

January 19, 1981

LB 357-388

Journal a motion he is submitting pursuant to Rule 6, Section 2, to rerefer LB 245.

Mr. President, new bills: (Read title to LB 357-388 as found on pages 261-268 of the Legislative Journal.)

SPEAKER MARVEL: Your agenda for tomorrow will show that we will adjourn until 9:30 a.m. There will be a chairmen's meeting at nine o'clock and Exec Board at eleven o'clock. Those two latter meetings will be in Room 1520. Senator Haberman, would you like to adjourn us until nine-thirty tomorrow.

SENATOR HABERMAN: Mr. President, I move that we adjourn sine die until nine-thirty tomorrow morning.

SPEAKER MARVEL: Leave out the sine die.

SENATOR HABERMAN: Move we adjourn until nine-thirty tomorrow morning.

SPEAKER MARVEL: All those in favor say aye, opposed no. We are adjourned until nine-thirty tomorrow morning.

Edited by:


Mary A. Turner

May 6, 1981

LB 35, 76, 364
LR 64, 75, 90

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Rev. Charles L. Wildman, Vine Congregational Church here in Lincoln.

REV. WILDMAN: Prayer.

PRESIDENT: Roll call. While we are waiting for members to arrive and register your presence, the chair would like to introduce Senator Beyer's guests from Papillion High School, American Political Behavior Class, five students, Toby Tortorilla, Valery Hooper, Eric Lambert, Susan Thornhill and Kay Pesek. They are over here. Will the class stand up and be recognized by the Unicameral Legislature. Welcome. Senator Howard Peterson if you would give us your light we will be here, we will be able to be in session. Record the presence, Mr. Clerk.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: Quorum present. Are there any corrections to the Journal?

CLERK: I have no corrections to the Journal, Mr. President.

PRESIDENT: All right, the Journal will stand as published. Any messages, reports or announcements?

CLERK: Mr. President, your committee on Public Works whose chairman is Senator Kremer reports LB 364 to General File with amendments (signed) Senator Kremer.

Mr. President, a study resolution offered by Senator Nichol, LR 90. Read title to LR 90. That will be laid over Mr. President, or referred to the Executive Board, excuse me.

Mr. President, LB 35, 76 and LR 64 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and do sign LBs 35, 76 and LR 64. We are ready then for the first order of business, agenda item number four, resolutions. Senator Beyer, if you are ready, Mr. Clerk, if you will read LR 75 found on page 1718 of the Journal.

CLERK: Read LR 75.

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LB 321, 364, 394

vote aye, opposed vote no. Record.

CLERK: 26 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: All legislators are to be in their seats. You will record your presence. Senator Fenger, Senator Cullan, Senator Schmit, no, he is excused, Senator Lamb, Senator Hefner, Senator Vickers, Senator Chambers, Senator VonMinden. Senator Koch, everybody is accounted for except Senator Chambers. We have two absent. Okay, call the roll.

CLERK: (Read roll call vote found on page 2121 of the Legislative Journal.) 30 ayes, 15 nays, Mr. President, on the motion to advance.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The Clerk has some items to read into the record and then I have got an announcement to make.

CLERK: Mr. President, Senator Kremer would like to print amendments to LB 364. (See pages 2121-2122 of the Journal.)

Mr. President, Senator Johnson would move to reconsider the body's action in failing to pass LB 394 on Final Reading.

Mr. President, Senator Vard Johnson and Fowler move to override the Governor's line item veto of Program No. 305 relating to Local Transit Authorities. That is all that I have.

SPEAKER MARVEL: Is that all? We are going to talk about the work that we have yet to do in the session and this starts tomorrow so it is a short paragraph. I will read it. "Select File will be worked tomorrow which is Wednesday. The order will be changed from the work sheet order, that is priority bills will be handled first. Actual order will be Select File, A bills, an Appropriation bills, priority bills, special order bills, all other bills, namely bills advanced from consent calendar and the final item is that we possibly may go into the evening session if we can't somehow or other make a little more progress than we have in the last few hours. Thursday we will handle Select File again and then go back to General File on Friday." And if we are lucky and if we have cooperation we may get our work done before we adjourn sine die. Tomorrow morning we start at nine o'clock because the Exec Board has an important meeting at eight o'clock. Senator Nichol, do you want to adjourn us until nine o'clock? What is the matter? Senator Clark.

SENATOR CLARK: Mr. President, I just wonder if there is time to get anything off of General File on Friday. We would never be able to get it across, would we?

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SENATOR CLARK: You are right. Numerically I think you are right. Maybe I was trying to pass over that. We will now take up 364.

CLERK: Mr. President, LB 364 offered by Senator Chambers. (Read title). The bill was read on January 19 last year. At that time it was referred to the Public Works Committee. The bill was advanced to General File with committee amendments attached, Mr. President.

SENATOR CLARK: Senator Kremer, on the committee amendments.

SENATOR KREMER: Mr. Chairman and members, the committee amendments are very simple. All it does is limits this action to the Omaha North Freeway. That's all it does. It just limits and pertains to the North Freeway in Omaha.

SENATOR CLARK: Any further discussion on the committee amendments? Senator Kremer, do you want your amendment to the committee amendments?

CLERK: Senator, you had an amendment to the committee amendments that you gave us last year. It says on page 2, line 24, strike the word "new", strike line 25. On page 3, line 2, strike the word "any" and strike line 3.

SENATOR CLARK: Senator Kremer.

SENATOR KREMER: That better clarifies that we limit it to the North Freeway. So that is the....and I move for the adoption of the amendment to the committee amendments.

SENATOR CLARK: The question before the House is the adoption of the amendment to the committee amendments. All those in favor vote aye, opposed vote nay. Have you all voted? Record the vote.

CLERK: 13 ayes, 1 nay on adoption of Senator Kremer's amendment to the committee amendments.

SENATOR CLARK: The amendment to the amendments is adopted. Now on the amendment itself, as amended.

SENATOR KREMER: Now, Mr. Chairman, I move the committee amendments be adopted as amended.

SENATOR CLARK: The motion before the House is the adoption of the committee amendments as adopted. All those in favor vote aye, opposed vote nay.

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CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Have you all voted on the adoption of the committee amendments? Record the vote.

