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LB 321, 243, 551-554

SENATOR CLARK: The motion is withdrawn. We go to LB 321.

CLERK: Mr. President, if I may right before that, read some material in. A new resolution LR 189 by Senators Newell, Wiitala, Higgins, Vard Johnson. (Read LR 189 as found on pages 2282-2283 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, your committee on Enrollment and Review respectfully reports it has carefully examined and engrossed LB 243 and find the same correctly engrossed, 551, 552, 553 and 554, all correctly engrossed.

Mr. President, with respect to LB 321 I do have E & R amendments pending.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 321.

SENATOR CLARK: You have heard the motion. All those in favor say aye, opposed. The E & R amendments are adopted.

CLERK: Mr. President, Senator Koch would now move to amend the bill.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Thank you, Mr. Chairman. Mr. Burnett has notified me that we have a problem in the bill on page 30 and this is a reference problem, a sectional problem and so in order to correct this and not have to bring it back from Final Reading then once it has been approved, I move that this technical amendment be adopted so that it harmonizes with the section and would not be inappropriate at a later time. I ask for the adoption of the amendment.

SENATOR CLARK: Is there any discussion on the amendment? If not, all those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on the motion to adopt the Koch amendment.

SENATOR CLARK: The Koch amendment is adopted. Senator Koch, what do you want to do with the bill? Do you have anything else on it?

CLERK: No, sir, nothing further.

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PRESIDENT: Did you give me the vote?

CLERK: Yes, sir.

PRESIDENT: Okay. All right, LR 188 is adopted. The next legislative resolution is LR 189, Mr. Clerk.

CLERK: Mr. President, LR 189 was offered by Senators Newell, Wiitala, Higgins and Vard Johnson. (Read LR 189). Mr. President, that is found on 2282 of the Journal. I do have a motion, Mr. President.

PRESIDENT: Motion by Senator Newell. Senator Newell, I recognize you for your motion, LR 189.

SENATOR NEWELL: Mr. President and members of the body, I introduced LR 189 to this Legislature, and the primary purpose was to bring to this Legislature's attention and the public attention the issue of the North Freeway. Senator Chambers was most able and agile and managed to get this bill out of the Public Works Committee. Even though maybe not all members of the Public Works Committee are convinced that Senator Chambers' bill which would do away with the North Freeway is all that good of a measure, they advanced it to General File. Now I went to Senator Chambers and to other members of this Legislature and requested, and the members of the Public Works Committee requested that if they were insistent, and if they were insistent on living up to a commitment that they made to Senator Chambers to put the bill out, would they agree to have a public...or to bring the bill up this year so we can debate it because an important issue like this left on General File might give the wrong impression to the public and the people of the state, the people of Omaha that there is a chance for passage of this proposal. And so we had agreed and we got...we had gotten the Speaker to special order this issue, and, frankly, I thought the bill was going to come up. It was on the green sheet and then all of a sudden it wasn't on the green sheet. I talked to Senator Chambers and he said that for reasons of time he asked that it not be considered as a special order bill. Well, frankly, I think...personally, I think that is because Senator Chambers may not have felt he had the votes to advance the bill and that left me with nothing left to do since he is the introducer of the bill, he had the right to pull it off the special order. The only thing I could do is bring this resolution to the body. The motion that I have offered is a very simple motion. It would refer this resolution and Senator Chambers' bill, which would eliminate the North Freeway,

it would send them back to committee. I would urge the Legislature to send both of these issues back to Public Works Committee for a study. If the Public Works Committee can look at this issue, I think there will be no question in their minds...and I am asking for the Public Works Committee, not Senator Chambers because he has had some legislative studies, called some meetings without inviting anybody else, and if the Public Works Committee could bring this to Omaha for a public hearing, I think that this bill would not again be referred out of committee to General File. So with that in mind, I would urge my colleagues to support this amendment, this motion to return the bill and the resolution to the Public Works Committee for an interim hearing this summer.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, first of all, I don't think that procedurally the thing that Senator Newell is asking for can be done which is on one motion to refer a bill and a resolution to a committee, so I would ask for a ruling of the Chair on that point first of all.

PRESIDENT: Did I understand this is relating to a bill and a resolution? Senator Newell.

