-- but-- and, and, and they disregard it. I'm not disregarding anything. I'm just working within the rules to try to get things done to properly help my community. That is all this is about. We're not breaking rules here. And just, frankly, this state and this Legislature hasn't cared much about my community. So we're just working within the rules to try to get this passed to do the best we can for our community. Anybody that stands up and say they're against this tells me that we don't care where tax dollars go, only

when it benefits us. Nobody cared about funding a \$350 million prison with no site study, no study on programing, none of that. None of that came up. It was like, oh, we need a prison because it's overcrowded and criminals are criminals, so we just build another one and lock them all up. There was no thought about it. There was no thought about where to place it in Lincoln until they announced it. And then it got readjusted. There was readjustments with the prison. Nobody stood up against that. None. All we're doing is trying to put this money in a central place so there's focused eyes on these projects to make sure they're done right. I don't understand the pushback from that. We're not taking-- we're not standing up here saying, Legislature, give us more money. We're not even doing that. We're working with the dollars that got set aside last year and just re-- redirecting them to make sure it's properly coordinated. That's all. There's nothing-- there's not one rule being broke here. We followed the rules. We had a amendment. We scheduled a hearing. There was a seven-day--

**DeBOER:** One minute.

**McKINNEY:** --notice. The public had opportunity to come talk. We voted it out of committee. The committee prioritized it. It's on the agenda. What rule was broke there? All we're doing is just make sure this is done properly. I, I got a lot of other words I want to say, but I'll keep them to myself. But the honest truth is is people that never cared about north Omaha that are trying to stop this and trying to just go along to run over the community and do on them and not with them. And that is a fact. Thank you.

**DeBOER:** Thank you, Senator McKinney. Senator McDonnell, you're recognized.

**McDONNELL:** Thank you, Madam President. Good morning, colleagues. I stand in opposition to LB164 and the amendment. Not because I'm opposed to inland ports. Not because I'm opposed to trying to help north and south Omaha. I'm part of the committee. But I believe the work that has been done by the Department of Economic Development, by the Omaha Economic Development Committee, by the Omaha Chamber, by so many others, has been, has been great work. It's not perfect work, but the idea of-- and I have a handout that everyone should, should have received. It goes through currently all the people that have been notified and are in the process of signing contracts in north and south Omaha worth \$234 million. \$234 million. Now we talk about the, the airport business park, projected to bring in over 1,600 jobs, \$600 million annually to our economy in our state. That's exciting. That is

really exciting not only for north and south Omaha, but for our state. Again, during this process, have I been happy with every answer I received? Have I been frustrated at times? Yes, but I have received answers. Maybe I did not like them. I never had one question that I asked of the Department of Economic Development, through a citizen or through my own, just trying to understand the, the process better, that wasn't answered. I think they've done a great job. Going back to when we first started talking-- last year, I thought Olsson and Associates did 90% a great job. I wanted fresh eyes on it. And that's DED was going to do. And now you have in front of you what's currently happening, that \$234 million in the, the, the, the city of Omaha in the north and south sides. And that's exciting. Now, again, during this process, was I happy with everyone that wasn't awarded, that had contacted me? No, I wasn't. But that wasn't my position as a state senator to make that decision. And we made that very clear that that was going to be the subject matter experts, the people in the Department of Economic Development. That was their job. But there had to be a fair process. Not a perfect process, because it's run by people. So it's never going to be perfect. But it was a fair process. What we're dealing with now today is looking at inland ports, which I'm a-- I'm definitely in, in favor of the idea of what's going on, what's been discussed for [INAUDIBLE], I don't know, 30 years in Omaha. The idea of those 1,600 new jobs, the idea of \$600 million to our economy. That's exciting. And we should be not trying to take a victory and turn it into a defeat here. This is not going to be a, be a perfect process. But again, I appreciate the work that DED has done. I appreciate the work that our committee has done. I appreciate the, the process. And I believe we should keep moving forward with the process and, not at this point, stop it or delay it at this point for, for these kind of reasons. Thank you, Madam President.

**DeBOER:** Thank you, Senator McDonnell. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. I'm not going to talk about the handout that Senator McDonnell handed out. That's going to be another day out of respect for the Governor, who I believe doesn't respect me. They have a press conference on Friday, and they can talk about their list. And next week, we'll, we'll get into how this didn't even match what we were trying to do. But that's not today's topic. Today's topic is two funds: a \$90 million fund and a \$40-- \$30 million fund. \$90 million fund-- transparent. Yes, there was an award announced. There has not been a contract. We may not be able to pull that back. I'm being transparent. I won't know that until Select File when-- if

there's a contract signed if there hasn't been litigation filed. The reason why I say litigation, I passed you out-- passed out to you the relevant law and how DED didn't follow their own guidelines on this project in particular. So if there's no lawsuit or whatever, then we're only talking about the \$30 million and the interest. As far as the number of ports, I, I care less. I have an amendment to lower it to six. I told Senator Jacobson he could leave it at five. It doesn't matter to me. That's not the point. The point of this-- and let me just back up. You can ask Senator Lowe what Urban Affairs did is standard in here. LB1107, which Senator Lowe voted for, was a special hearing and a, and a special-- a white copy amendment. We passed multiple in Natural Resources, special meet-- hearings a white copy amendment. That, that is standard practice in this entire place. What we are talking about today is moving a law to more local control of a inland port. If it's good for Hershey's and it works well in Hershey's, why can't north Omaha have it? If Bellevue is doing it incl-- in junction with their iHub, which was announced-- and I've seen Senator Blood and Senator Sanders quote it in the paper. If it's good for Bellevue, why is it not good for north Omaha? Colleagues, people think this may slow it down, and that is just fundamentally flaw-- false. This has already been held up for two years, and I don't think rushing it at the end makes sense. This body has put in a lot of work to make sure that this gets done the right way. And my question to you all is, when is it OK for the Legislature to say we're going to invest in jobs? And, and let me tell you why this passed in LB1024. It passed because Chief Schmaderer came down here and said, I would rather see a thousand jobs in key locations than a thousand new police officers. This is the thousand jobs we're arguing about right now. And from a marketing perspective, colleagues, the Omaha Chamber said in the press conference they have been working on this for over 30 years. But somehow when we find the funding down here, now it's a priority. It's such a priority that, last year, when the Chamber met with the leadership team of this body, it wasn't even mentioned. It wasn't even on the map that was handed out to Speaker Arch and others in the room. Ask Speaker Arch. Senator Clements had to bring up, what I don't see here on your map is the airport park and the area that we're investing \$120 million in.

**DeBOER:** One minute.

**WAYNE:** But now it's a priority. It's not. I-- every once in a while, there are a lot of bills that-- a, a bill that means a lot to me. This one simply means a lot to me because we spent six years on this issue in this location. And right before we get-- if you want to call it

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airplane landing or getting to the finish line, it fundamentally changed from jobs to shovel-ready land. I would never sign off on a \$120 million to produce zero jobs. If nothing else, this is the Legislature standing up and saying, we said jobs are important. We said we will put this money into this distressed community to create jobs. That's what we said. And I'm asking this body to hold us accountable to that.

**DeBOER:** Time, Senator.

**WAYNE:** Thank you, Mr. President.

**DeBOER:** Thank you, Senator Wayne. Senator Linehan, you're recognized.

**LINEHAN:** Thank you, Madam President. Again, good morning, Nebraska. Good morning, colleagues. I, I hope people are listening because what Senator Wayne just said is the whole point here. These kind of appropriations from-- all the time I've been here and from my experience in federal government, when a legislative body appropriates money, there's-- they have a right to be involved and know what's going on and sign off on what's going on. That did not happen here. It's very problematic. And with that, I would yield the rest of my time to Senator Wayne.

**DeBOER:** Senator Wayne, you're yielded 4 minutes, 17 seconds.

**WAYNE:** Thank you, Madam President and Senator Linehan. I want to point out something really important. Each year, this body sets aside \$5 million for inland ports. Part of what this amendment says is Omaha's inland port cannot touch that other fund in site and building fund until 2027 because that was designed and that was my commitment back then to Senator Groene and this body was that is for the development of western Nebraska's inland ports. Then Groene came back and said, I want to do \$30 million in a rail spur. And that's what Senator Jacob [SIC] was talking about. But I'm still honoring my commitment by-- in this amendment saying Omaha's inland port cannot even apply for that \$5 million until 2027 because we are finding money for them now, money that we've already obligated. That, that, that should fear-- shore up some of the fear that Omaha's going to take over. The only reason we were talking about expanding the number is because Adams hasn't applied for one yet, and that's the name of a industry out there. They are currently a federally free trade zone designation. So they had talked about it. And then nobody expected Bellevue to apply. And Bellevue did. So-- and then Grand Island's applying. So I thought,

well, we can expand it to seven. That way, we give flexibility to DED. But if they want to keep it at five, this body does, I'm O-- I'm OK with that too. I'm OK with any ideas on the floor to have a conversation. And this is how this process works. I, I'm not a lecturer telling you that I know everything, because I don't. But I know on big issues like this, it takes amendments on the floor to figure out a different way to move forward. And that's what I've always been open to. So the question I have-- truly for everybody-- there isn't a project going on in your community that doesn't have community input from the state. The answer is no. There isn't a project that we funded with expected outcomes and they just decide to do something different and you are OK with it. No. And that's all this bill is about. On Final-- on Select File, after today, it may look a little different. And that's OK. Fiscal has a, a, a, an amendment they want me to fix to make sure we cover the state overobligating and awarding too much money. And we can talk about that next week, how we only had \$185 million to, to actually award. And we-- and Olsson said \$225 million, but we took 4-- \$20 million and \$20 million for Malcolm X and Charles Drew, so that's minus \$40 million. So you only have \$185 million. But the list Senator McDonnell handed out has \$235 million. That's some funny math, but OK. So if you got to keep the interest this year to make sure that we're whole, that's fine. We are willing to do that. But what we are trying to do is give local control and to make sure there's some accountability--

**DeBOER:** One minute.

**WAYNE:** Thank you-- in this process. So let's get this to Select File. Let's vote for this to keep holding the foot to the fire to make sure that we're creating jobs-- excuse me-- that this investment is worth it. I'm in a good mood simply because I went to a Boston Maverick game yesterday with my daughter-- or, two days ago-- and she got to see Jayson Tatum play. I don't even like the Celtics, but I went and she had a great time. So I'm bringing that same energy here, saying, ask me questions. Talk to me. Let's figure it out. But don't just say no because you don't understand. Ask me what you need to know and I will explain it to you. And if you still don't want to vote for it, that's fine. But don't be fearful of the change. And let's not rush this process. Let's create some jobs. Thank you, Mr.-- Madam President.