CLERK: 25 ayes, 3 nays on adoption of the committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are adopted. Now on the bill. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I don't know if you are aware of the fact or not, but this is a bill and an issue in which I have a great deal of interest. Over the interim and since we have been in session I have been sending information to you to try to make you aware of some of the issues involved in this particular matter. In the past I talked about the divisiveness of the road, how it would split a community, how it would devalue property, how there was no justification for it on the basis of its being a transportation facility. It was acknowledged by the Mayor's Director of Public Works that as a transportation facility an argument can be given against it because the number of vehicles using roads, the Interstate period, are down drastically, the number of cars on the road are down drastically, the use of gasoline is down drastically. This North Freeway has had a tortuous history. It started out originally as a freeway, then because of money problems Omaha asked to have it added to the Interstate system. Now there is an Interstate 480 on the South side of Omaha. There is an Interstate 680 that loops around the northern edge, the western edge and comes down on the north side. So this particular stretch of road was to be a connector between 480 on the south and 680 on the north. Therefore, the connecting link between 4 and 6 was 5. It was to be Interstate 580. The main reason for that was to get a higher amount of federal funding in the formula. It would be 90/10. Well after that agreement was reached, Omaha wanted to have what they call a connector from that freeway down to the airport. That could not be a part of the Interstate system, it never was, and Omaha promised former Governor Tiemann that they would pay for this connector with local funds and based on that agreement the Interstate flip-flop was agreed to. Now an interesting matter about former Governor Tiemann before I proceed. It was under him that a lot of these agreements were reached when he was the Director of the Federal Highway Administration. The architectural or design firm which has gotten hundreds of thousands of dollars in contracts is Henningson, Durham & Richardson. After former Governor Tiemann, as Director

of Federal Highway Administration set up this lucrative project for Henningson, Durham & Richardson, he was given a job in the Washington D.C. office of Henningson, Durham & Richardson. There was then a move to change this piece of highway from an interstate back to a freeway. Because the freeway would be designed to lower standards and some of that federal money that had been obligated for the interstate would be available, that money would go to help fund this so-called Storz connector and other projects in the City of Omaha such as the widening of 90th and other projects that have received money from it. Now so that you will understand the terms that will be used in this discussion, when a piece of interstate is taken off the interstate system and converted to a freeway, it falls into what is known as the Interstate Transfer Program. The only way starting this year, last year, that money could be given for one of these projects is to have a specific appropriation by Congress. Now when the Transportation Act was before the Congress last year, the House wanted to put \$400 million into the Interstate Transfer Fund, but because the President is making stringent cuts especially in highway programs, this amount was cut by the Senate in half, down to \$200 million. Most of it was earmarked for other projects throughout the country. None was earmarked for Omaha. Former Governor Exon, former Mayor of Omaha, Zorinsky, gave a surprise vote on AWACS and suddenly there was some money made available in the Senate appropriation for the North Freeway, but something happened along the way. By the time we reach a point where money can be made available for spending, that \$6 million that Exon and Zorinsky and Hal Daub announced would be available for the Freeway suddenly had shrunk to \$2 million, and then it became known to the rest of the public as I and others who have followed this project knew all the time that this Interstate Transfer money is not designed just for the use of the North Freeway but for other transportation projects and there are about seven of them in Omaha and Council Bluffs vying for this \$2 million. The entire cost of the North Freeway project will be in excess of \$50 million. Based on the law authorizing these interstate transfer projects, the project will have to be completed by 1986. There is no way that this project can be completed by 1986 because had it started in 1981 they would have been pushing to finish in 1986. Now I have handed to you the other day a letter from the Department of Roads, Mr. Nutter, the Deputy Director, stating that the \$2 million has not even officially come to Nebraska yet, that the Department of Roads has not been authorized to obligate any of that money. So in trying to draw a parallel or an analogy so you can view this project as you have viewed

others that have come before this Legislature, there was an agreement on the State Office Building which has been constructed in Omaha that it would be a combination of public and private funds. There were a number of articles in the World Herald...I don't know if other papers picked it up or not, but stating that not a brick would be laid on that building until all of the money had been made available, until the binding promises had been made to provide enough money to complete that project. The agreements were made. The building was constructed. On this Freeway, I also gave you a letter from the Department of Transportation stating that there is no way to guarantee future funding for this project. So even if the entire \$2 million which may be available were to go to this project, it would be \$2 million on a project in excess of \$50 million. There is no guarantee of future funding. There is a dispute as to who will pay for the relocation of utilities involved in this project. So there are a lot of loose ends. There have even been some types of contracting with Henningson, Durham & Richardson that are unusual in this state. They were given an open-ended contract to do whatever they had to do as quickly as they could to try to get this thing on the road and the state would agree to pay whatever it cost to do what Henningson, Durham & Richardson was being asked to do. So they took a project which was not two miles long and broke it up into 22 individual contracts hoping that they could hurry up and get some concrete laid on the ground so that the project could be said to be on the way. But remember this, with \$2 million on a \$50 million project, you can't do any building but you perhaps can do a lot of destroying. You can start to digging a roadbed. You can pretend that you are going to improve some drainage and leave a devastated community. What I think the Legislature ought to do is advance this bill to Select File and then have Senator Newell who is going to speak against this bill, have Mayor Boyle who won't talk to me about the bill or answer any questions, have the Department of Roads come in here and guarantee you that there will be money to complete this project and that it won't simply be a literal gash going through the middle of a community. If they can give you those guarantees, I could understand your reluctance to support me in this bill. All of you know that I am supporting it to try and save the community in which I live. Since you don't live there, your interests won't be as keen in that line as mine are. But I hope you listen very carefully to whatever it is that Senator Newell has to say, and what I am talking about this morning now remember is not morality, not justice, only money. Let the discussion

deal with the money and the justification....

SENATOR CLARK: You have one minute, Senator Chambers.

SENATOR CHAMBERS: Thank you....the justification of this project or its nonjustification on the basis of its being a transportation facility. Bonds were not agreed to for a highway...81, I think. I don't know the number of the highway but I think that is it. There is an article that I gave you where the President intends to transfer these Interstate Transfer programs to the state. If you were unwilling to let bonds of about \$10 million for that highway, are you going to be willing to obligate the state for a bill of more than \$50 million? And I gave you letters from the Department of Roads and also the Federal Highway Administration that establishes the cost as in excess of \$50 million.

