

November 8, 1989

LB 1-9
LR 1-3

escort the Honorable Kay A. Orr from the Chamber.

Ready for the introduction of bills.

CLERK: Mr. President, new bills: (Read LBs 1-7 by title for the first time. See pages 59-60 of the Legislative Journal.)

Mr. President, in addition to those new bills I have new resolutions. (Read brief explanation of LRs 1-3. See pages 60-62 of the Legislative Journal.) That, too, will be laid over, Mr. President. That is all that I have at this time, Mr. President.

PRESIDENT: If you will stand at ease for just a few moments, we have a couple more bills coming.

EASE

CLERK: Mr. President, further introductions: (Read LBs 8-9 by title for the first time. See page 63 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: Senator Labedz, did you have any words of wisdom for the body, please?

SENATOR LABEDZ: Thank you, Mr. President. Yes, I would like to request that the...

PRESIDENT: (Gavel.) Please have your attention to listen to Senator Labedz a moment, please.

SENATOR LABEDZ: Since it is almost noon I would suggest that the Exec Board meet at one-thirty as part of the Referencing Committee to reference the bills that were introduced today, one-thirty in Room 1517.

PRESIDENT: Thank you, Senator Labedz. Senator Barrett, do you wish to adjourn us until tomorrow and tell us at what time, please?

SPEAKER BARRETT: Thank you. Mr. President and members, I move that the body adjourn until nine o'clock tomorrow morning. Thank you.

PRESIDENT: You have heard the motion to adjourn until tomorrow

crash probably the only positive thing that came out of that they happened to crash out here in the midlands, in the tri-state region rather than in a metropolitan area. The early report suggested that with a little bit advance notice that those communities mustered their emergency personnel and had in the neighborhood of 50 emergency vehicles on site before the plane actually even crashed. It was an unbelievable response and then the community picked it up and went on with that in terms of taking care of victims, families that came in while many of the victims were hospitalized and the like. It's been a classic case of a midwestern response to a tragedy and I think that it would behoove us to recognize that community and their efforts at this time, if nothing else, to show that we do care and we, as a part of that community, being the Nebraska section of that tri-state area, also played a part in that and we respect and appreciate their efforts. So, with that, I offer this to the body and hope they will accept this resolution.

SPEAKER BARRETT: Thank you. Senator Hefner, further discussion.

SENATOR HEFNER: Mr. President and members of the body, I commend Senator Conway for introducing this resolution and I appreciate him letting me sign on with it because I am very interested in the Siouxland area. I think that people around the Siouxland area did a terrific job in responding to the tragedy that happened late that afternoon in July. And it was not only just the immediate Siouxland area, the tri-state area, but as I heard and read there were many other communities within a 50 or 60 or even a 100-mile radius that responded to help, and I just think it's right and proper that we pass this resolution recognizing this fact. Thank you.

SPEAKER BARRETT: Any other discussion? Seeing none, Senator Conway, would you like to close? Thank you. Closing is waived and the question is the adoption of LR 2. Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 37 ayes, 0 nays, Mr. President, on adoption of LR 2.

SPEAKER BARRETT: LR 2 is adopted. LR 3, Mr. Clerk.

CLERK: Mr. President, LR 3 offered by Senators Conway and Baack, found on page 62 of the Journal. (Read LR 3.)

SPEAKER BARRETT: Senator Conway, would you care to introduce the resolution?