**DeBOER:** Thank you, Senator Wayne, Senator and Senator Linehan. Senator Cavanaugh, Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Madam President. Good morning, colleagues. This is an interesting conversation. I stand in support of AM2105 and LB164. I wanted to speak to the comments that Senator Lowe had made about the process. This is when precedent matters. We talk about this is unprecedented or this is precedent. Precedent: last year, we took a bill and we amended something that never had a hearing into it, and we ramrodded it through at the end of the session. And the bill will-- air quotes-- the amendment, that is essentially another bill, but it was a bill that hadn't even been introduced. It was a, a variation of a bill that hadn't been introduced. So I'm talking about-- LB574 was amended with a variation of what was sort of LB626 but wasn't actually LB626. And it was amended on the floor without a hearing. It was so substantially, so substantially different that when Senator Riepe introduced a bill this year on that same topic, it went to a different committee. So to say that this process isn't on the up-and-up is disingenuous at best. This process is a process that we are allowed to do that Senator McKinney, as the Chair of his committee, utilized. And if it weren't allowable, it would have been part of our rules debate. But it was not. Nobody introduced a rule to make this something that was prohibited. It is allowable, and it is a pathway forward to accomplish something that a senator wants to accomplish. And it is far more transparent and acceptable than taking something that was never even introduced and did not have a hearing and putting it into a bill late in debate. And now that version of that amendment is in a different committee. So let's not shift the goalposts depending on who the introducer is. I didn't like what happened last year. I don't like the fact that my bill to repeal LB574 with criminal penalties in it went to HHS and Senator Riepe's bill to amend LB574 went to Judiciary. That makes no sense. There is no consistency. But it is what it is. And there is a process. I could file a, a, an amendment-- or, a motion to reconsider the referencing of my bill. Or Senator Riepe could do the same for his bill. And on and on and on. We have processes for a reason. And the fact that Senator McKinney is using the Rule Book and the processes to his advantage is, in fact, his prerogative. And if you do not like it, then introduce changes to how we do things. But don't stand here and say that it's unacceptable. It's a wild west when it comes to using the rules if it gets to your means, but not if it gets to somebody else's? That is unacceptable. Madam President, I'd like to yield my time to Senator McKinney.

**DeBOER:** Senator McKinney, you are yielded 1 minute, 5 seconds.

**McKINNEY:** Thank you, Madam President. I would just say if this was anybody else in this body that stood up and said they needed this for

their district, I would support them. I don't care. If it was for your district and you stood up and said, we need coordination around projects in my district and we need to make sure it happened properly and we needed to make sure that we needed jobs and not just shovel-ready land, I would support you. No matter if it's in District 5 or District 39 or any other district. I would support you. And that's all we're asking for: the same courtesy. That is all. I wouldn't stand up and tell you what is needed and not needed in your community. I would not do it. If something happened in south Omaha and they needed this, I would support it because I don't live in south Omaha and I don't represent south Omaha. I would stand up and support you, and I'm just asking the same for my district. And if, if not, I understand where we're at. Thank you.

**DeBOER:** Thank you, Senator McKinney and Senator Machaela Cavanaugh. Senator Lowe, you're recognized.

**LOWE:** Thank you, Madam President. Senator McKinney, I do support you in a lot of things you do. And I appreciate you being here and giving your point of view. But we must be doing something wrong in the General Affairs Committee, as we have two shell bills ready to be stripped out with white copy amendments to replace it. One deals with gambling and the other deals with alcohol-- the two most contentious things we have in our committee. We don't do libraries and museums because we don't get many of those bills. So we placed two bills there ready to be stripped out. These two bills will, if we have an amendment that we need to get out, will go into the appropriate bill. We held a hearing on Monday during the first day of session with our committee hearings on an amendment that would be a white copy amendment to a bill that was heard last year dealing with the same subject. The testifiers came from all over the state to show up, to be heard. That was the proper way to do things. On page 11 and 12 of AM2105, Section 8: The Inland Port Authority Fund is created. The fund shall be used by the State Treasurer to carry out Section 9 of-- excuse me-- 9 of this act. The funds shall be consistent with the transfers by the Legislature. And any funds which may become available for the purposes of-- this is of the amendment here-- the Municipal Inland Port Authority Act. Any money in the fund available for the investment shall be invested by the State Investment Officer pursuant to Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Any investment earnings from the investment of the money in the fund shall be credited to the fund. So the money stays in that fund. But any interest earned after July 1, 20-- 2024 of the federal funds allocated to the state of Nebraska from the federal

Coronavirus State Fiscal Recovery Act-- Fund pursuant to the federal Americans Rescue Plan Act, the earning-- investment earnings from the investment money in the Perkins County Canal Project pursuant to Section 61-305 and the Nebraska Capital Construction Fund-- this is all in the amendment-- and the Nebraska Capital Construction Fund, from the transfers credited to such fund that are designed for the construction of the state prison-- that money would be transferred out of those funds into their fund. Does that seem right? Does that seem kosher? Funds that we tried to get to go to those two. These two projects-- the Perkins County Canal and the State Prison-- take many years. And as we've seen, our costs keep rising. One way to keep up with that cost is the interest that this money is now earning. We need to keep going or we're going to be coming back to ask for more funds. And I believe that--

**DeBOER:** One minute.

**LOWE:** --is the purpose. Thank you, Madam President. That is the purpose of this amendment, is for these two projects to die because there won't be enough money when it's time to work on these projects to get them across the finish line. As, as it has been stated, we move money all the time from one project to another. But is that purpose for the project to die? Thank you, Madam President.

**DeBOER:** Thank you, Senator Lowe. Senator McKinney, you're recognized.

**McKINNEY:** Thank you, Madam President. I'm not trying to kill any project. Last year and years prior, this Legislature committed to those dollars. Votes were taken. And we got a commitment of three years. It's not to kill any project. That's the facts. And now I hear that the administration is outside trying to kill this. I wonder why. All we're doing is trying to stand up for our community, give them a voice, and make sure when this Legislature said we're committed to bringing jobs to north Omaha, it happens. That is all we're doing. We're making sure that people aren't just trying to profit off our community. That's all we're doing. I don't understand the pushback. Because we're not asking for anything extra. This is already committed dollars that many people in this body-- I'm not sure Senator Lowe voted for LB531 last year-- but if you did, that's what you voted for. And if any of y'all stood up and said you needed this to happen in your community, I would support you. Because it's your community. I'm not going to tell you what you need and don't need in your community because I don't know your community. That's why you were elected to represent your community. I'm just asking for the same courtesy. When

you stand up and say you need these things for your community because it's, it's super important, go ahead. I'm not going to stand against you. It's your community. That is all. And the notion that all of this was done-- great-- the, the process was great, I would ask anybody in here to go to north Omaha-- and I'd give you some contacts-- and ask them what do they think about the process that happened. I'm guaranteeing at least 85% or 90% of the people that you talk to would tell you that the process was horrible. They didn't like it. So for somebody to say up-- stand up and say they did a great job is just baffling. What jobs? It talks about 1,600 jobs. Where are they coming from? Who is going to be on this land? Where is the jobs coming from if you don't make a commitment to make sure the jobs are there? Because if anybody wanted to be or go to north Omaha already, I assume they would already be trying to do that. I said last week at the beginning of this process we talked to DED. They said, we never thought about economic development in north Omaha. It's never been a conversation. We don't know how to do it and we never committed to doing it. What victory is it if, five years down the line, there's no jobs, the Legislature wasted \$70 million to develop shovel-relly-- shovel-ready land, \$20 million went to administrative fees or operational fees or whatever fee that these entities want to take off the top-- what victory is that? We're just trying to slow this down to make sure it's done right. What is wrong with that? Because if it was your district, I would support you. If it was your district, I would support you. If you told me the people in your community haven't been spoken to like they, like they should be-- there's been a lack of outreach, there's a lot of confusion, you're trying to make sure that people aren't trying to profit off your community, I would support you.

**DeBOER:** One minute.

**McKINNEY:** Why is it so hard to support us? Why is it so hard to make sure that north Omaha isn't impoverished for the next 30 years? Why is that so hard? That is the question you should think about and answer for yourself. Because if it was your district, I would support you. Thank you.