SENATOR CLARK: Senator Duda.

SENATOR DUDA: Mr. President and members of the Legislature, I rise to oppose this bill. I, too, have a keen interest in this as Senator Chambers does. I guess I could epitomize it by giving you a little bit of the history of District 14. As you know, my tenure here is going to be very short because in 1970 North Omaha had enough population to have 3 legislative districts, 11, 13 and 14. In the ten years until 1980 North Omaha lost over 20,000 people and which meant we had to go from 3 districts down to 2. Senator Fitzgerald magnanimously volunteered to give up the 14th, and I think he should have flipped a coin or drawn straws, but regardless the point is the 14th is going to Sarpy County and it is more than coincidence one of the boundaries of the new 14th is the interstate highway, because the history of Omaha since the interstate highway system is that the growth has followed the roads. The jobs have followed the roads, and the people have followed the roads, and Omaha has been isolated, North Omaha. And because of this we have desperately been waiting for this North Freeway. Now Senator Chambers wants to make it a financial issue. I look upon it as an issue of intent. Granted all the finances are under a cloud at this time. We were discussing Highway 81 the other day as to whether it could be improved. We weren't discussing whether we ought to block it off and abandon it. We wanted to improve it. Well the North Freeway is in the same category. When you Senators came to Omaha last fall, you saw the corridors had been cleared. A lot of work has been done on it. Granted the finances are null and void at the present time but we hope this will

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be temporary. So it is a matter of intent. We don't expect it to be completed this year or next year, but the intent is if and when funds are available we do want to complete it. The World Herald conducted a poll of the people that live in the area. Overwhelmingly they support it. The Omaha City Council has reaffirmed its position. They support it. And the North Omaha Commercial Club supports it. Everyone is really...this is their priority bill in North Omaha and I would urge you to vote against this bill. Thank you.

SENATOR CLARK: A motion on the desk.

CLERK: Mr. President, Senator Newell moves to indefinitely postpone LB 364.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Mr. President and members of the body, I rise to offer this kill motion on LB 364. The issue I think is very simple. I think that we have debated this issue not only in North Omaha but in Omaha, on the floor of this Legislature. In the various committees, Public Works Committee, we have debated this issue long and hard. Senator Chambers is opposed to the road, and his opposition is very clear. He does not want to build the road even though the people have been relocated from out of the corridor. People have been moved out. He does not want to build the road even though it is our only hope for economic activity in North Omaha, even though it is the prime transportation route to the airport and to the river front industrial park which can provide jobs for an area with some of the highest unemployment in the state, an area that might be designated an enterprise zone by the federal government. And I say might because that is a process that we have to go through. We need to deal with the problems of North Omaha, not with a lot of fictions about dividing communities and those kinds of issues which really are not the biggest issues in our neighborhood and our community. Senator Chambers has argued many times that interstates only are built to serve a certain class of people, they never disrupt other neighborhoods. That is simply not true. This bill is a proposal to end the Freeway after all the people have been moved, after millions of dollars in relocation costs have been used, after the only thing...all the negative factors have happened and the only thing positive, the only thing that can happen at this point in time is the positive completion of the North Freeway, which will provide access to the river front, which provide access to the airport, which will provide access for

North Omahans to get to work where their jobs now are. They used to be in the downtown. They used to be in our area, now they are in the west and the southwest along the Interstate. We need this access as much as any other part of the city because we are going to see a time when jobs alone will determine the economic well being of a community and its individuals. I have prepared a packet trying to take a page out of Senator Chambers' book, very simple little packet that deals with the public support for this road. Basically, every poll that has been taken by friend or foe says that the people in North Omaha want the road. In fact, one of the reasons that Senator Chambers, in my opinion, has come to this issue and fought this issue long after the relocation of the individuals, long after the pathway for this road has been built is because he couldn't have done it before. The opposition, those people that wanted to move to make room for this road who moved into better housing throughout North Omaha, throughout the City of Omaha, those people wanted to move, those people wanted the road, and they still want the road today. I urge this body to remember that Omahans, the state, need and want this road, Senator Chambers' objections notwithstanding, it is important to the economic viability and to the health of our community.

SENATOR CLARK: Senator Goodrich.

SENATOR GOODRICH: Mr. President and members of the body, I rise in support of the kill motion, but more importantly against the bill, and I do that for several reasons. Number one, what is really intended is for the what is now an expressway to go north to just beyond Lake Street and then an interconnector go from there on down to the airport and another connector go northwest up to 72nd Street where it will intersect with I-680, that is approximately at the Immanuel Hospital up there. The plan is good. It gives a way of getting through and getting around in North Omaha. The total cost of the first section of the project which goes up beyond Lake Street there would be approximately \$50 million. \$21 million of that has been spent already. It would seem useless to me to just abandon that expenditure of \$21 million and the fact that some of the concrete on this highway has been laid, it is laid up to Hamilton Street already, the highway was changed from an interstate to an expressway and Senator Chambers touched on that already. When that was done and subsequent to that, a number of alterations were made in the design of the expressway, special berms, for example, to cut the sound from the interstate to the residents, other access means were added to it to get people...let people on and off the thing. Everything has

been done that could possibly be done to satisfy Senator Chambers in his...or to try to satisfy Senator Chambers in his objections to this. When Senator Newell, for example, spoke of...and Senator Duda spoke of an awful lot of support right in Senator Chambers' own District for this expressway, they were absolutely right. The majority of the people in that particular area where this will go through are in wholehearted support of this particular freeway. This particular year we were supposed to get an allowance of \$6 million as additional funds toward completion of this highway. That was cut so far to \$2 million. They still assure me that there is a possibility we can get the other \$4 million to continue the next segment of this until we get it done and do it in segments if we have to but get it done, and, for example, the contracts on the next segment of this thing were out for a bid and the bids are in. They are ready to go if they can get the money from Congress to do it. The \$2 million will allow a certain amount of this depending on the breakdown of the contracts themselves. Now Senator Chambers indicates, for example, that this will harm his district. I am here to tell you that the interstate in Omaha touches on almost every legislative district in Omaha, and, for example, when it went through my district the houses are right across the fence from it and it hasn't hurt the neighborhood one iota. Everybody else has to bear the burden of having the interstate in Omaha. What is wrong with Senator Chambers' District bearing the same amount of burden as all the rest of us do? For that reason and several others that are too numerous to mention here in the time limit, I would suggest that you go ahead and kill the bill but if you don't kill the bill, whatever you do don't advance it.