SENATOR NEWELL: Yes.

PRESIDENT: You have included a bill in this resolution?

SENATOR NEWELL: Well, Mr. President, the resolution I offered because the bill was withdrawn.

PRESIDENT: Yes. I think...(interruption).

SENATOR NEWELL: It was originally going to be taken up this year, so now I ask that both of them be referred to Public....(interruption).

PRESIDENT: I think you can only handle...I would rule that you could only handle one at a time, and you would have to take it up separately on the bill. So you can only talk about the resolution at this time. I would feel the other would be out of order in answer to the question. I didn't understand it was both, so, Senator Chambers, did you want to continue then with that in mind? We are talking then about referring the resolution, Senator Newell.

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SENATOR NEWELL: Okay, now you basically ruled that you cannot refer both the bill...(interruption).

PRESIDENT: Not both, that's right.

SENATOR NEWELL:and the resolution. So it would only be just the resolution.

PRESIDENT: And the resolution. Just the resolution at this time, yes. Okay.

SENATOR NEWELL: And I have a choice then to overrule the Chair, right, or not?

PRESIDENT: Yes, you do. If you want to do that, it is on the point of order now. Senator Chambers, it's all right if he takes care of that right now then, is it? Yes, go ahead, Senator...(interruption).

SENATOR NEWELL: I'll let Ernie win the ruling and not challenge the Chair.

PRESIDENT: Okay.

SENATOR NEWELL: And we will argue over the resolution then for a while.

PRESIDENT: All right. Senator Chambers, continue debate then.

SENATOR CHAMBERS: Is his motion....or maybe I can ask Senator Newell a question. Senator Newell, will you... (interruption).

PRESIDENT: Senator Newell, will you respond?

SENATOR NEWELL: Yes.

SENATOR CHAMBERS: Is your motion now to refer LR 189 to the Public Works Committee?

SENATOR NEWELL: Well, according to the resolution that... according to the Chair's ruling, I think that is what remains. I am debating now, Senator Chambers, whether to withdraw the motion altogether since obviously I think the resolution is important, since I cannot have it studied and I think I might just, in fact, withdraw the resolution. I need to think about that just a second. I'm not as agile as you are, Senator.

SENATOR CHAMBERS: Not knowing what Senator Newell's

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intention is at this point, and the motion being to refer it to a committee, I can't address it, and, Senator Newell, I am not trying to be coy, but I don't want to go through a long discussion of the merits or lack of merit of the resolution if it is unnecessary, so I will just pass at this point.

PRESIDENT: Okay. Senator Fowler, I believe you wanted to speak and then Senator Newell, you may close on it. Senator Fowler.

SENATOR FOWLER: Well, I was going to call the question on the Newell motion.

PRESIDENT: We are ready for Senator Newell then to close.

SENATOR NEWELL: Yes. Mr. President, I think that because of the situation....is Senator Kremer here at this time?

PRESIDENT: Senator Kremer was here but he is not on the floor right now.

SENATOR NEWELL: Well, Mr. President, I would ask unanimous consent to withdraw the motion to refer, and we will just take up LR 189 in its original form.

PRESIDENT: All right.

SENATOR NEWELL: Unless Senator Kremer can be found, at which time I would like to ask him about whether it is possible to have a...maybe a hearing...(interruption).

PRESIDENT: Maybe you will want to go ahead and discuss LR 189. Maybe he will show up on the floor in the interim and then you can ask him the question.

SENATOR NEWELL: Okay, maybe we could also ask maybe a Page to see if Senator Kremer is available to answer a question.

PRESIDENT: Would a Page or one of the Sergeant at Arms please secure Senator Kremer for purposes of responding to a question from Senator Newell. And if he is within the ear hearing of this, maybe he will show up anyway. So, go ahead.

SENATOR NEWELL: Okay, then I will temporarily withdraw my motion to refer LR 189 to Public Works Committee for

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a public hearing and then begin the debate on the motion itself...on the resolution itself.

PRESIDENT: All right, there is another motion on the desk.

CLERK: Mr. President, if I may right before that, Senators Higgins and Wiitala ask unanimous consent to have their names withdrawn as co-introducers.