**DeBOER:** Thank you, Senator McKinney. Senator Wayne, you're recognized. And this is your third opportunity.

**WAYNE:** Coll-- thank you, Mr.-- Madam President. Colleagues, so this is what people-- we didn't pay attention last year. And I get it. So I'm going to refresh all-- woo-- all my rural senators right now. The

canal interest is already in statute. It's 81-12,244. It was actually passed two years in a row by this body that the canal interest was going to the Economic Recovery Fund. So if you don't believe me, look up 81-12, 244. There's no bill right now that's opened up that statute. This is the only amendment. So if rural senators want to negotiate that, Senator McKinney and I can have that conversation, although we passed it two times already before to give the canal and ARPA interest to the Economic Recovery Fund. So the idea that this amendment is trying to kill the Perkins Canal is completely false, because it's already in statute that the interest is going to the North Omaha Economic Recovery-- North and South Omaha Economic Recovery Fund. So that's just not true. But here, I am throwing something out: get this to Select File and let's have a conversation about the canal interest. I'm open to that. I'm going to tell you I have a slightly negative opinion since you already voted for it, but I do have another bill in Revenue that is a tax credit for all inland ports. I'm trying to figure out a way to make them sustainable by offering a \$2 million tax credit. I see a compromise, an easy compromise on the table with that tax credit bill of-- and it-- what it is is broken down by congressional district. So \$2 million each congressional district that the inland port would have to go out and sell tax credits like other programs we have here. So yeah, I'm more than happy to sit down and have a conversation about the canal. But the first time the canal interest passed, it was 47 to 1, and it was in the language. The second time, it was 42, where the last two times with the exact same language. All this bill-- all this amendment does is says, the canal interest is now-- instead of going to the Economic Recovery Fund, is going to go to the Inland Port Fund. So I would venture to say, move this to Select File. And rural senators want to have a conversation about the canal? Senator McKinney and I are open. I'm at a point where I don't want to renegotiate, but I'm willing to because this is that important. I understand the interest on the canal is significant. That's why two years ago we asked for it. And Senator Friesen and Hughes and Flood agreed. And it was a 47 to 1 vote. So let's not be confused and let's not play games like that and have a real factual conversation. The facts are the canal interest was voted on twice by this body. Many of you voted to move the canal interest. Here is an amendment on the floor that opens up that section. You want to have a conversation about the interest? I told Senator Jacobs, let's have that conversation and we can put an amendment together on Select File. But I'm already dropping an amendment right now that should be down here in the next two minutes that moves it back to five, gives a 15-mile noncontiguous for outside of Omaha so Hershey's

can bring their airport into the same area. I'm doing this for western Nebraska. Most of this bill is about western Nebraska and their wants. Fremont wants the next available county--

**DeBOER:** One minute.

**WAYNE:** --to have people that can serve on their board. It's in this bill. The reason why it's in Urban Affairs is because that's where it goes. It's been there for three years. This isn't, this isn't any hide the ball or kill the canal. I'm open to it. So if you want the interest for the next three years to stay in the Perkins Canal, I am telling you on the mic I am open to that conversation. I am telling you on the mic there's a bill in Revenue that isn't-- nowhere near the amount of the interest, but I'm willing to take less to give local control. Not sure how much more transparent I can be. But there is no other section right now that can change-- to Senator Lowe's point-- you can't go back now and add unless you do what Senator Lowe doesn't like, have a special hearing on it. This is the only section that's going to be before this body that opens it up. So Senator Jacobson said let's have a conversation. I'm willing to. I'm willing to have that--

**DeBOER:** Time, Senator.

**WAYNE:** --conversation, Senator Erdman, too. Thank you, Madam President.

**DeBOER:** Thank you, Senator Wayne. Senator Slama, you're recognized.

**SLAMA:** Thank you, Mr. President. And good morning, colleagues. I rise today as one of the, I'm sure, many people who just wanted to listen to debate on LB164 before making a final decision as to where you are going to be. This one's a tough one for me because there are people I like on both sides. I have strong relationships with people on very different sides of this. But I do rise in support of Senator McKinney's LB164, and here's why. As a fiscal conservative, I've watched this process unfold. The money that's been allotted for this project was clearly intended to create jobs for an area of the state that really needs it. As a fiscal conservative, I'm seeing \$90 million be spent to create zero jobs. With the announcement of where the project is today, if you read the Examiner article, you read the analysis of this project, we are going to spend \$90 million of government money on shovel-ready projects that, through their own analysis, will create zero jobs. And I get that this is to build the

infrastructure so that the jobs come in and it's just an extra step, but I can't support moving forward with an expenditure of funds that will create zero jobs. This isn't what that money was intended to do. I understand the excitement about creating shovel-ready projects and doing everything with that, but that's not what this money was meant for. And throughout this process, it seems like the Legislature's largely been left out. And it's not just we write the checks and the executive branch gets to do as they wish with the money. The Legislature gets to have a say, deserves to have a say. And why I support LB164 is that we're bringing the Legislature back to the table on how this money should be spent. Because we shouldn't be-- this has been described as an end-around. Well, what's being done with the money right now is an unen-- end-around: taking what the Legislature allotted and redirecting it towards shovel-ready projects. And I'm not saying that those involved don't have wonderful intentions and aren't incredibly wonderful people. I support them wholeheartedly. And it's out of my respect for them that I said I would listen to debate today and see how it would unfold. But I support LB164 to bring the Legislature back to the table on the expenditures of these funds and also to put ourselves in a position where we're not spending \$90 million on economic development that, through their own analysis, will create zero jobs. And with that, I'd like to concede the rest of my time to Senator Wayne.

**DeBOER:** Senator Wayne, you're yielded 1 minute, 52 seconds.

**WAYNE:** Thank you, Madam President and Senator Slama. Coll-- I also handed out-- it's two pages, and it's a budget of the current proposal. Colleagues, this isn't just egg on somebody's face. It's egg on my face. And let me tell you why. I'm the one that invited both of these individual-- all three of these groups to the table. I said, hey, we-- if we, if we do this right, it could be transformational. We stepped away. They went out and did what they're supposed to do, we thought. And then we found out they failed in this regard. On page 2, where it says "conceptual schedule," they were working on this supposedly for six, seven months. But it says "rubble remediation." Read who actually did the due diligence--

**DeBOER:** One minute.

**WAYNE:** --for \$400-- the-- for \$400,000. Read who actually did the due diligence that the city of Omaha paid \$10,000 to \$15,000 to do. They're the ones who found out one of the sites couldn't be done the way the study said. The contractor did not even do their own due

diligence. And we paid them \$40-- \$400,000 is what the grant was for. And now we're going to give them another \$89 million. How does that even make sense? In what world does it-- that's not me making something up. That is in their own document, the city of Omaha's due diligence-- who wasn't part of the grant, who was simply saying they want this to be successful. And it was after their due diligence the city of Omaha called a meeting that Senator McKinney and I said we should go in a different direction. I said, you should tell all the senators in Omaha. And they invited everybody.

**DeBOER:** Time.

**WAYNE:** Senator Kauth was there when she said this is best for Omaha. Thank you, Madam President.

**DeBOER:** Thank you, Senator Wayne. Senator Linehan, you're recognized. And this is your third opportunity.

**LINEHAN:** Thank you, Madam President. I'm going to read from the article I mentioned when I was up the time before. Again, it's from April 28, 2022. So this-- maybe this is why I remember this so well. I was actually invited to this press conference. I didn't know it, and I missed it, and I was perturbed. Ricketts said the economic recovery package, which he put at \$30-- \$336 million, will be used for affordable housing, infrastructure, crime prevention, financial literacy, job training, and education. The package is primarily targeted at predominantly African-American north Omaha, but also includes funding for predominantly Hispanic south Omaha as well as other census tracts around the state with high poverty and unemployment. Justin Wayne, who introduced the legislation, called it historic. This is the first time ever that our state has invested this amount of dollars into our community. It's historic from that standpoint, but it's also a little scary because now the work begins. It was actually kind of fun passing the bill. Now I'm actually nervous about what's going to happen. That was prescient. And I want to stress this: we'll never get an opportunity like this again if we don't use these dollars wisely, efficiently, and effectively. Jobs, financial literacy, education. You can't take the creator and the thought process and everything that was behind all of this and then turn it to a whole group of people that weren't here, weren't involved, didn't know the intent. I don't know where the disconnect happened. I really don't. Last summer, I was not paying attention. I'll, I'll be the first to admit I wasn't paying enough attention. But the, the disconnect here is not OK. So I would ask you to seriously, really

consider getting this to Select because that will send up a warning flag that will say, we got an issue here, and a bunch of people are going to have to get around a table and figure it out. We do this all the time in the Legislature. Lots of things can happen between General and Select. And I think-- I feel very personally responsible to my colleagues who worked for six, seven years on this project that they ought to have their day at the table as to what's going on with this. So please vote for-- to move this forward. And with that, I would yield the rest of my time to Senator Wayne.