SENATOR CLARK: I would like to introduce to the Legislature Tim DeBuse, Jeanette Morgan and Heidi Nemec that are guests of Senator Kilgarrin. They are under the north balcony. Will you stand and be recognized, please. Welcome to the Legislature. The next speaker is Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, some very interesting comments were made by Senators Newell, Goodrich and Duda, none of whom live in the area where this road will go. It will not touch a foot of area in Senator Newell's neighborhood or District or Senator Duda's either. They are very willing to have it destroy our area. But I want to ask Senator Goodrich a couple of questions because he speaks as though he knows

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something and I want to see if he really does. Senator Goodrich, I want to ask you a question.

SENATOR GOODRICH: Okay.

SENATOR CHAMBERS: You said that on and off ramps were provided so that people can get on and off the road to satisfy me. Is that what you said?

SENATOR GOODRICH: I said you had special meetings in Omaha at which berms were designed for the road. Is that true?

SENATOR CHAMBERS: Senator Goodrich, we are talking about accesses. Now you said that, you said access points were added.

SENATOR GOODRICH: Let's get the whole question out. Were special berms made for the road or designed into it?

SENATOR CHAMBERS: Senator Goodrich, I am asking the question and we are going to find out if you are telling the truth. Now you said access points were added. Didn't you say that?

SENATOR GOODRICH: I said special features were added to the design of this road such as berms to protect the neighborhood from the noise and there's a bunch of other adjustments that were made...

SENATOR CHAMBERS: You are not going to answer, this is my time....

SENATOR CLARK: Wait a minute, wait a minute, let's go one at a time, please.

SENATOR CHAMBERS: This is my time, Mr. Chairman, if he is not going to answer....

SENATOR CLARK: All right, then you use your time and let's not get into a conversation.

SENATOR CHAMBERS: Senator Goodrich, you said that only a cost of \$25 million remains to be paid to complete this project. Is that what you said?

SENATOR GOODRICH: No, I did not.

SENATOR CHAMBERS: What did you say?

SENATOR GOODRICH: I said of approximately \$50 million that

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the cost of the first segment going up just beyond where the two access roads divide out the connector down to the airport and the northwest connector up to that point is \$50 million and \$21 million had been spent already.

SENATOR CHAMBERS: So you are saying that the amount that remains to be spent on that section is \$50 million minus 21. Right?

SENATOR GOODRICH: Not necessarily because you and I both know that as long as you keep delaying it the cost will keep going up.

SENATOR CHAMBERS: Thank you, Senator Goodrich. Members of the Legislature, Senator Goodrich is totally wrong on what he said. There are no access points on or off this road for its entire length from Lake where it exists now to Ames Avenue. There are no access points. So contrary to what he said about it facilitating movement around in the neighborhood, anybody living in that area cannot get on the road or off the road. It passes straight through and benefits other people. As far as the \$50 million, that is the remaining amount. There has not been any \$21 million spent that will be subtracted from that. If you read the Federal Highway Administration letter that I gave you, you will see that the amount remaining to be spent is in excess of \$50 million. As far as having wasted some money up till now and saying based on having spent bad money now, you ought to continue to spend bad money, you ought to spend good money after bad, there have been nuclear generating plants on which hundreds of million dollars have been spent and they have been abandoned because the cost has become prohibitive and it has been determined that these plants are not needed. So this road that Senator Newell and Senator Goodrich are talking about has been misrepresented by them. The reason there has been development in southwest Omaha is not the Freeway. I have Department of Transportation studies underwritten by the federal government that demonstrate that the reason the development has occurred in southwest Omaha is not the Freeway but SID financing, SID financing. And Senator Johnson knows this to be the case. Even the industrial interests in Omaha that are developing that area are using SID financing. It can only be used outside of the city limits, not within the city limits. And to make it very brief, this financing allows a developer to put in all kinds of improvements and then when the city annexes it becomes the general obligation of the city and therefore all of the taxpayers in the city pay for developments that are going to benefit one specific area. That is why, that is the only reason that there has

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been a burgeoning of development in southwest Omaha, not the highways and these studies point out that I-480, I-680, have not produced development and as a matter of fact Mr. Nutter is quoted in this report as saying that I-680 was not even needed. The local politicians in Omaha were able to get that money. They wanted a belt way so they had it built and to this day it is under-utilized. It has not led to any development in northwest Omaha which Senator Newell and Senator Duda say that a Freeway through my community will do.

SENATOR CLARK: You have 30 seconds, Senator Chambers.

SENATOR CHAMBERS: If an existing freeway goes into the very area they say is to be developed and it has not developed it, how is one several miles distant from that area that does not go into that area going to develop it? It will not. And one other reason there is not development in northwest Omaha is because of the terrain. It is too hilly and it costs too much to prepare the ground and these are findings of various studies.

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Mr. President, Senators, there are just two things I would like to mention here. Number one, Senator Chambers has very well made the point that there are no exits in his district from Lake Street to Ames Street. Lake Street is 2500 or 25 blocks north of Dodge. Ames is 45 blocks north of Dodge. So what Senator Chambers is saying, we don't have an exit or an entrance ramp in a distance less than two miles. The second point I would like to make and this is for clarification, and I think it is ironic that Senator Chambers just a few weeks ago accused me of having a short memory or a poor memory when discussing a bill that he made the motion to kill last year. He said that my memory was poor. This morning Senator Chambers made the statement that Mayor Mike Boyle has never discussed the North Freeway with him. I just had my secretary call Mayor Boyle and verify that. I want to refresh Senator Chambers' memory this morning and perhaps when I give him this information he will remember these discussions. I can't believe that a man so dedicated to one issue could forget so soon. The first time Mayor Boyle met with Senator Chambers was in the Mayor's office. The second time they met to discuss the North Freeway was in the office of Jack MacAllister of Northwestern Bell Telephone Company. The third time they met was again in the Mayor's office and present were the major business leaders from North Omaha who favored the North Freeway. So I hope, Senator Chambers,

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this will serve to remind you of three different times Mayor Boyles has met with you and discussed this not only with you but with other business leaders in your community as well as at Northwestern Bell with Jack MacAllister who I guess was called upon maybe to have a meeting there as a neutral territory. I don't know why. But at any point, I hope you do remember these meetings now, Senator Chambers. Thank you.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Thank you, Mr. Chairman. I have some inquiries I would like to make of Senator Newell.