SENATOR CONWAY: Thank you, Mr. Speaker, and members, this proposal called the wayports, on your desk you will find a brief scenario in terms of what are they and what they may do. I ran across the concept at a national meeting a year ago. Much to my surprise, it has picked up speed and we now have as many as nine different states and communities that have expressed interest in this. Basically, the concept is a proposal that is in front of Congress right now. There is a House bill as well as a Senate bill that is proposing the possibility of between four and six so-called wayports. And a wayport really is nothing more than if one wanted to conceptualize what goes on now in Chicago and Atlanta and St. Louis in terms of those being major airline hubs and all of the difficulty and concern that you have heard from the FAA and the like with respect to traffic and congestion and the like. There has been a suggestion made that the federal government support the building of somewhere between four and six of these so-called wayports and they would be out in rural areas out where you do not have the traffic congestion in terms of airline traffic, where their sole purpose really is to move freight and passengers in a much more expedient manner. They could be built considerably cheaper with cheaper land than trying to reconstruct an older airport in the city for that nature without the traffic and the like. And the idea is starting to catch on and I found in several cases that people in other rural states are talking about it. There is a proposal offered out of Kansas. North Dakota has already passed a resolution and I think that Nebraska, with our abundant air space, our central location, would be a very viable location for the federal government to look at the possible placement of one of these airports. They are talking about an expenditure in the neighborhood of around a billion dollars to build each one of these wayports or massive transfer airports. Nebraska, I believe, would be an ideal location by virtue of the location itself, but also I think we, through economic development, have flaunted and promoted all kinds of other advantages for enterprise to be in Nebraska. That, with our location, specifically, would make us a major contender. What this resolution basically suggests is that the Department of Aeronautics and the Department of Economic Development work together and look at the possibility of a proposal that could be forwarded to Washington to say, hey, look us over, we think we have something to offer here and we would be a proper location

for such. I think, without question, you can also recognize the benefits that the building of a billion dollar facility, in and of itself, would be an economic boon let alone what would transpire after that with the employment of maybe as many as 5,000 people that would be associated with the running of one of these with air traffic control and all that goes with it. It would not be designed specifically to be in even our urban areas but out in the noncontrol traffic areas, probably possibly in the middle of the state, somewhere geographically that it would fit with the aeronautic needs of relatively fog free conditions and all the other things that go. But they're talking about building these things in the state of the art where they would have snow melt runways and all, I mean, built to the state of the art to take our aviation into the future for the next 50 years. So I offer this resolution simply saying have our experts look at this, help start developing a proposal possibly to send to Washington and say, here's something that we Nebraskans would like to see have happen here in Nebraska.

SPEAKER BARRETT: Thank you. Discussion on the resolution. Senator Wehrbein, please.

SENATOR WEHRBEIN: Yes, Mr. Speaker and members, I would like a question of Senator Conway. I was just reading this over, what is the attitude of the Aeronautics and Economic Development Department at this time? Is this a new idea or is it kind of cold?

SENATOR CONWAY: This is such a new idea that I have not had a discussion with them and I'm not even...do not know at this point whether they're even familiar with it. Again, the special session came up, this was something I was preparing for regular session. I saw the opportunity to bring it in earlier and get ahead of several other states that I know are preparing resolutions for their January meetings.

SENATOR WEHRBEIN: I assume the way it reads it does say advocate and I assume that if the idea did not appear feasible in Nebraska, we also would be able to back out gracefully. This is not an automatic...there might be reasons that...I just want to make it realistic in what we can accomplish.

SENATOR CONWAY: Yes, my intent, really, with the resolution is that we really start moving towards looking at the feasibility and whether we do want to participate; advocate in terms of

excitement but, by the same token, if, in fact, the research and feasibility analysis comes down to play that we would not want to participate by whatever ill aspects there may be associated with this, naturally back off our support.

SENATOR WEHRBEIN: All right, that's what I wanted to have clear. Thank you.

SPEAKER BARRETT: Thank you. Senator Chambers, on the resolution, followed by Senator Schmit.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I would like to ask Senator Conway a question.

SPEAKER BARRETT: Senator Conway, would you respond?

SENATOR CHAMBERS: Senator Conway, maybe you touched on this but say one of these wayports were constructed, how would that operate as far as carrying out what the purpose of the resolution indicates?

SENATOR CONWAY: Operate in terms of the ongoing daily activities?

SENATOR CHAMBERS: How would a transfer occur, a person transferring from where to where and will go where?

SENATOR CONWAY: It's my understanding, as I have read the various proposals, most of it's been in print and the like, but what I have read it appears that it would operate very similar to what goes on now, say, in Chicago O'Hare, except that it would be void to local traffic that the major metropolitan areas have, so you have the burden of both going on. It would just basically relieve the kind of traffic...if you go to New York City anymore, you typically go to Chicago, turn around and get on a different plane and redistribute, take that redistribution function out and move it out of those heavy traffic urban areas.