**DeBOER:** Senator Wayne, you're yielded 2 minutes.

**WAYNE:** Thank you, Madam President and Senator Linehan. Colleagues, I am-- that's 100% what's the, the plan here. 100% the plan here is to vote this to Select. So Senator Jacobson and other senators want to talk about some interest, want to talk about what we have to do to make the port authority better, that is the whole point of these giant tasks that are before us often, is you figure out how to make things better. Barely-- it used to-- I used to laugh when people say the bill has to come out ready for prime time. Only the noncontroversial bills are ready for prime time when they come out. Every other bill requires a little work. I mean, clearly there are colleagues that voted two years in a row that didn't know they were voting to remove the interest from the canal project.

**DeBOER:** One minute.

**WAYNE:** We can fix that now. It's really that simple. We can have them conversations, and I'm open to it. So colleagues, I'm not here to go through the budget and, and beat up the developer fees. I'm not here to talk about whether it's the Governor or-- versus whoever. Because it's nei-- it's none of that to me. It's none of that. It's simply about this body put in a lot of work to create jobs in this community, and I want to make sure that's done. And I promise you, I promise you, this doesn't slow up anything. To have a site plan and to get some basic drawings is going to take months. To make sure that we're coordinating with all these other projects is going to take months. That's go-- it's not slowing down anything. The fact that the land that they're looking at--

**DeBOER:** Time, Senator.

**WAYNE:** Thank you, Madam President.

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**DeBOER:** Thank you, Senators Wayne and Linehan. Mr. Clerk for an amendment.

**CLERK:** Mr.-- Madam President, Senator Wayne would move to amend the committee amendments with AM2175.

**DeBOER:** Senator Wayne, you're welcome to open on your amendment to the committee amendments.

**WAYNE:** Although my name is up there, this is Senator Jacobson's amendment. And what this does-- it fixed the issue Senator Vargas raised that we literally just found out last night. And again, I think that comes down to the overawarding on the list that Senator McDonnell handed out, which-- again, I'm gonna let the Governor do his press conference and we'll have our rebuttal about that. I don't want to talk about that today because these are separate funds. Don't be confused. There is a \$90 million and a \$30 million. If the \$90 million, for whatever reason, we can't later down the road or is not caught up in a lawsuit, I'm taking that out at Select File. That's just how it works. But there are other funds to make sure we can make this successful, and that's part of this bill. What this amendment does, it, it takes it back to the original five number of ports. If rural senators want to add more, they can at that time. What it also does is, for the noncontiguous language in Omaha, it still has to be within a quarter of a mile because, obviously, we're densely populated. But looking at what happens with Hershey's and North Platte, their airport is roughly about 15 miles away. Fremont had wanted five miles. We are extending it to 15 miles so that noncontiguous Hershey, which we've already made a \$30 million investment, can add the airport to be a part of their inland port, which makes perfect sense, which is what we're trying to do in Omaha too. So that's the second part. And the third change is changing the interest to start October 1. That way, all of last year and this current-- you know, all of last year-- or, the current fiscal year interest all goes into the economic recovery to fund, again, what I would say the overawarding. I'm not going to try to fight that and change that. We're just going to go ahead and use that interest for that. So that's what it changes, to fix that error that Fiscal caught yesterday. And so I'm not going to spend a lot of time because I don't want to just talk to people. I, I-- when I filibuster, I do that. I want to engage and have a conversation. So I will be off the mic. If you want to ask me something on the mic, I'm more than happy to. But what I am asking for is a green vote on both AM2175 and AM2105 to make sure that we can have a better conversation and make this bill better

going to Select, and particularly have a conversation around the canal interest. I'm open. I can't say it any more clearer. Otherwise, the law stays the way it is right now and it goes to the Economic Recovery Fund. If Perkins Canal feels like they need the interest, I'm open. We're going to have to work on it and figure it out, but I'm wide open to do it. So I would say green vote on General File. I'm not holding you on Select. I don't ask people to vote all the way through. I don't do that because things change. I ask for your vote on that, on that round. So I would ask for a green vote on the underlying amendment that Senator Jacobs wanted-- Jacobson wanted. I would ask for a green vote on the underlining AM2105. And then pass this to Select File so we can continue to make this bill better. Thank you, Mr. President.

**DeBOER:** Thank you, Senator Wayne. Senator Jacobson, you're recognized.

**JACOBSON:** Thank you, Madam President. And thank you, Senator Wayne, for being responsive to the concerns that are out there. I, I guess I want to be clear on a couple of things. First of all, I want to make sure-- and I know Senator Wayne was technically correct when he said-- I think there were 41 or 47 votes for taking interest out of the Perkins County Canal. Let me clarify why people voted for that bill. That was LB531 last year, and there was something for everybody in that bill. And when you get those kind of overwhelming votes, it's generally because there are a lot of other things put in that bill. So I want to make it pretty clear to my constituents. If you ask me would I vote to take the interest earnings away from the Perkins County Canal for any other project, my answer would be, no, I would not vote for that. I would also argue that it would not have passed, obviously, if that were a standalone bill. However, Senator Wayne is technically correct. It did pass because it was part of a package, as there were a lot of those last year. I would have to say that Senator Wayne has been negotiating in good faith and, and through changes to this. I fundamentally have problems with the bill itself. As I said before, I fundamentally have trouble using this avenue to, to make the changes that he wants to see made. But I am seeing that there are enhancements that-- in the amendment and-- to be able to satisfy the concerns that I have as it relates to inland ports. And if we can enhance this further by restoring the interest back to the Perkins County Canal, I'm willing to listen to that. So at this point, I'm going to vote for AM2175, and I'm leaning towards voting yes on LB164 to move it to Select. But I am in no way committing to vote on it beyond Select. There would have to be a lot of other things looked at before I would be a yes vote moving forward. So at this point, I'm going to vote for the amendment that as-- AM2175. And I may likely vote for the

underlying bill to get it to Select, but, but I, I make no commitments beyond that. So with that, thank you, Madam President. I'll yield the remainder of my time.

**DeBOER:** Thank you, Senator Jacobson. Senator Fredrickson, you're next in the queue.

**FREDRICKSON:** Thank you, Madam President. I rise today-- similar to Sen-- Senator Jacobson, I have been listening very closely to the, to the debate. I think-- I personally have actually learned quite a bit based on the conversations that have been happening both on and off the floor in regards to this proposed bill. I think that there's been a lot of thoughtful discussion that's going on, especially with Senator McKinney and Senator Wayne. I am going to go ahead and support this bill to move from General to Select for that reason. I think that there is more work to be done. I mentioned this earlier when I spoke: one of my biggest concerns that I currently have with the way that the bill is written is I, I do worry about, as I said earlier, the precedent that we might be setting as a legislative body if we decide to transfer funds that have already been appropriated or allocated by the executive branch. That, I think, is a dangerous precedent. I think that that raises questions when it-- as it comes to separation of powers. And so that's the only part of this bill that's giving me heartburn currently. I'm going to continue to think about this, but I do think there's good discussions happening behind the scenes. There's more to build on this. And I will plan to advance-- or, vote green on this bill to advance it to Select so that those conversations can continue. And I am cautiously optimistic that a solution can be agreed upon in that time. Thank you, Madam President.

**DeBOER:** Thank you, Senator Fredrickson. Senator Vargas, you're recognized.

**VARGAS:** Yes. Thank you very much. Appreciate Senator Wayne for providing some clarity here. I'm, I'm still going to work with-- again, I support the underlying bill. I support the concept of it. I think I've already made that very clear, both for the record and for my colleagues. The only issue is trying to make sure that we have enough funds in the Economic Recovery Contingency Fund to fund our obligations. And we just talked with Fiscal. We still have to work on the amendment language. And I'm still going to support this and do this all the way through because it still does not have enough funds accrued from the interest to be able to fund all the economic projects in the East Side Recovery Program, all of them. And then also, I hope

what we're not doing in the future is moving money away, the temporary interest from any of these cash funds, away from the Economic Recovery Contingency Fund to something else because, again, they are funding obligated projects, which are projects we passed last year-- you know, the museum, the federally qualified health center. And I want to make sure that we fulfill that obligation. So as of right now, AM2175, I'm still-- supportive of the bill before, still supportive of it. It doesn't completely fix the funding issue. We just talked with Fiscal on the analysis on, on what, what we're anticipating the accrued interest is going to be to cover what we need on all of our earmarked obligations in the East Side Recovery Program. So we still have to work on amendment language that I guess will push it a little bit farther back. And we'll work on that with, with Senator Wayne and Senator McKinney on that issue. Thank you.

**DeBOER:** Thank you, Senator Vargas. Senator Slama, you're recognized.

**SLAMA:** Thank you, Madam President. And good morning again, colleagues. I rise-- [RECORDER MALFUNCTION] still of LB164 along with both amendments that are attached to the bill. I think Senator Wayne's amendment is absolutely a show of good faith to where if you're sitting here with technical concerns about the bill, if you're sitting here going, well, why is this a route that we decided to go with billing-- moving this bill forward-- if you have technical concerns, look at AM2175, as Senator Jacobson has, as to Senator Wayne's willingness to come to the table. The entire point of this bill and this amendment and the way in which it's happening is to bring the Legislature back to the table, to bring the legislators back to the table. So I'm grateful that Senator Wayne has made the move with this amendment to make technical changes. I support additional technical changes. And I think Senator Wayne is willing to work with anybody to get this language to where it needs to be. But if you're sitting here going, I have technical concerns and I won't support the bill unless those are made, move-- vote to move it to Select, as we always do, and everyone is willing to come around the table and make those changes before we get to Select. Thank you, Madam President. Please green-vote LB164.