PRESIDENT: No objection, so ordered.

CLERK: Mr. President, then in that case Senator Chambers would move to indefinitely postpone LR 189.

PRESIDENT: Okay. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, there is not nearly enough time to go into all of the background on this particular project. But to give you a little background on LB 364, when it was originally advanced by the Public Works Committee, I did ask them to bring it out so that it could be a point for discussion between various Department of Roads officials at the state, federal and city levels because they did not want to talk to various groups and offer information that might be requested. When the bill was advanced, as Senator Newell determined, or stated, there was an effort to put it on special order and the Speaker obliged. That was on...I think there were six days remaining when it was first put on special order. Senator Haberman and certain others were objecting because the Speaker had said just the day before that LB 218 which was the last bill on special order would be the last one that could be considered. When 364 wound up on special order and there was some objection to it, and I had asked the Speaker to put it on special order, with there being only six days and other people having had bills languishing on General File for a far longer period of time than this bill had even been out of committee, I then asked the Speaker to take it off special order. And I didn't feel that if there was a protest made that the body would give 30 votes to override the placement of this thing on special order or uphold that. We have been involved in one of the discussions that would have caused a lot of time to be taken but the merits of the issue never to be considered. So we are in a position where Senator Newell is trying to get the Legislature, without knowing the details of this project or the complex maneuvering behind the scenes

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and throughout its history to, in the words of his resolution, tell the Department of Roads to finalize land acquisition, begin bid letting and speed the completion of the North Freeway in the most expeditious manner possible. I have a letter which I just had delivered to me by hand Saturday from a man who is in the path of the Freeway and his parking lot for his used car business is to be taken, and I have copies of the letter which I will get around to you if any of you are interested, where the threat of eminent domain is used. They said, you can reject the offer if you want to, but we want you to know this project is not going to be delayed and we'll use eminent domain. And then a subsequent letter, or later in that letter they wrote about him having the right to come to court if he wanted to, then left him with the distinct impression, and this is what upset him, that he needn't really come because the issue was foreclosed and it was a mere formality and the ruling in court would go against him. So there are activities by the Department of Roads which are questionable. But since there is not enough time...and to be frank, I don't think there is enough interest here, to go through all of those matters. If you would look at the two letters that I gave you as handouts, one from the Nebraska Department of Planning, the other from the U.S. Department of Transportation, you will see that the conclusion drawn by the Nebraska Department of Planning, in looking at this project, that the wide alternatives for route placement confirm that present demand by commerce and industry is not the reason for building. And the alternatives that we're talking about were existing streets in that area. There is not enough population in the area affected or the area to the north of it to justify sinking \$63 million into a project which is a little less than two miles long. I also handed out to you, and remember, that conclusion I read to you was from the Department of Planning, and the final comment, the need for any of the alternative routes is unsubstantiated and the resulting impact is unjustified. Some of you may wonder what would become of the land that has been taken to date. Well, under federal programs when land is taken for highway purposes, if the project is abandoned, then title of the land is turned over to the municipality, and if there is no municipality involved, whatever political subdivision will be in charge of the land. There is a law on the books right now which has been used by Boys Town which allows private development to occur on this type of land. It can be consolidated, cleared and prepared for use and then turned over for private development, whether it be residential, light

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commercial, or whatever. So uses for the land are possible even under the federal law that created this project in the first place. The Department of Transportation letter will talk to you about devastating, destructive, negative impact on the community to be affected. And so that I can give you a picture, if I can, of what this thing would look like...for a distance of about twenty blocks you will have a road flanked on either side by earth berms roughly ten feet high with no way for the people in that community to get on or off that road. It would be like a Berlin Wall passing through this community, splitting it. It would reduce the value of the property that the people have who are left, it would reduce the value of their property for residential purposes. We have trouble obtaining loans in that area already for "rehabbing" houses or getting second mortgages. When you artificially depress the value in this way, then the lending agencies which have resorted to red-lining can then say there is a legitimate economic reason for not giving loans because the housing has no value. There is not enough value in the house to cover the amount of the loan that is being requested, so I will agree before anybody else says it that there has been tremendous devastation in my community, in my district, as a result of this project. I doubt that there is another Senator on this floor who could come before you faced with a project like what Senator Newell is offering, and you accept something devastating being done in that Senator's district by somebody who doesn't live in that district. I haven't left the poverty stricken area. That's where I live. That's where the people are that I am to represent, so I should be there suffering the same things that they suffer, in the same way I wouldn't go in the City Council meeting because the people couldn't be there. The place belongs with the people. And if Senator Newell's resolution is adopted, it simply means that despite the fact that the Legislature lacks information on this project, it will vote to tell the Department of Roads to do something that the Legislature doesn't completely understand to destroy a Senator's legislative district. Now if what I am saying is not what the people in my district want, they should vote me out of office, but this was one of the issues that I raised when I was running and I have raised it continuously. There is a new Council and a new Mayor who have to approve plans and various steps along the way in this project. Let them go ahead and argue it out. Let them be approached, and if they make the wrong decision, then I will fight them on the basis of that wrong decision. But for the