SENATOR CLARK: Senator Newell.

SENATOR MARSH: Senator Newell, did I understand you to say that all of the persons who would be in the path of the road have been moved out from the beginning of...from Lake Street since that is the only thing I know about the road, is the end of Lake Street since I have driven that far. Everyone beyond that to the end of the road has been moved out?

SENATOR NEWELL: Senator Marsh, the pathway for the road has been cleared except for an OHA project which is being....

SENATOR MARSH: I'm sorry, I don't know what that means.

SENATOR NEWELL: It's an Omaha Housing Authority project. It is called Spencer Homes and that is slated for relocation this year, but it was a very complex negotiated settlement and that is why that was not completed. It was a negotiated settlement to replace the low income housing that existed there, but in the corridor all the homes have been taken. Now there are some homes that have been...and I think it is right close now, but I think the homes in terms of the overpass to provide access to the community, there may be a few of those left. I am not sure that there are, but there may be a few...but those would not be in the corridor route. So the only thing that remains is the OHA Spencer Homes low income housing unit.

SENATOR MARSH: Does this include the route to the airport? Or does this only include the one to Ames Street?

SENATOR NEWELL: Okay, the Storz connector has basically also been cleared. Now it wasn't near as residential on the way to the airport, but that has basically been cleared also. Basically, I would call to find out how...at this point in time what if there are any houses that remain to

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be taken in that corridor but I don't think there are. I could call to get that information for you if you would like that.

SENATOR MARSH: I would be interested in knowing. One other question, you made the comment something about the Spencer Homes were going to be done this year, does that mean some time in 1982, or do you mean before February 2nd, 1983? What was the timing on that?

SENATOR NEWELL: Senator, since I am calling, I will get those specifics to you....(interruption).

SENATOR MARSH: Then I have one other question. What about the extension that goes to 72nd Street that Senator Goodrich mentioned? I wasn't aware of that.

SENATOR NEWELL: That is not a North Freeway project. That is a northwest connector which is a city project paid totally with city funds.

SENATOR MARSH: Does that go through a residential area?

SENATOR NEWELL: Senator, that proposal will follow an old abandoned railroad tracks to 52nd Street then go up Redick. Basically, it will serve the residential area. It will not go through a residential area. I think the total number of homes that they will take for that project will be four homes and those are located where they have to provide access to this four-lane divided highway, four-lane divided city street, or whatever.

SENATOR MARSH: Are you aware of any discussions that may have taken place to include an additional exit or access route between Lake Street and Ames Avenue?

SENATOR NEWELL: Yes, I am very familiar with those things. I served on the North Freeway Task Force and originally there was a proposal to in fact have an interchange there but the community basically opposed it. The Task Force rejected that proposal because it is a one...it is about a one-half mile stretch which is a very short...(interruption).

SENATOR CLARK: You have one minute, Senator Marsh.

SENATOR NEWELL:very short stretch, and the community and neighborhood said they did not want any more homes taken, and they did not feel that an interchange at that point, a full four-lane interchange half-way between Lake and Ames which is about a mile and a half should be

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taken, and so they....

SENATOR MARSH: Thank you, my time is up. Thank you.

SENATOR CLARK: I would like to introduce to the Legislature Mr. and Mrs. Eugene Chamberlain, Mr. and Mrs. Don Bromm, Mr. Paul Tobin. They are under the north balcony and they are guests of Senator Goll. Will you stand and be recognized, please. These people are all from Burt County and thank you for coming to the Legislature. The next speaker is Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, I rise for the point of making a disclosure. I have filed a statement with the Speaker and with the Political Accountability and Disclosure Commission with respect to a potential conflict of interest on this legislation, and I find it to be appropriate and proper that I rise and let the body know where my potential conflict of interest lies. I think I will have then satisfied my ethical obligations and that is this, as you probably know, I am an employee of the Legal Aid Society in Omaha. I make my living as a lawyer working for that organization. The Legal Aid Society in Omaha through its staff attorneys currently represents a number of individuals who have brought a law suit in the United States District Court for the District of Nebraska against highway department officials with respect to the construction of the North Freeway, and the basic issues in that case deal with whether or not the Freeway conforms to environmental impact statements and the like. I am not a party to that litigation. I do not represent persons in that litigation. The basic purpose of the litigation is to stop the Freeway. The Legal Aid Society and its attorneys are representing clients in that area. Now it would seem to me as I have analyzed this question that I have neither financial...nothing financially to gain by voting for or against the Freeway, nor does the Legal Aid Society have anything financial to gain by the vote that I take today for or against the Freeway. But I felt that it was only just and appropriate that this body and the world understand my situation with respect to any involvement in the Freeway issue. Thank you.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Question.

SENATOR CLARK: Senator Haberman, you are next.

SENATOR HABERMAN: Mr. President and members of the Legislature, I call the question.

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SENATOR CLARK: The question has been called for. Do I see five hands? Senator Chambers, for what purpose do you arise?

SENATOR CHAMBERS: Mr. Chairman, I just saw Senator Newell walk past Senator Haberman and tell him to call the question and I don't think....(interruption).

SENATOR HABERMAN: (Mike not activated)...that is not true.

SENATOR CHAMBERS: Yes, he did, I just....(interruption).

SENATOR HABERMAN: I haven't talked to Senator Newell all morning and I object....(Gavel). I object...(Gavel).... I object, Senator Chambers.

SENATOR CLARK: We will not have this type of thing on the floor.

SENATOR CHAMBERS: Mr. Chairman, I am telling you what I heard Senator Newell say. Now he can say whether he said it or not. I didn't say anything about Senator Haberman.

SENATOR CLARK: It makes no difference who asked him to call the question, Senator Chambers.

SENATOR CHAMBERS: But here is why I am making the point, there has not been adequate discussion of this matter.

SENATOR CLARK: I think that is up to the body.