**DeBOER:** Thank you, Senator Slama. Senator Linehan, you're recognized.

**LINEHAN:** Sorry. Thank you, Madam President. I would ask if Senator Wayne would yield for a question. And I did not give him a heads-up.

**DeBOER:** Senator Wayne, would you yield?

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**WAYNE:** Yes.

**LINEHAN:** Senator Wayne, you had a hearing on this, right?

**WAYNE:** Correct.

**LINEHAN:** And-- I don't have the committee statement in front of me, but did the Omaha Chamber come to that hearing?

**WAYNE:** Omaha Chamber and the city of Omaha testified in support.

**LINEHAN:** So the Omaha Chamber and the city of Omaha both testified in support of this bill?

**WAYNE:** Correct.

**LINEHAN:** Thank you. That was information I didn't understand. I wish I had-- under-- that's what happens when you don't look at the committee report. So that's on me. I think that's just one more reason why we need to move this to Select, because obviously we have some-- as I said previously, there's some disconnect here. And as Senator Slama said very well and clearly, we're all talking about good people trying to do the right thing, trying to make our state better. We just have had a lack of communication. I think one of the things I've heard about communication it gets-- biggest problem with communication is people think there [INAUDIBLE]. When we don't talk to each other across branches of government or amongst ourselves, this is when we get to situations like this where it's not going well because we have people who are very-- significant disagreement here. We're talking about big project, a lot of money, a lot of effort, and it needs to make sure that it follows through what the Legislature wanted to do. Thank you very much.

**DeBOER:** Thank you, Senator Linehan. Senator Wayne, you're recognized.

**WAYNE:** Thank you. So let me be clear. These funds are not part of what Senator McDonnell handed out in the grant stuff. That is a separate fund. These are two-- actually, there's-- we'll just call three funds. There is the airport park of \$90 million, there is iHub of \$30 million, and then we'll call it interest on the other ones. The interest consist of ARPA interest and prison interest and canal interest. That has not changed in the last three years. We did add-- from the airport, we went from \$60 to \$90 million last year, but the three buckets are the same. I have said on this mic multiple times I am willing to sit down and have a conversation with any rural senators

about the canal interest. My only concern is that, this year, I think, based off of the, the numbers that I've seen, DED actually overawarded what was a-- what we, what we gave them. I don't know how else to say it. So we may have to use the interest anyway this year from the canal because of this list they're about to announce on, on Friday. I'm still open for future years. I-- but I-- I can't do it if we don't, if we don't get there. And to me, if somebody were to bring a bill on this floor and this dies to move those interest, then you're going against the deal you've already struck for two years. So I'm giving everybody in the world the opportunity to say, if you want the canal, you think it needs to go there, let's have a conversation. But I can't-- I'm the person who broke-- brokered the deal. If you guys go back on your deal with me over two years, that says a lot. But I'm willing to talk about it and figure it out. I don't have a problem. So. There are just things that, in my opinion, we, we have to address. We have to make sure that the inland port in Omaha has the right makeup, and part of that is is making sure we remove some conflicts. That's part of what this bill does. Fremont had some things they wanted. We're adding that. We're adding things for the inland port in Hershey. This bill is benefiting everybody. So I don't know the hesitation other than PRO is pulling people out in the hallway. And that kind of goes against the entire separation of powers and who we are. You know, my community had hope. When we went out and did these community forums, we're talking hundreds of people would show up looking for hope. And everybody who testified at that hearing, we were talking about economic development. We were talking about jobs. I'm not going to talk to you today about the conflicts of who is actually getting the most amount of money and what those nonprofits' economic scores were and who's parents and dads and moms are on the boards and-- we're not-- I'm not here to have that conversation. I'm simply saying we talked about jobs, investing in jobs. And the report that I can show you says that's not what we're doing. We're going to build some shovel-ready land. And we hope we're going to compete with--

**DeBOER:** One minute.

**WAYNE:** --the I-80 corridor out by Gretna, who has shovel-ready land already. We're hoping that we'll give the Chamber \$10 million to recruit businesses in their plan. That's not me. That's-- what I handed out, you can look at their budget. We're going to give \$9 million to a developer who's putting \$0 in and has zero risk. I almost feel like if it wasn't me talking, people would actually listen. That we stand up here and talk about big government and being conservative, but we are literally putting \$90 million into the dirt. And we're

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talking about voting for something because maybe the Governor or somebody might not like it. I'm kind of at a loss for words.

**DeBOER:** Time, Senator.

**WAYNE:** Thank you, Mr. President.

**DeBOER:** Senator Linehan, you're recognized.

**LINEHAN:** Thank you, Madam President. I, I'm even-- you know, like always around here, the more you learn, the more questions you have. So on this sheet-- I think I just gave mine away to the press. Senator Wayne, would you yield for a question?

**DeBOER:** Senator Wayne, would you yield?

**WAYNE:** Yes.

**LINEHAN:** OK. On that sheet that Senator McDonnell handed out-- I think it's the front page, like five down. It's the Omaha Economic Development Corporation?

**WAYNE:** Yeah. They're going to get another \$8 million for another project and they're also going to get \$2 million for a different project. So they're going to get another \$10 million that they have to do.

**LINEHAN:** And they're involved in the shovel-ready project too, right?

**WAYNE:** They are getting \$90 million from that. To put that in perspective, this will be the first time that their budget will be seven times higher than their current budget.

**LINEHAN:** Who, who funds them currently?

**WAYNE:** Nonprofits. They-- foundations and-- they do own some property, so they get some rental income.

**LINEHAN:** OK. Do, do they have jobs program?

**WAYNE:** No.

**LINEHAN:** So I, I pulled it up quickly on the website, and I can't quite figure out what they do. Do you have more information?

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**WAYNE:** Yeah. They are one of the larger landowners in north Omaha. And Senator McKinney brought a bill to address that. But they are a landowner. They're supposed to be doing economic development. Yeah.

**LINEHAN:** Do they have a successful project that we could all look at to kind of see where we're investing this money?

**WAYNE:** About 20 years ago, they did some small apartments, little bit less than \$10, \$10 million. They've never done a project this big.

**LINEHAN:** So do you know what the 8-- OK. So we have the \$90 million, the \$8 million, and the \$2 million. What, what is the \$8 million for?

**WAYNE:** \$8 million is a project for CHI. They are centralizing their kitchen. It's a project that has been talked about for the last seven years. The city of Omaha put money into it two years-- three years ago. And for whatever reason, it still has not taken off. And now with this \$8 million, I guess it's supposed to cover that gap.

**LINEHAN:** OK. CHAI [SIC] as in the hospital?

**WAYNE:** The hospitals.

**LINEHAN:** So that would be out by the country club?

**WAYNE:** No. It's actually downtown. It's just one block north of Creighton. So it's more, I would say, downtown than it is north Omaha.

**LINEHAN:** So it's a kitchen for whom?

**WAYNE:** So years ago, CHI have consolidated their kitchens. So they actually send things out to the hospitals. And so this is a, a kitchen that'll help supplement their current kitchen of sending food out to all their hospitals. Yeah. I've read every--

**LINEHAN:** So if it was going to go to them--

**WAYNE:** I've read every project.

**LINEHAN:** If it was going to go to them, why would it go through the Omaha Economic Development--

**WAYNE:** Because they own the land. And they were trying to look for a location on a bus route. And eight years ago, they were the lead, and it stalled. And now this should recover. They had applied for some DED

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money at one point, but the amount of the wages was too low. So we're not sure where that's going to fall at.

**LINEHAN:** OK. What-- do you know what the other \$2 million is?

**WAYNE:** That's all their current property. They actually asked for about \$60 million-- or maybe \$26 million. I can pull it up here in a second. They're only getting \$2 million. And that's all their property they want to renovate. So rather than maintain their current property, the--

**DeBOER:** One minute.

**WAYNE:** --state's going to pay to maintain it.

**LINEHAN:** How much property did you say they already have in north Omaha?

**WAYNE:** They have \$22 million worth of property.

**LINEHAN:** And only one project has been completed?

**WAYNE:** They've completed other projects along. When Mr. Goodwin was running it, they completed a lot of projects 20-- 30, 20 years ago-- 20, 25 years ago.