Legislature, without knowledge or information, to pass Senator Newell's resolution saying, run right through that community, I think is wrong and it's unconscionable. Unfortunately, mine is the only district where people are poor enough so that their word means nothing. Their concerns are ignored. When there was an attempt to branch this project into West Omaha where some of the white politicians and rich white people live, they stopped it. People ask what can be done when a Freeway stops. Go down there near where Bob Gibson has his place of business on 30th near California and look at what happens when a Freeway stops. It stops and that's all there is to it. When they were talking about extending this project I am talking about, all the way from 480 to 680, when you reach the fringe of the black community, the white people beyond it got upset and said, we don't want it so it stopped there also. They talked about widening 90th Street and because white people said it would take trees and sidewalks, don't widen it, the former City Council would not widen it. The same thing happened with Cuming Street beyond 45th. So in every project in Omaha where white people were concerned, and fortunately for them.

PRESIDENT: One minute, Senator Chambers.

SENATOR CHAMBERS: politicians, there was enough interest to stop these projects and in some cases they would say, it will take two or three more houses. You are devastating an entire community, and I think it would be wrong and precipitate for the Legislature to pass a resolution like this. I don't know ultimately how Senators Wiitala and Higgins will vote, but since they took their names off the resolution, I want to tell them on the record that I at least appreciate that having been done. And I hope that you will adopt my motion, which is to indefinitely postpone this resolution because it is not appropriate for the Legislature anyway.

PRESIDENT: All right, Senator Newell.

SENATOR NEWELL: Mr. President and members of the Legislature, Senator Chambers makes some very good arguments about the need to study this North Freeway. In fact, it is kind of interesting and I would like to bring up to my colleagues that there has been a number of studies on the North Freeway. Senator Chambers was one of the members of a committee that was supposed to study the North Freeway last year. He wasn't the only member of that committee, however, Senator Chambers decided that

the other members of the committee were probably in favor of the North Freeway and that they would be of little benefit to have at a public hearing on the efficacy of the North Freeway, so he did not invite us. Senator Fitzgerald, myself, were totally not invited to attend these hearings. Senator Chambers then, as he has been known to do in the past, was the sole individual who was there....I had a campaign meeting, I was debating my opponent and was unable to go. I was never even informed of the meeting until I read it in the newspaper that Senator Chambers had announced for a day that I already had another commitment. Senator Fitzgerald had a very similar situation, and then Senator Ray Powers, who I didn't want to mention, also was a member of the committee and he was not invited either. The situation is very simple. Senator Chambers then, in his own inimitable way, basically allowed for a hearing and testimony and ran one of his typical shows. It was really a show, a little bit of intimidation, maybe a lot of intimidation, which other people could not be there. Now in the whole process this year Senator Chambers introduces a bill, the bill is supported by no one else besides Senator Chambers, and the committee basically holds the bill, and miraculously after a few discussions with individual members, the bill is advanced to General File. Now when I heard that the bill was going to be advanced to General File, I begged the members of the committee and everyone that that bill be given a hearing this year because, in fact, it is going to die the moment it gets up for attention in this Legislature. And Senator Chambers recognizing that very aptly said, well, gee, maybe this bill shouldn't be heard this year, and withdrew his request for a hearing. Now I don't know any other way to address this issue other than bringing forth a resolution. I have provided a lot of information. Senator Chambers talks about the opposition in his district. Frankly, I don't see the opposition in his district and there is no opposition in my district, nor Senator Fitzgerald's district, nor anywhere else in Omaha. Aside from Senator Chambers, who made this is a very important, very, very, very unbelievably important issue to him and himself alone, there is little or no opposition to the North Freeway, and yet we are being to asked to address legislation that will, in fact, stop this Freeway. This Freeway is important to the growth of North Omaha. It is important to the economic and social development of that community, and I think it is important for this Legislature to address it in some way. Now I would ask Senator Kremer, the Chairman of the Public