SENATOR CHAMBERS: And I think that it would be inappropriate to allow the question to be called at this point. There has not been but one statement in opposition to the kill motion, two have spoken for it. One asked some questions, the other spoke to make a disclaimer. And I think on an issue that is so serious, there should not be a calling of the question. However, if it is called, then I think it will tell me something very clearly, but I am making an objection to the calling of the question at this point.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, I rise to object. Senator Chambers did not tell the truth. I have not spoken to Senator Newell this morning and from the little fuss we had the other day we may not speak to each other for the next ten days. So I stand here and say, Senator Chambers, I did not talk to Senator Newell and I called to find out

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how many were on the list to see how long I had to wait to call the question. So don't you stand up there and say that I do things that I don't do.

SENATOR CLARK: Senator Haberman, your point is made. Thank you. The question before the House is shall debate now cease? I will let the Legislature decide it. All those in favor of ceasing debate vote aye, opposed vote nay. Have you all voted on ceasing debate? Once more have you all voted on ceasing debate? The Clerk will record.

CLERK: 16 ayes, 11 nays to cease debate, Mr. President.

SENATOR CLARK: Debate has not ceased. Senator Kahle is next.

SENATOR KAHLE: Mr. President and members, my light was on to call the question.

SENATOR CLARK: I doubt you want to do that now.

SENATOR KAHLE: With the vote just taken I will pass.

SENATOR CLARK: Senator Newell is next.

SENATOR NEWELL: Mr. President and members of the Legislature, I will give Senator Chambers my time so that he can further express his points of view on this road and thereby maybe speed up the process of this debate. Senator Chambers, I would yield to you my time.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, if I sound disgusted this morning, I am. Now I have listened to conservatives on this floor talk about money and say, we want to know whether the federal government is going to pay for a project that it starts. But since this one involves a black community and you have had white people stand here and profess to speak for that black community, you say even though the money is not there it doesn't make any difference. Senator Duda stumbles his way through by saying, even if the money is not there, the money is under a cloud, we may not have the money, but let's do it anyway. Senator Newell has to stand up and say, the money is not there but let's do it anyway. Senator Goodrich...and I just read the transcriptions of that State Office Building discussion, spent all of his time assuring the Legislature that the money would be there for the State

Office Building and you wouldn't have to obligate any thing if the private money didn't come. Now he stands up here and tells you, the money is not there but let's go through it anyway. Let me tell you what I am attempting to do here today because I don't think the money is going to come anyway. I want a record made. I want a record of the legislative floor debate where it was made clear that the money was not available, that those who supported the project knew it was not available, yet a signal was given for the state to go on with the devastation that may justify people in bringing lawsuits against the state establishing its liability when in the face of no money it proceeded with a project that could only bring destruction. There were discussions on this floor that helped some plaintiffs in Omaha get a judgement against the Omaha School System for segregated facilities. The debate revolved around attempts by Senator Stahmer to get the Legislature to take action to break up the segregated system in Omaha. Those debates led nowhere, so they were referred to and utilized by the plaintiffs in the federal court in showing that the state had deliberately refused to take action where it should have taken action. Now the record is here, and I want to say that some of the projects that are trying to get some of that \$2 million are the Metro Area Transit Bus Barn, the widening of 90th Street, an overpass in Council Bluffs, the widening of some street down in...it's John Pershing Boulevard, all of these projects, and all of you know and you have been told by those who are for this project that the money is not there. It will cost in excess of \$50 million. How can you be so concerned about this funding on other projects and not concerned on this one? If the President does as he has indicated he will do and as demonstrated by some of his actions that he is going to make drastic cuts in highway funds, where is the state going to get the \$50 million? Senator Kahle couldn't get any bonds let for a highway in his area. Are you going to let general obligation bonds to complete a project that nobody can justify? I know that you are not. But you won't have to look at the devastation. Senator Newell won't have to look at it, and for Senator Higgins, she is always gone. She talked about a meeting. What I said is that Mr. Boyle, who I think is her in-law. Isn't he an in-law of yours? I want to be correct on that.

SENATOR HIGGINS: I was asked a question, Mr. Speaker, I would like to respond.

SENATOR CLARK: All right, go ahead.

SENATOR HIGGINS: Mayor Boyle is my sister's son-in-law.

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SENATOR CHAMBERS: Okay. Okay, that is what I wanted to get clear.

SENATOR HIGGINS: Senator Chambers, if he does anything good in office, don't give me the credit for it, but if he does anything bad, I don't take the blame.

SENATOR CHAMBERS: Here is the point, that meeting....what I said is that the Mayor won't answer questions on the project, and he won't. We have talked about it. I prepared a report that he asked me to prepare. I sent it to him as he asked me to do. He promised to answer and he did not answer, and if he says he did, he is not telling the truth. I saw him in a store at 72nd and Dodge, Senator Higgins. He was with his wife and he promised to meet and talk with me and his wife gave one of those, oh, Mike, don't say that again. And we didn't meet after that either, and ask him. But here is the point I am getting to. You are getting misinformation. The meeting that occurred in the Mayor's office included people from Northwestern Bell, Northern Natural Gas, Omaha National Bank, Union Pacific Railroad, Mutual of Omaha, Mr. Anderson from the World Herald, and they did not go on record supporting the Freeway. As a matter of fact, Mr. Suttle and Mr. Boyle could not answer the questions that were being asked. That is what happened at that meeting. But the point I want to get across to the members of the Legislature....

SENATOR CLARK: You have one minute left, Senator Chambers.

SENATOR CHAMBERS: ...is this, we have a project and the project is going to cost a huge amount of money. The money is not there. There are requirements in the federal law for the completion of these projects. It will take... it has to be completed by 1986. The phone company, or one of them has indicated that the contracts that they would have to comply with will take them about six years and they can't even estimate the cost yet. So I think with a project of this kind, if you vote to kill this bill, then I think all you have done is put the state in a position to be assuring a commitment of state money to complete this project. I am asking that you do not vote to kill this bill at this point.

SENATOR CLARK: Senator Marsh, did you wish to speak again?

SENATOR MARSH: Yes, thank you. I have some more questions. Senator Chambers, would you please respond to some questions?

SENATOR CHAMBERS: Yes, I will.

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SENATOR MARSH: I am terribly concerned about the obligation which the state may be making of itself liable for at this particular....do I understand that the project which you are talking about costs more than \$50 million?

SENATOR CHAMBERS: Yes, it does.