**LINEHAN:** OK.

**WAYNE:** They have not completed any significant projects in the last ten years that I'm aware of.

**LINEHAN:** OK. Thank you, Senator Wayne. Thank you, Madam President.

**DeBOER:** Thank you, Senators Linehan and Wayne. Senator Wayne, you're recognized.

**WAYNE:** This is really interesting because I've seen the floor and I, I know how this works. And, you know, I'm, I'm not appealing to emotions or nothing like that. I'm just trying to talk to folks. But let me tell you why this is so important to me. And I handed this out before, and I probably should have handed it out again, but there are actually census tracts in, in north Omaha, three of them: tract 11, tract 12, and tract 52. Now, why are those tracts important? Because foundations invested about \$170 million into those three census tracts. And during that time, since 2012, poverty rate has actually went up. Let me

repeat. These three census tracts, foundations have invested a little almost \$200 million-- a little-- \$150 to \$170 million, to be exact. And poverty rate went up. And that's because north Omaha is often looked at as a charity case. And what I'm gonna do this year for-- I usually pass out books my first three or four years, and I didn't the last two years. But this year, I'm gonna make sure everybody reads Toxic Charity. I think it's really important. If you don't have a coordinated plan and you don't figure out how to make sure we are intentional about decreasing the wealth gap and increasing income and lowering poverty with jobs, you're just wasting money. Three census tracts is now the area of 75 north. And I know von Gillern knows about it because his company, his old company, is doing a project right now on 30th on an extension of that. Pretty significant project. But when you just do housing, when you just do nonprofits and say, we're going to feed, we're going to pidge-- provide some supports and give everybody a hug, poverty increases. What this Legislature did-- as they say, we're going to look at economics. We're going to look at economics and grow it. And we even hired a outside consultant from Arizona to do a economic score on every project listed. And the crazy thing is, the project that got the most money is the one that's producing the least amount of jobs in the grants. And we're going to talk about that next week. What's even crazier is the \$90 million we're putting into the airport park is producing zero jobs. So when you ask PRO outside why they're against this bill, the only thing they really talk about is the \$90 million. That's the point. There's other funds available. So I am asking for your green vote so we can have some more conversations to get this fixed. But if this dies today, we're not going to move the canal interest. This-- that's not going to happen. That canal interest is still going to go to north Omaha through the Economic Recovery Fund. And if it's the last thing I do in this body, that canal interest will not move. Because that was a two-year deal-- three-year deal that we made--

**DeBOER:** One minute.

**WAYNE:** --with three different bodies working on this floor. And the only person who can say something truly is Senator Bostelman because he's the only one who voted against the bill. And that was because he wanted broadband to his house. It's been an ongoing joke from me and Bosn-- Bostelman for seven years now, going on eight. Other than that, this body committed to the Perkins Canal going to north Omaha, the interest. Committed to ARPA dollars-- interest going to north Omaha. So let-- I'm willing to sit down and open that conversation back up. I'm willing to sit down and figure out how to make this work. But what

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we're doing right now isn't working for the community, and it damn sure isn't what this body spent hours debating, hours on the floor negotiating. And for those who don't remember, we were over on that corner--

**DeBOER:** Time, Senator.

**WAYNE:** Thank you, Madam President.

**DeBOER:** Thank you, Senator Wayne. Senator Arch, you're recognized.

**ARCH:** Thank you, Madam President. So I served on the Urban Affairs Committee, and I, I have a memory of the hearing that filled the room when we started this discussion. I, I supported-- I voted the bill out. I remember multiple conversations because there was a little bit of a sticker shock as to how much money we were talking about. We had never dealt with that kind of money. And I know Senator Wayne's passion. And it was a very different hearing, in Urban Affairs that day where we were considering these ARPA dollars and the impact on north Omaha. I, I-- if Senator Wayne would yield to a question, I would appreciate it.

**DeBOER:** Senator Wayne, would you yield?

**WAYNE:** Yes.

**ARCH:** Senator Wayne, I'm sure you remember that hearing as well.

**WAYNE:** Yes.

**ARCH:** Absolutely filled the room. And, and it, and it was, it was eye-opening because-- I-- well, I'm not going to-- I'd like you to talk about that hearing. And what was the, what was the main thrust of the testimony that came to the committee that day?

**WAYNE:** Thank you, Speaker Arch. The main-- there's two main themes, that everybody who came down did not want a handout. They wanted to earn their ability to close the wealth gap and create income and create jobs. The purpose was not to give dollars to nonprofits to not create jobs. It was people wanted economic development. They wanted the ability to pass something to their kids. And we dust off this old Chamber idea, got a new study done for \$75,000, not \$400,000, and they had a phased approach where all of these dollars were going to stay in this area and we were going to build out jobs. And it was the first time ever that the police union came in and testified in Urban

Affairs. Chief Schmaderer came down. It was kind of almost a surreal kumbaya moment where everybody was, like, conservative, liberal, progressive, whatever, said, hey, if we can focus on jobs and economic development, this is the one shot to make a difference. And the community walked away from that hearing-- felt listened to and had high expectations. High expectations that they may be able to go down the street and have a decent paying job, that their kids could actually still live in their neighborhood and be able to live, work, and play in that area. And we created that environment. And unfortunately, none of those guide rails, Mr. Speaker, are still in place around whether these dollars are going to stay there and whether the jobs are going to be created. Wasn't sure if you wanted me to keep going or not, sir. It's your time.

**ARCH:** I know. Thank you. Thank you, Senator Wayne. Because that is, that is what I recall. And I remember that it was-- it, it, it clearly focused on jobs. It was, it was, it was jobs. It was economic development. And, and, these were businesspeople from the community. They were business owners. They were entrepreneurs. They were bankers. They were other folks that came that, as I say, filled the room. And it was jobs. That was, that was the request. And, and quite frankly, I've heard you stand up on this--

**DeBOER:** One minute.

**ARCH:** --floor multiple times and, and say exactly the same thing. It is jobs. And, and so however we land on this, I think that, that is-- that should be the focus of all of us, that it is economic development for this community that is the ultimate goal. And we can debate how to get that done, but that has to be the ultimate goal. It has to be economic development. It has to be jobs for this community. Thank you, Madam President.

**DeBOER:** Thank you, Senators Wayne and Arch. Senator Slama, you're recognized.

**SLAMA:** Thank you, Madam President. And I'm grateful for Senator Arch and Senator Wayne's conversation. And I'm also grateful for Senator Wayne's comments earlier on the process and how many years this project has been in the making. And I wouldn't get up and talk about this because I think it's a lot of feelings-related things, but right now we're trying to take it to noon so that the parties that are around the table can come around the table this afternoon, hopefully work out their differences, and we can vote to get this to Select. But

today's discussions have me thinking about legacy. And there are a lot of senior senators here. There are a lot of people who won't be coming back next year. And a lot of people are reflecting and, at least my conversations with some of the senior senators, as to what, what are they going to point to as their achievement that made this all worth it? We put in the hours, we spent time away from our families. And there's always an issue that gets us excited, that gets us coming back here in the morning. For some people, it's social issues, protecting innocent life through pro-life policies, expanding access to Second Amendment rights. I know Colonel Brewer looks to constitutional carry as one of his biggest achievements in the Legislature. For Senator Wayne, it's this. And it's worthwhile to bring that up because Senator Wayne achieved what he thought to be his legacy in getting this money allotted for north and south Omaha. I respect the hell out of him because I come in here every day-- and we get along very well because I think we have similar mindsets when it comes to genuinely wanting to make a positive difference for our districts and for our regions. And he has fought for eight years here to get this done. And he got it. He got the \$90 million to develop his area, to improve it, to invest it the right way. And I say the right way because Senator McKinney-- Senator Wayne's brought this up. Senator McKinney even had an entire hearing on it, on well-meaning nonprofits that have been coming into their area, spending money, and having it all be for naught because it wasn't targeted towards the right areas, the areas of true need, and aren't targeted towards the areas that could make that difference. And so imagine if you're Senator Wayne, you have your legacy achieved. You've got it. You're done. And you find out-- and this is what I'm hearing from Senator Wayne and what his experience has been-- that he's been largely left out of the process. And you find out that the \$90 million that you've finally got to help improve your part of the city is being used on, as he sees it, shovel-ready projects. And through the DED's own analysis, will create zero jobs. His legacy bill, as he sees it, is being misused and abused by the powers that be. And that's why he's fighting so hard for this. Walk in his shoes for a second. I, I know some people are saying, well, this is a sloppy way to go about it. I don't support the way he's-- how would you go about it? How would you go about it if your local project to bring infrastructure investments to your community, your neck of the woods, suddenly wasn't going to that purpose after you passed it? After you did all of the work necessary to get the job done?

**DeBOER:** One minute.

**SLAMA:** So that's why I'm standing up here talking about legacy and taking the time to get this to noon so that the powers that be can come to the table and that Senator Wayne, Senator McKinney are included in that. I'm not saying that when you pass a bill here, you're guaranteed to have a 100% satisfaction rate. But you deserve to be at the table and have those discussions. No, you don't get to point and click with where the money goes and to whom. There's separation of powers there. I understand it. But you do deserve to have a seat at the table to at least be looped in onto how the process is working and how it's going to go. This is his legacy. That's why he's fighting so hard for it. So I'd ask that you get in the queue, help us get to noon so that everybody can talk it out, and vote to send this to Select File so that these discussions can continue and we can get a solution that makes everyone at least satisfied--

**DeBOER:** Time, Senator.

**SLAMA:** --with where this has ended up. Thank you, Madam President.

**DeBOER:** Thank you, Senator Slama. Senator Hughes, you're recognized.

**HUGHES:** Thank you, Madam President. So I'm sitting here kind of on the outside in a district that does not have an inland port authority and just came in here a little naive. I'm very logical. I'm trying to get all the facts from all the sides. There's a lot to take in. I have to admit, sometimes I'm like, oh, it's an Omaha project, so, eh, that's Omaha. So if it's OK, Senator Wayne, I'd like to ask you a question. He's counting his vote card.

**WAYNE:** Yes. Sorry.

**HUGHES:** Thank you. So you've mentioned that the local-- and I've, you know, read the information [INAUDIBLE] out-- the local folks and you guys have not had a seat at the table. Can you just kind of explain how this amendment will work to make sure that that happens?

**WAYNE:** So-- honestly, I don't care if I'm at the table at this point, but I do think the community has to be at the table. And so what an inland port is is they're open and subject to Open Meetings Act. So every meeting they have, they have to post. They-- the commu-- people can come in and comment. And so at least there's some transparency in that regards that currently is not, not happening nor does it have to happen.