Works Committee, if I offered my motion, the original motion to refer it to a committee for a public hearing, Senator Kremer, if I offer my motion to refer it to the Public Works Committee for a public hearing, do you feel that your committee would have the time, the energy, the interest, or whatever else it would take to, in fact, have a public hearing by your committee, not by Senator Chambers, but by your committee which other interested Senators, like Senator Chambers and myself might be invited to the meeting, and thereby look at the issue again and try to discern public interest, public desire in regards to this very important project?

PRESIDENT: Senator Kremer, would you respond?

SENATOR KREMER: Well, Senator Newell, you have asked a two-pointed question. You have asked if we would have the time and the energy. I will answer that one first. We will try to find the time. The energy is doubtful on my part on someone that could. Now to get down and be sincere in my answer here to your question, I think the Public Works Committee, like all other committees, generally will follow the direction of the Legislature. If the Legislature asks us to make a study of this issue, we will do the best we can to carry out the directive of the Legislature.

PRESIDENT: Did that answer your question, Senator?

SENATOR NEWELL: Well, I need to ask Senator Lamb a question.

PRESIDENT: All right, you have about a few seconds left, so you can ask Senator Lamb a question. Go ahead. Senator Lamb, will you respond?

SENATOR NEWELL: Senator Lamb, as Chairman of the Executive Board, I think it is important to get your okay on this regard also. If I offer a motion to refer this resolution to the Public Works Committee for an interim study, would there be a problem with that from your office?

SENATOR LAMB: Well, the problem, Senator Newell, would be that we had a deadline for those interim studies. That deadline is past. If we don't uphold that deadline, then the next time it comes around, we are not just going to have one resolution that is submitted after the deadline, we are going to have dozens and dozens and dozens. If you don't hold fast to that one deadline, it puts the Executive Board in a very difficult position.

SENATOR NEWELL: All right, Senator Lamb, Senator Kremer indicated that his committee would be able to hold such a public hearing if the Legislature by a majority vote authorized to send this rather important issue to the Public Works Committee for a study and look at it because we do have legislation pending for next year. Now, frankly, the reason it didn't happen, and I know that excuses are a dime a dozen, but the reason the resolution was not asked for originally was that Senator Chambers had agreed at that time to special order the bill, which it was special ordered that very same week, it was on the green sheet, and then withdrew his request for the special order. And so thinking that we would debate it in this session, I did not offer a resolution to, in fact, have an interim study. But since he withdrew it, I was unable...I was then caught between a rock and a hard place.

SENATOR LAMB: At this point, Senator Newell, I would prefer that you go that route to get the 25 votes here on the floor to specifically refer it to Senator Kremer's Public Works Committee because at this point the Executive Board has set that deadline, it's been past. If this body decides that this issue is of that importance and that should be done, then, of course, there is no problem.

SENATOR NEWELL: Thank you, Senator. Now if I could ask Senator Chambers one question. Senator Chamber, if I could ask you a question.

PRESIDENT: Your time is up.

SENATOR NEWELL: The time is up?

PRESIDENT: Yes.

SENATOR NEWELL: Yes.

PRESIDENT: Senator Johnson wants to...Vard Johnson wants to speak so why don't you let him speak. Before.... Senator Johnson, could I just introduce some folks from Senator Koch's district before you hold forth? Some fifty-eight 4th Grade students and four adults from Blumfield Elementary School in Ralston, Nebraska, Mr. Bob Scheirmeyer, Mrs. Carol Hudson, Miss Kris Murante. They are up here in the north balcony. Would you kindly wave to show us where you are? Welcome to your Nebraska Unicameral Legislature. And now Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, I move we recess until

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1:30 this afternoon.