SENATOR CHAMBERS: How would Nebraska fit into that, I'm wondering, where...you would be going from where to where so that it would be beneficial to stop at this wayport and make a transfer. That's what I'm wondering.

SENATOR CONWAY: The ones in the Midwest, for instance, would probably...one of these would receive probably all of the

oriental traffic, for instance, that comes into the United States and then redistributed to the airlines to take them to the major cities that they have as their final destination. Wayports are not designed to be a beginning point or a final destination point...

SENATOR CHAMBERS: I couldn't hear you. Can you...

SENATOR CONWAY: I say, wayports are not designed to be a beginning or an end, they are simply a transfer situation that most people have to experience now when they go, like I say, to New York, from here you go through either St. Louis, lay over, get on a different plane and the like, or Chicago. Southern traffic all comes up and has to transfer at Atlanta and then be redistributed. They're trying to take that redistribution function out of those urban areas that have their own activity because of that being a destination and move that activity out of those areas.

SENATOR CHAMBERS: So it would deal with domestic traffic?

SENATOR CONWAY: Domestic and foreign, right.

SENATOR CHAMBERS: Somebody might be on the way to New York and from California?

SENATOR CONWAY: Correct.

SENATOR CHAMBERS: So instead of going to Chicago or Des Moines, they would come to Nebraska?

SENATOR CONWAY: Correct.

SENATOR CHAMBERS: And where would this wayport be located in Nebraska?

SENATOR CONWAY: I assume it would have to be in an area that, by virtue of the FAA regulations, would not be an interference with any other traffic. The idea is to be able to move traffic in and out without all kinds of other congestion. So I assume somewhere outside of Lincoln and Omaha which already are controlled areas, probably somewhere out in the middle. Senator Baack signed on the bill so that people would not think it was going to be in Wayne but possibly somewhere between Senator Baack's district and my district.

SENATOR CHAMBERS: Okay. It's a new concept to me and I was trying to get some information. But, in all seriousness, I look at the first "Whereas" and it says, Nebraska is dedicated to economic development and expansion of commerce. That would be more correct if it said economic development in certain sectors of the economy and certain geographic locations because I'm handing around two articles on the same sheet where one is very large that talks about the flourishing economy that's benefiting all areas of this state but an article, a smaller one, and the same picture that talks about rural Nebraska being worse off than it's ever been, the businesses that are going bankrupt, so, again, we're being sold a bill of goods. And I know in my district where black people live and some poor white people, we have not gotten jobs. There is no flourishing economy for us. So, again, the political posturing that is designed to create an impression for certain individuals but it only generates and foments much greater and deep-seated bitterness because there is all of this talk about the jobs, the improved economy, but there are no jobs where they are needed. There is no hope for the for the economies in the rural areas and then the Legislature will come together for the purposes we have in mind and disregard all of these realities...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...and engage in additional conduct that is not proper. So I'm going to ask Senator Conway a question. Would it be against your wishes, and if it is, I will not pursue it, if I added the words in the first "Whereas" so that we would come up with a statement like this, "Nebraska is dedicated to economic development and expansion of commerce in certain sectors of the economy and in certain geographical locations of the state"?

SPEAKER BARRETT: Senator Conway.

SENATOR CONWAY: Yes, Senator Chambers, I guess I would resist that because I'm not sure that our dedication, our end result, in many cases, I may not argue with you that that happens, I think our dedication though is for economic development and I guess I would have to argue somewhat with the rural communities. I represent a rural community that is also flourishing in an economic development arena. So, I mean, you're right, there are isolated areas and there may be a lot of isolated areas that the

economic development hasn't been what we expected but I don't think that takes away from many of us in this body's dedication and hope that we can continue to work in that area and eventually solve the problems.

SENATOR CHAMBERS: Do you, because my time is almost up, do you need...

SPEAKER BARRETT: Time has expired.

SENATOR CHAMBERS: ...that first "Whereas"?

SENATOR CONWAY: I don't need the first "Whereas", no, but I think it sets the stage for the whole...the idea behind this is it's for continued economic "flourishment" of the state as a whole that ultimately all members may benefit from it.