**HUGHES:** So that's the, the basic of it, is that it opens it up and community will obviously be involved that way.

**WAYNE:** Correct. And, and it's local control.

**HUGHES:** Yes. And I am all about local control. Thank you. So I have also-- that, that was my question, and I was going to yield the rest of my time to Senator McKinney, please.

**DeBOER:** Senator McKinney, you're yielded 3 minutes, 24 seconds.

**McKINNEY:** Thank you, Madam President. And thank you, Senator Hughes. I see there's, I guess, a bullet point of talking points sent out by the Governor that was placed in the Legislature by Senator McDonnell. And I scrolled to the end of this. It says: DED has engaged with state senators throughout the design and implementation of the business park. That is not true. I haven't been in a meeting about the business park since just the idea was floated to get it passed. Frankly put it, there's been a bunch of meetings. And I've talked to people that's been in those meetings, and the people in those meetings said, don't-- basic-- from the people that were holding those meetings-- we don't want Senator Wayne here or Senator McKinney here because they might ask a question that we don't like or they might raise a concern that we're not cool with. That's why we were in those meetings. There's been a total lack of communication. It's a reason why we had to pull the director of DED into a hearing in October because the lack of communication. Then even after that, I send out a email saying, hey, when can I get a update about when are the grants going to be released? You know when I finally got a response? A month later after I said-- I sent the email a, a month ago or, like, three weeks ago and I didn't receive a response. Then I get a response, and it says, hey, we're sorry for not replying back to you. We really don't have a update. We're still working through the process. But still no update about the process. Then we're told grants will be released by December. End of December, didn't happen. Now they're talking about having an announcement about projects that got funded. And that-- in that list that Senator McDonnell sent around-- let's be clear: those are just the ones that were offered. Everybody on that list did not accept. I could pick out multiple entities that said they were low-balled and did not accept the offer. So that list is not even completely accurate of who's actually getting funding because some of those organizations--

**DeBOER:** One minute.

**McKINNEY:** --asked for, like, \$1 million and was only offered \$50,000. But just to be honest, when you stand up and say you need something for your district, don't count on my vote if you're not going to be with us. Don't count on my vote if the Governor could pull you away from supporting something that is important to our district. When something is important in yours, do not come to me and ask me. Because the same courtesy that I offered-- that, that I asked for, don't ask it from me if you're not going to give it. Thank you.

**DeBOER:** Thank you, Senators Hughes, Wayne, and McKinney. Senator DeKay, you're recognized.

**DeKAY:** Thank you, Madam President. Today, I'd like to talk a little bit about, as a body, what we represent. I cannot fault anybody for representing their district and their constituents. We have to look out for those people. We also have to look out for the entirety of the state and what's good for the state of Nebraska. If Senator Wayne would yield to a question.

**DeBOER:** Senator Wayne, will you yield?

**WAYNE:** Yes.

**DeKAY:** Thank you. Senator Wayne, you talked earlier about how many jobs that this bill will provide. Can you elaborate on that a little bit or is that for future--

**WAYNE:** So originally, the airport park was supposed to provide around 1,600 jobs. It was a phased-in approach, where they were intentional about recruiting companies. By the way, one of the companies who came and testified, who lobbied, that were bringing an expansion of about a hundred jobs here did not get a grant, did not get any money, actually got a denial letter from the DED process. So they are now going to Utah. And actually, they came up here and lobbied a couple of people last year too. They are-- they're moving to Utah. But the 1,600 was supposed to be a part of the airport park. That's not true anymore. That's just not true. So I don't, I don't know what else you want me to say.

**DeKAY:** Well, with the 1,600 job-- with the jobs that you're-- Senator McKinney's bill will probably bring forward, how many of those jobs would coincide or overlap with what the airpark had planned?

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**WAYNE:** None. This \$90 million was a completely separate job opportunity for, for north Omaha. So they won't overlap at all. Well, they shouldn't. They shouldn't.

**DeKAY:** OK. Thank you. I'd yield the rest of my time to Senator Jacobson.

**DeBOER:** Senator Jacobson, you're yielded 3 minutes and 6 seconds.

**JACOBSON:** Thank you, Madam Chairman. I, I guess I want to start by kind of following up a little bit on some of Senator Slama's comments. You know, when I got down in this body, I was appointed by then-Governor Ricketts, and I was able to spend 30 days here in the One Hundred Seventh Legislature and then came back last year as a, what I'd like to refer to as a "redshirt freshman." One of the first people I met down here was Senator Wayne. And I can tell you that, of all the things I know about the folks here in the Legislature, Senator Wayne is very, very bright. He knows how to do deals. In my years in banking, I, I got involved in a lot of negotiations. But I can tell you, I'm glad I never had to negotiate interest or anything else with Senator Wayne because he's very good at it. He has served his community incredibly well. No one has done more to deliver to their constituents than Senator Wayne and Senator McKinney. They've been focused in their time here in the Legislature to deliver for their constituents, something all of us want to do. And at the same time, as Senator DeKay said, also deliver for the state. We win as a state. I know many times here in the Legislature, I've heard people talk about how everybody out west is going to ultimately live in Lincoln and Omaha. Well, I'm here to tell you that's never going to happen. And it's not going to happen because there are things going on in the western part of the state and-- there are a lot of things going on. I look at what's happening, first of all, in Grand Island-- which, for those who, who understand the map of the state, they're more in east central Nebraska. I look at what's happening in Kearney, which is having significant growth, which I consider central Nebraska. Then you get to North Platte, which is west central Nebraska.

**DeBOER:** One minute.

**JACOBSON:** And what we're doing-- thank you-- what's happening with the rail park, what's happening with the packing plant, what's happening with all the industrial development that's going, going on there. Move on out to Kimball. Move on out to Scottsbluff/Gering. These are things that are important for the overall growth. The rail park and inland

port authority in Hershey will be very, very significant to employment, economic development. And it's for that reason I'm going to be very protective of what happens out there, both the funding and the fact that we don't oversaturate the state so that we lose the benefits of that authority. So that's one of my ongoing concerns, and I'll continue to keep that concern as we move forward. With that, you're about ready to cut me off, Madam Chairman, so I'm going to step down without-- keeping you from having to do that. Thank you.

**DeBOER:** Thank you, Senator DeKay, Wayne, and Jacobson. Senator McKinney, you're recognized.

**McKINNEY:** Thank you, Madam President. I'm going to yield my time to Senator Wayne.

**DeBOER:** Senator Wayne, you're yielded 4 minutes and 52 seconds.

**WAYNE:** Thank you, Madam President and Senator McKinney. Colleagues, there's a cou-- there's only a few things that kind of get underneath my skin, and one of them is lying. Flat out lying. What DED just handed out through Senator McDonnell, flat-out lies. I want to point out one interesting thing. Bullet point 3, the Chamber getting a \$10 million fee. The \$10 million is for use of business recruitment and incentives. Colleagues, Senator Lindstrom brought that bill to give the Governor a cash fund. It was completely rejected by this body. It made it to the floor. It was rejected. We are going to give, according to their own document they just handed out, \$10 million for the Chamber to recruit businesses and provide incentives, incentives, which was rejected by this body. \$10 million for the Chamber to recruit businesses in which they're already supposed to do. That is a significant fee. \$10 million out of \$90 million is a significant fee to recruit businesses and to provide incentives. What you are saying right now, DED, is you are subcontracting out our incentive program to hand out cash to companies to the Chamber, and we hope they go to north Omaha. To say that the airport program has happened no differently than any other proposed land document, not true. Hershey's had multiple meetings. They had community meetings. They actually engaged people. And they had a plan with a pro forma of how they are going to do it. We don't have a pro forma. We have a budget with a \$100 million gap. What you're not seeing in this document, if you go to the page that I turned to you-- I gave you, it's a \$199 million project with no idea of where they're going to get the other \$100 million from. They list everything from foundations to business loans to we don't have an idea, but we're going to throw it all out there.

That's what it says. If you don't believe me, I can show you the document. This is a \$199 million project that we're funding \$90 million for zero jobs. \$199 million for zero jobs. It says it's going to create 1,600 jobs. No. The press release says all they're doing is creating shovel-ready land. Read what the report says. Read what the news has said. Zero jobs. And the answer from Burlington Capital was, well, we knew it was going to be a big investment, so we're just going to get things shovel-ready. That's not what they told us. It was going to be a phased approach, which we're going to phase it in, which I handed out on this floor this morning, and we're going to keep the money there. Under right now, OEDC could sell the land and move the entire money and the profits to a-- to south Omaha, to west Omaha, to a different part. There is nothing binding that makes-- so the dollars stay there so they can complete the project. It's a \$199 million project with zero jobs. And conservatives were saying, we're OK with that. But at the same time, we're going to raise sales tax, but we're going to give money away--

**DeBOER:** One minute.

**WAYNE:** --to corporations to produce zero jobs. But we're OK with that. And we're OK with DED just flat out sending something in, lying. They've admitted in the paper multiple times that they had no community input, that they're not following the same-- what they said was, this has been looked at for so long. We're just going to move forward. \$199 million for no jobs. But I don't want to support any changes. I'm just going to roll with the Governor while at the same time asking for a sales tax increase that's going to hit this community harder. How does that make sense? Somebody get on the mic and tell me. Defend your "no" vote right now. Defend not voting for this and at the same time asking for a sales tax increase or closing exemptions when you're literally--

**DeBOER:** Time, Senator.

**WAYNE:** --giving \$100 million away. Thank you, Madam President.

**DeBOER:** Thank you, Senator Wayne. Senator Bostelman, you're recognized.

**BOSTELMAN:** Thank you, Madam President. Would Senator Jacobson yield to some questions?

**DeBOER:** Senator Jacobson, would you yield?

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**JACOBSON:** Thank you, Madam President. I forgot that I was in the queue, so--

**BOSTELMAN:** Nope. I ask if you would yield.

**JACOBSON:** Oh, I've yield to a question. All right.

**BOSTELMAN:** Would you yield to a question?

**JACOBSON:** Absolutely.

**BOSTELMAN:** Thank you, Senator Jacobson. One of the, one of the-- in the original bills, we're talking about inland port authorities. And you've talked about a little bit already, but could you explain to me more about in the North Platte area? Could you explain to me a little bit more about what that entails, what type of industry you're talking about bringing into there, and-- and, and again, how this-- how the existing bill-- not the one we're talking about right now, the AM and the underlying bill-- but the existing inland port authority, port authority positions and how that affects North Platte, types of jobs, types of businesses that are coming in.