PRESIDENT: Mr. Speaker, do you have anything.... any objection? It's not debatable, but you can discuss it.

SPEAKER MARVEL: Well, it will be twelve o'clock when we leave here and I think we ought to recess until two, and come back and spend about an hour on rules and then adjourn until the next day.

PRESIDENT: Do you want to finish up these, you have a couple more resolutions too.

SPEAKER MARVEL: Okay.

PRESIDENT: If you want to finish those up and then go on with the rules, is that what you are saying?

SPEAKER MARVEL: Yes.

PRESIDENT: So, you go along with the motion to recess until two o'clock. Senator Kahle, do you want to make an announcement? Senator Kahle has an announcement before we recess.

SENATOR KAHLE: Mr. President, a number of you received invitations to go on a National Guard tour where our Nebraska recruits are training, and we are getting to the deadline on this and there were 27 invitations sent out. These were to members of the Government Committee, the new people that came into the Legislature this year and I believe the Appropriations Committee. They have twelve yeses at the present time. Now they can take up to 25 people on this tour, so those of you that have not sent in your request to go and would like to go and those of you perhaps that didn't receive an invitation, they didn't know how many would want to go, could still go if you will report to our office before we adjourn tomorrow. Thank you.

PRESIDENT: Thank you, Senator Kahle. And the Clerk would like to read something in. Yes, Speaker Marvel.

SPEAKER MARVEL: It's perfectly all right with me if Senator Chambers...he has a motion, I think it is up there.

PRESIDENT: Motion to indefinitely postpone is what is before the House as this motion came up here.

SPEAKER MARVEL: Okay, that's fine. Go ahead with that and then we will come back to the other items we talked about.

PRESIDENT: Well, how soon...how long is this going to take to bring this to a...very quickly? Just...Senator Johnson was not going to speak to it, he just moved to recess, so, that's it. So we are ready, I think Senator Newell wanted to speak again and that was it. And Senator Fitzgerald's light came on, so I guess he wants to talk. All right, Senator Newell, and then Senator Chambers for closing I guess.

SENATOR NEWELL: Well, Mr. President and members of the Legislature....(interruption).

PRESIDENT: Let's do it that way and then we will get this matter out of the way.

SENATOR NEWELL: All right. Mr. President and members of the Legislature, those that have stayed around for this issue, I strongly object to the kill motion, and, frankly, I only consented to allow the kill motion to be voted on this morning because Senator Chambers was very interested in doing that. But, frankly, this issue is one that is very, very important. The Department of Roads, the Highway Commission, others, have long favored the completion and the movement of this project. This bill has got...this resolution, I think, is one that many of you have been talked about by members of the community, both blacks and whites, who are very concerned about the completion of the North Freeway. I think there is very little support for the kill motion. I would urge this body to reject that kill motion, and this afternoon I think we can wrap up very quickly the reference question of referencing it to the Public Works Committee for a fair public hearing which I think ought to set the stage for Senator Chambers' debate on his bill next year. So I would urge very strongly that the members of this Legislature reject the kill motion.

PRESIDENT: All right, and now, Senator Chambers, you may close on your motion to indefinitely postpone.

SENATOR CHAMBERS: Yes, and I will be very brief, Mr. Chairman. When Senator Newell talks about the people who favor this Freeway, he either talks about employees who are hired by the Department of Roads, employees who are hired by the Public Works Department in Omaha, or

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people who are on the public payroll in Omaha. When he talks about these...I don't if he mentioned a George Garnett, but this man is on the federal payroll with an agency and their agency says whatever the city wants to have them say. So their interest is tainted. He may have mentioned a Mr. McVoy and I notice every time they give his name, they mention him as a member of the Omaha Board of Education but he is really a member of the Omaha Housing Authority, and he has an interest from the standpoint of the Housing Authority accumulating this land in other areas and that is why he is favor of letting them destroy the middle of a housing project development. There are many issues which need to be addressed. And Senator Newell's resolution is ill-advised and ill-conceived. So in order that the issue will remain where it ought to be, I am asking that you kill this resolution and not put the Legislature on record in favor of a project that it doesn't understand which can breed litigation and which could put the state in a very embarrassing position. Because I think if the Legislature pushes the Department of Roads forward, then there could be a type of liability that would accrue to the state as a result of that particular action. So I am asking that you put this matter to rest and vote in favor of the motion that I have up there.