SENATOR MARSH: Is it true that even if the total \$2 million were available it might not all go to this project since there are also other projects?

SENATOR CHAMBERS: That is true.

SENATOR MARSH: Where is the other...conservatively let's say it all went to that project, where is the other \$48 million supposed to come?

SENATOR CHAMBERS: Well, Senator Marsh, I have tried to get information from the Department of Transportation. There is a Professor of Economics at Creighton University named Thomas Nitsch. He is also the President of the Catholic Human Rights Commission and they sent to the Department of Transportation for information. The word came back that there can be no guarantee of future funding on these kind of projects, there cannot even be a guarantee that Congress will appropriate any money for these kind of projects anywhere. But in any case, there have always been more requests for this interstate transfer money than the money Congress has appropriated. So the only thing that can be said is that Nebraska can ask for the money like any other state, but there is no guarantee of any future funding.

SENATOR MARSH: Is it still true that we would be obligated to finish the project by a certain date or else lose additional federal funds?

SENATOR CHAMBERS: The idea is that the funding...the authorization for these types of programs will end, and based on the authorizing legislation this project must be completed by 1986, and if it is not, there is not even any federal agency for the state to go to to ask for money because it is over.

SENATOR MARSH: Thank you.

SENATOR CLARK: Senator Newell, do you wish to close?

SENATOR NEWELL: I do, Mr. President. I think we need to deal with some facts here that run contradictory to some of

the answers that Senator Chambers just provided. But Senator Marsh, since you asked many questions, I would like to answer some of those for you. First of all, the total amount of money that we have spent on the project to date is \$22 million. Of the amount left, the project is under \$50 million, not over \$50 million, and only \$38 million...\$37 or \$38 million is to be funded by the federal government. The other \$12 million comes from the city to complete the Storz connector. Now that is the total project but they are funded from different sources. Okay, one is federal government monies, the other is city monies. All right, the north expressway, all the homes have been taken except for 25 for the overpasses. All the...the right is clear but there are 25 homes to provide access to the community for the overpasses but yet to be taken. Now most of those people have moved out. Okay. The houses are there but the people are not, most of those. In terms of the Spencer homes, they will begin building the replacement housing for those units this year. However, the people will not move out until the replacement housing is completed. So what they are doing is they are providing housing for them before they are moved. Okay, so I cannot say categorically that this year those houses will be completed and this year the Spencer homes will be removed. All right, in terms of the Storz connector there are less than 5 homes to be taken, to the airport, okay. Now, Mr. President, I think we have clarified some of the issues in terms of the North Freeway and the northwest connector. Let me say that Senator Chambers has made a big deal about the money not being available, and I want to assure you that the money is not available for anybody who is receiving these kinds of funds. Basically, it is a year by year appropriation for the completion of the project. Much has been said about the deadline. The deadline will be changed. It is the authorization, and it is not the completion of the road by that time, it is the...the project has to be under way at that time. Now, frankly, what is going to happen, and I was back in Washington D.C. and I talked with federal highway administration people and they say that the authorization will be changed because all of these projects because of federal budget cuts will be built at a slower pace. In other words, they recognize that they have not funded as much money as needed. Last year Congress provided \$600 million. This year they provided \$200 million. So that is going to by necessity drag out the process. It is going to be a longer time in completing these projects. There is no question about that. We are not debating that. The point is simply this, we have an investment presently of \$22 million. The federal government is going to provide \$38 million more dollars and we are going to get a road

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that will provide access for our community, and, frankly, that is the issue. Senator Chambers wants to make it a very immediate problem. It is not an immediate problem. Congress recognizes this. The Federal Highway Administration recognizes this. We have made a substantial investment. We have disrupted many lives. We have made some tremendous changes, but this project is a good one and needs to be completed. This bill says you don't complete the project. It doesn't say if the money doesn't come at some time....

SENATOR CLARK: You have one minute.

SENATOR NEWELL:we won't complete the project. That is for the city officials. That is for the State Highway Department to make that determination. If, in fact, the money should run out as Senator Chambers argues and if, in fact, the funding won't ever be there, then I am sure we have a responsible enough Highway Department and a responsible enough city that we are going to, in fact, not complete that project. But if the money does continue to come as it is continuing to come, then we will complete the project, and it won't be done probably in a two-year period or a three-year period or a four-year period as Senator Chambers would like to keep the issue limited to. It will be built as the money becomes available, a every project in the United States must compete in the same way for these monies.

SENATOR CLARK: Your time is up, Senator Newell.

SENATOR NEWELL: I urge you to kill this bill, 364. We need it not.

SENATOR CLARK: The question before the House is to indefinitely postpone LB 364. All those in favor vote aye, opposed vote nay. Have you all voted? Once more, have you all voted? Record the vote.

CLERK: 25 ayes, 3 nays, Mr. President, on the motion to indefinitely postpone the bill.

SENATOR CLARK: LB 364 is indefinitely postponed. We have a motion on the desk.

CLERK: Mr. President, Senator Chambers moves to reconsider the vote to I assume indefinitely postpone LB 364.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature,

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I did not vote so that put me in a position to reconsider. I hope that you read some of the information I handed you. I have a letter in my hand signed by Ray Hogrefe, Division Administrator of the Federal Highway Administration dated July 15, 1981. I don't come here with some little yellow pieces of paper saying "they" without defining who, or I have talked to people in Washington and "they said". I give you documentary information. And Ray Hogrefe says, "The North Freeway construction is estimated at \$50,120,000", not \$38,000, plus using the same basis the airport connector is estimated to cost \$16,680,000. So contrary to what Senator Newell mislead you into thinking, the connector is on top of the \$50 million. So the North Freeway plus the connector will cost \$66 million. If Omaha intends to try to fund that connector, they are going to have to let bonds to do so. Some of you are aware of the condition of the bonding market. It is described as soft. In order to let bonds you have to be willing to give a high return to those who buy them, and since the bonds are retired by property taxes, if Omaha lets enough bonds to fund a \$16 million project, then they are going to have to raise the property taxes in Omaha to retire those bonds and they are going to have to pay a much higher rate of interest than currently is the case. So I don't think any politician is going to be making haste to let any bonds on a project of this magnitude when the real spector of raising property taxes is in the background. In addition to that, the money that has been spent thus far is money badly spent, and contrary to everything Senator Newell says about what they told him at the Federal Highway Administration in Washington, I am looking at what the top dog has said. The President who pulls the strings on all of them has said that they are going to cut funds especially for highway building. And if as Senator Newell says the whole thing is going to be dragged out interminably, what will that do to the cost? They are not concerned about cost at all. And I am going to be frank with you. I am really not concerned about you passing this bill which you just killed. It made no difference. The piddly little Legislature is not going to influence what happens in Washington. There are other people who make those determinations. Now when Exon and Zorinsky gave their AWACs votes, they played the only card they could play to try to get funding for this particular project, so that has been exhausted. What I want the record to show is that Senator Newell has placed himself and his political future, his political acumen, his ability to weigh facts and properly represent them on this issue and he persuaded you to follow him. Now if the road is not built, if the money does not come, then Senator Newell as the politician who led you this