**JACOBSON:** Certainly. Sure. And the way this worked out, and as I described a little bit earlier, when, when we first went after the rail park idea-- which, a rail park and an inland port authority are two separate and distinct actions and entities. So you need to start with a rail park, really as part of your inland port authority. But you can have a rail park without an inland port authority. So what we had for years in North Platte is, where we have the largest rail classification yard in the world, there is so much traffic going through there historically that there was a no interest by the UP to allow, industry to connect nearby, like build an ethanol plant or something like that, and get a rail spur because it would slow traffic down. I understand that. But now that they've reduced the traffic significantly, largely because of reductions in coal, it slowed the traffic down to the point where the UP is looking for more business, there is parts of the yard that's available, not being utilized as, as heavily. So now they're open to that. So there was an area just over by Hershey where there was a spur. And so we're-- we took that area and expanding it. There's 300 acres that are optioned there to be able to build out this port authority and rail park. So under the rail park bill, there was \$50 million allocated. North Platte was the first to raise their hand and say, we have a plan. We're interested. And per that bill, we were entitled to 60% of the initial fund-- so \$30

million of matching dollars. Now what we need to do is build it out and get matching dollars back. So we then did separately got an inland port authority designation-- which, an inland port authority allows you to be an import/export handler. So you can literally bring freight into that rail park from Canada or Mexico. Or you also could develop product, to produce product there, load it there, and ship it to Canada or Mexico without having to go customs-- that you would go through customs there. That's what the inland port designation does. The fact that you have access to air, which we have a very long runway that actually landed many years ago. President Reagan landed on the airport. Air Force One landed in North Platte. We still have that runway. And so we have rail, we have air, we have the interstate, and we have Highway 83. And that really sets it up very significantly. We have a-- our first project is still doing their capital--

**DeBOER:** One minute.

**JACOBSON:** --stack. Thank you. But that capital stack would likely include them raising the dollars to put in a soybean processing plant. So what that would do is create, create economic for-- right now, when you look at North Platte, we basically grow a lot of corn and some soybeans. We would likely see more of a rotation of corn and soybeans. The soybeans that are raised in North Platte and in Lincoln County and that area generally go to Hastings, where AGP is at. That's a pretty good drive. If this soy processing plant would be built, it would significantly increase the margins and the bids to local soybean producers and significantly add to the economic activity in the area. Plus, it would create jobs, of course, for those that are employed by the new processing plant. That processing plant then would get higher margins because they could load the soy oil and soy meal, put it on a freight train, and ship it out anywhere in the world from, from North Platte.

**DeBOER:** Time, Senator.

**JACOBSON:** Thank you.

**DeBOER:** Thank you, Senators Bostelman and Jacobson. Senator McDonnell, you're recognized.

**McDONNELL:** Thank you, Madam President. The handout I gave you earlier through the Governor's team and DED I believe is 100% factual. To try to compromise on anything, you have to at least agree that there's certain facts. And if you can get to that point, then there's a chance

for compromise. If you can't, it just will be continually going back and forth of whose perceived facts are, are correct. So this process and, and being involved in, in negotiations in the past-- we're scheduled to go to lunch at noon. I know that Senator Wayne and, and Senator McKinney and others are very passionate about this. Also, I know that the Governor's team and the DED are, are willing to talk and sit this afternoon and try to work out a compromise. So let's say both-- everyone tries and it fails. I think it was worth the effort. But there is a chance to where there could be common ground, could work out some of these disagreements on, on the facts, and really come up with a, with a compromise. But if it fails, the Speaker has committed to starting off tomorrow with LB164. And people then make their decision and, and say they're going to vote yes or no or whatever they, they, they feel is the right thing to do. But I think it is worth trying this afternoon and, and-- to compromise. And this has been done before in this-- with this body. And, and I think it's a-- it's part of why this body is, is such a, a, a, a special place to be because you could start off the day and really totally disagree. But at the end of the day, you can sit and try to find that common ground and what's best for the state of Nebraska and not concentrate on personalities over policy. And I believe we can try to do that. And I believe the effort will be 100% from Senator Wayne, Senator McKinney, others, and the Governor's team and also DED this afternoon. Thank you, Madam President.

**DeBOER:** Thank you, Senator McDonnell. Senator Wayne, you're recognized. And this is your third opportunity.

**WAYNE:** It's OK if people want to call me a liar. I'm fine with that. But here's the facts. October 22, DED said this cannot be used for relocation. Octo-- April-- February 28, they put out a clarifying memo saying, no. Proposals with sites that are not vacant at the time of application will not be considered. December 18, 2023, proposals for projects with sites that are not vacant at the time of application will not be considered. They sent a letter in here saying they are highly sensitive of dislocations. But here's the crazy part. The awardee may use grant funds for relocation payments. They're breaking the law. You can't be highly sensitive and never talk to somebody. That's not, that's not misleading facts. That is a fact. You want to talk about the list and what's really going on? The largest grant recipient that will be announced Friday produces zero jobs. The Buffetts' special nonprofit, called Girls Inc., is getting \$20 million to build a new nonprofit facility with zero new jobs. So we're going to tax everyday people and give the Buffetts' nonprofit \$20 million.

That's going to be announced on Friday. But we're going to be OK with that. What economic recovery is there? Sales tax goes up on everyday people. Millionaires' and billionaires' nonprofits get more money. The same people who are now fighting this change. There is nothing factual and accurate about what DED sent here today. And if this is the administration's tactics moving forward, last session's going to be nothing like this session. Not a threat. Not a warning. There's just certain things I call-- I call balls and strikes. And this is BS. We're going to hand the Chamber \$10 million to provide incentives. That means cash. I guess we're OK with that, conservatives. But they changed the grant application after the award, saying they can use it for relocation. That is, my friend, a lawsuit. 84-901,03 says a guidance document is binding on the agency unless that agency changes their position publicly. Well, they still haven't. I guess now they gave it to the Legislature. But for three items, no displacement. Now they say that this awardee can do it. Here's the crazy part. OEDC actually applied for this under the federal guidelines, and they didn't do a bid to hire Burlington Capital. They are a subrecipient of the grant. That's what their contract says. They have to follow federal guidelines. That didn't happen. That didn't happen. Another lawsuit. Clawback. So what's going to happen is we're going to go negotiate. But I'm going to ask--

**DeBOER:** One minute.

**WAYNE:** --the Auditor to start an investigation. And I might even send a letter to the Department of Justice. If that's where we're going to go, we're going to play dirty with lies. Auditor Foley, I will be sending you a detailed email of what I think a audit should look like, and I will be bringing a floor amendment every time there's a bill up to fund whatever he needs. The planning grant should have never been issued. Look at their report. It's the same thing that we got in the committee two years ago. This is a money grab, and I'm tired of the poverty pimps taking out my community all the time. That's what we're doing again. And we are OK with it.

**DeBOER:** Time, Senator.

**WAYNE:** Thank you, Madam President.

**DeBOER:** Thank you, Senator Wayne. Mr. Clerk for an item.

**CLERK:** Madam President, some items. Notice of committee hearing from the Appropriations as well as the Judiciary Committee. Amendments to

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Rough Draft

be printed from Senator Fredrickson to LB856; Senator Dungan to LB1072; Senator Walz to LB1347 and LB1377; Senator Erdman to LB102A; Senator von Gillern to LB1241; Senator von Gillern to LB807. Senator Walz has designated LB1284 as her personal priority for the session. Senator Walz, LB1284 as a personal priority. Notice that the Government Committee will hold an Executive Session Wednesday, January 24 immediately following the hearing in room 1507. Government, Exec Session, Wednesday, January 24 in 1507. Name adds: Senator Brewer to LB4 and LB10; Senator Hunt, LB855; Senator Machaela Cavanaugh, LB894; Senator Brandt, LB1072. Hughes, Bostar, and Dungan, as well as Machaela Cavanaugh, to LB1087; and Senator Brewer to LB1329. Finally, Madam President, a priority motion: Senator Dungan would move to adjourn the body until Thursday, January 25 at 9:00 a.m.

**DeBOER:** Colleagues, you've heard the question. The question is, shall the Legislature adjourn until Thursday, January 25, at 9 a.m.? All those in favor say aye. All those opposed say nay. The Legislature is adjourned.