SPEAKER BARRETT: Thank you. Senator Smith, please.

SENATOR SMITH: Thank you, Mr. Speaker. Senator Conway.

SPEAKER BARRETT: Senator Conway.

SENATOR SMITH: I would like to ask a question.

SENATOR CONWAY: Certainly.

SENATOR SMITH: Would you be interested in revamping your resolution just a little bit just to make it a little more specific? The question was asked by Senator Chambers about the location that you would be anticipating if we were to pass such a resolution. How about the central part of Nebraska in the tri-city area?

SENATOR CONWAY: First of all, I think you have to realize the placement of something like a wayport is going to be dictated to a great extent by a lot of aeronautical analysis in terms of where the limitation on the areas of fog and limitations of area traffic...

SENATOR SMITH: Well, I'm just helping you pinpoint. You said somewhere between your and Senator Baack's districts.

SENATOR CONWAY: I suggest that by pinpointing it before any

feasibility has been done you probably are identifying a limitation that is going to limit our ability to actually bid for such a place. I think the tri-state area could very easily, based on what I know about aviation, could very possibly end up being a general location where it would happen because it does need to be away from existing traffic patterns which Lincoln and Omaha already represent. It may end up in Anselmo. But I do believe with 5,000 employees that it would be most economically proper to have it relatively close to some population density so that a whole infrastructure of schools and all that goes with all of these employees is already in place. So the Kearney, Grand Island, Hastings area probably makes a lot of sense, but, again, without that kind of technical knowledge I would hate to pinpoint it at this point.

SENATOR SMITH: You're such a good politician, I think I'll vote for your resolution.

SPEAKER BARRETT: Thank you. Any other discussion? Senator Conway, would you care to close.

SENATOR CONWAY: Thank you, Mr. Speaker. Like I say, I appreciate the questions because this is new and it's relatively new to me, at this point, other than the readings and some of the communications I have had with some people who have dealt with this subject or at least the feasibility of the subject in other states. I think that what we're doing is directing it to the Department of Aeronautics and the Department of Economic Development to look at feasibility and see whether or not we ought to be a player and a contender in this situation. By virtue of some of the comments with respect to this "Whereas", that "Whereas", as we know all resolutions, we can keep mulling around with them but, hopefully, there will be other legislation and/or resolutions after this initial phase to start working on those particulars for those of you who have special interests. So this is the first wave, recognition, run up the flag, let's talk about it. That's all this resolution is intended at this time.

SPEAKER BARRETT: Thank you. The question is the adoption of LR 3. Those in favor vote aye, opposed nay. Please record.

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of LR 3.

SPEAKER BARRETT: LR 3 is adopted. Anything for the record?

November 14, 1989

LB 4-9,
LR 2, 3, 4

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. Would you please rise for the invocation by Senator Hefner, please.

SENATOR HEFNER: (Prayer offered.)

PRESIDENT: Thank you, Senator Hefner. May we have the roll call, please.

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Thank you. Do you have any corrections to the Journal today?

CLERK: I have no corrections, Mr. President.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 2 and LR 3. Do you have some things to read in, Mr. Clerk?

CLERK: Mr. President, I do. Your Committee on Revenue, whose Chair is Senator Hall, to whom was referred LB 4, instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; LB 5 indefinitely postponed; LB 6 indefinitely postponed; LB 8 indefinitely postponed and LB 9 indefinitely postponed, all signed by Senator Hall as chair of the committee.

Mr. President, I have a reference report referring a certain gubernatorial appointee to the Agriculture Committee for a confirmation hearing. I have a report of registered lobbyists for May, 1989 through November 14, '89. (See pages 94-96 of the Legislative Journal.)

I have an Attorney General's Opinion addressed to Senator Warner regarding LB 7. (See pages 96-97 of the Legislative Journal.)

Mr. President, I have a communication from the Secretary of State. Mr. President, I have a hearing notice from the Retirement Committee, confirmation hearing notice, signed by Senator Haberman as Chair.

And, Mr. President, two new resolutions, LR 4 by Senator