morning should be willing to assume whatever consequences there are to bear for such a matter. So in order that this matter can be properly discussed as it was not discussed up until now, I am asking that you reconsider the vote that you just gave to kill the bill. There is information available. Despite the fact that you were flooded literally by me with information during the summer, during the fall and winter and into this session, I know you haven't had the opportunity or probably the inclination to read a lot of it, so much of it I can state orally for you. I am asking that you reconsider the vote, undo what has been done and give me the opportunity to further discuss this matter with you. However, my expectations... Mr. Chairman, how much time do I have? Because I don't want to go over.

SENATOR CLARK: You have six minutes.

SENATOR CHAMBERS: Okay, and I am not going to take the whole six minutes. I think it would be nonproductive. The dye has been cast. But I will tell you this, when your constituents come to me with problems, I am going to send those letters and those constituents to you including the letters where they write to me and name some of you and say, this one won't do anything. I am going to send it to you and I am going to send copies to the news media to show how many of your people come to me to represent them, but you can't show me all of these things Senator Newell is talking about and Senator Goodrich is talking about in terms of overwhelming support for this road. He served on a Task Force. They asked me to serve on it, but the meetings were early in the morning when I was down here working, and I made that objection, and they didn't change the time of the meetings. So they had a bunch of white people, some Uncle Toms who were paid to say everything that they wanted to have said. They have got organizations in Omaha, poor people, and they tell them if you say what we want you to say, we will make sure you get some money to rehab your house. As far as the wonderful housing that Senator Newell is talking about that people have been moved into, some of these houses are like the revolving plan. A poor family goes into it and they are given a bit of additional money supposedly to make up the difference between what their house was worth and what this new one will cost but they can't pay the taxes or the utilities and they lose the house back to the trickster who sold it to them, then another family is moved in. Their money is expended, they move out and another family moves in, and eventually several families have gone through this house, the money has gone to the owner and the house stays in the possession of the one who originally had it.

So what I envision happening not only with this project but a lot of things in Omaha with the cuts and the high rates of unemployment, there are going to be serious dislocations. There is a business group that warns business men about the risks they are facing this year of 1983 (sic). The service costs \$775 a year, is bought by the largest corporations in this country and around the world, and they say the biggest problem businesses are going to face is urban violence because of the unemployment. So I welcome Senator Newell to trot himself down into the community and when those people if they start building sit on top of those orange tractors tearing up the community filled with unemployed people and then I want none of you to come to me and say, Ernie, we have got a problem, let's solve it. The time to work is when you can prevent it from occurring. This project is never going to go. It is going to continue to be divisive and cause destruction. So what it will really do, Senator Newell, is be a recruiting project for the kind of action that this country has reacted to and responded to, the only kind of action it has ever responded to, and by me predicting it is not the same as advocating it or being responsible. But I am telling you when the summer comes and there has been a respite for everybody because of the cold weather, even the police division mentions it...they are happy about it, then I want all these people in here, especially Senator Newell, to lead the effort in cooling the situation and finding a means around it. But he is not going to be able to do it and you won't find hide nor hair of him. I will be in that community because that is where I live, but I won't be there to cool any situation. So what I am asking you to do with the motion that I am discussing now is to reconsider what you have done, reverse what you have done and let this bill be brought back to life. Thank you.

SENATOR CLARK: That is your opening and closing. There are no other lights on. The question before the House is the reconsideration of LB 364 on the vote. A Call of the House has been requested. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 17 ayes, 0 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All Senators will take their seats, please. Everyone will register in, please. Senator Schmit, Senator Howard Peterson, Senator DeCamp. Senator Haberman, will you record in, please? Senator Beutler. We only have two excused, so we are looking for three. Senator Schmit I guess is the only one we are looking for.

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LB 127, 127A, 314, 431,
LB 364, 605, 616, 685

Here he is. The Clerk will call the roll. Can we have it quiet, please, so the Clerk can hear the response.

CLERK: (Read the roll call vote as found on page 506 of the Legislative Journal.) 8 ayes, 34 nays on the motion to reconsider, Mr. President.

SENATOR CLARK: The motion carried.....or, pardon me, the motion lost. I am sorry, Senator Chambers, trying to help you out there. LB 364 is indefinitely postponed. We are now ready for item #7, 314. The Clerk would like to read in first.

CLERK: Mr. President, first of all I have, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 127 and recommend that same be placed on Select File; E & R amendments to LB 127A, Select File with E & R amendments attached.

Mr. President, your committee on Miscellaneous Subjects whose chairman is Senator Hefner reports LB 605 be advanced to General File; LB 685 advanced to General File and LB 616 advanced to General File with committee amendments attached.

Mr. President, your committee on Miscellaneous Subjects gives notice of confirmation appointment hearings.

Senator Fenger would like to print amendments to LB 431 in the Journal. (See pages 508-509 of the Legislative Journal.)

Mr. President, Senator Koch would like to announce that the Education Committee will meet in executive session immediately following the public hearing of the committee today in Room 1517.

Mr. President, I have a unanimous consent request from Senator Warner and Senator Kremer to switch hearing rooms for Wednesday, February 3 and Friday, February 5.

SENATOR CLARK: No objections? So ordered. We will now take up 314.

CLERK: Mr. President, LB 314 introduced by Senator Higgins. (Read title.) The bill was read on January 19 last year. It was referred to the Public Health and Welfare Committee. The bill was advanced to General File. There are committee amendments attached, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Cullan.