PRESIDENT: The motion before the House then is the motion to indefinitely postpone LR 189. All those in favor vote aye, opposed nay. We are voting on the motion to indefinitely postpone LR 189. Well, Senator Chambers, what do you wish to do? Call of the House? Record the vote.

CLERK: 9 ayes, 17 nays, Mr. President, on the motion to indefinitely postpone.

PRESIDENT: The motion fails. Now do you want to.... Mr. Speaker, do you want to recess now and take this up after lunch, or the resolution? I believe that is what you wanted. So, Senator Newell, do you want to... does anybody want to move to recess then until two o'clock? Yes, he wants to read some things in.

CLERK: If I may, Mr. President, very quickly, the Enrolling Clerk has presented to the Governor LBs 320, 406, 551, 553 and 554. That's all that I have.

PRESIDENT: Senator Newell.

SENATOR NEWELL: Mr. President, I move we recess until two o'clock this afternoon.

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SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Cullan, does your green light work? Thank you. Have you all checked in, please? The Clerk will record, please.

CLERK: Quorum present, Mr. President.

SENATOR CLARK: All right, what we are on now is LB 189...or LR 189. Senator Newell, did you want to offer a motion on this?

CLERK: You don't? Okay, then I have got nothing on it.

SENATOR CLARK: The question at the present time is the adoption of the resolution. Senator Chambers, would you like to talk on that? What was it you said, Senator Chambers? What did you say? Tell it over your mike.

SENATOR CHAMBERS: Mr. Chairman, I think Senator Newell wanted a chance to be recognized to speak on his resolution so I will speak after he does.

SENATOR CLARK: All right, Senator Newell.

SENATOR NEWELL: Mr. President and members of the Legislature, basically the debate this morning has been on the kill motion and on some issues related to the question of this issue and the hearings that have preceded it and how long this issue has been before the public for consideration. One thing I would like to say is that this is not a brand new issue. This has been before the public for in excess of twenty years. There has been a number of changes. There has been some modification. It has been worked with by the community. I passed out for the Senators' edification a synopsis of the North Freeway Task Force report. I have the full report which I will ask a Page to pass out shortly, which will give you more details, show the various groups and organizations that have worked with the Department of Roads, the City of Omaha, to design and fine tune the design process on this very important arterial for the City of Omaha, for North Omaha in particular. This has been analyzed, debated and studied, and basically community groups of all kinds have been involved in the process, and they are in favor of what has basically been done. The modifications that have been suggested by the Task Force is the latest, most current. It represents some changing from the original philosophy in the whole question of the North Freeway. It has been a compromised proposal,

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and there is near unanimous agreement of the neighborhood groups involved and other citizen groups, etcetera, and legislators and politicians in the metropolitan area in favor of the North Freeway, and the design as it is being proposed and moved along at this time. Now I have also for anyone who has not had an opportunity to see them, I have maps showing how much of the community has been cleared away, the neighborhood groups that participated in the planning and design, and we show here how many of the houses and homes have been relocated, and so forth. Almost all of the relocation has been done except for a few houses that belong to OHA in terms of housing units that belong to OHA, which have come to an agreement, and also some of the overpasses will take some more houses. There is still a few more homes to be taken but those are not in the direct path of the North Freeway. If anyone does not have one of these maps, if I can get a Page to offer any legislator who is interested in these maps to show the progress that heretofore has been done. Many millions of dollars have been spent already...many millions of dollars have been spent already to do the relocation and prepare the way for the North Freeway. Bid letting is to begin shortly, and the construction, the actual pavement and so forth is to begin by the first of this year, this coming year. So frankly we are talking about stopping a Freeway...Senator Chambers' legislation is talking about stopping a Freeway that is well along the way. Nearly all the homes have been acquired and construction is to begin shortly. It is far too late. It is an important arterial that the City of Omaha needs and I urge this Legislature to adopt this resolution to support this recommendation and to proceed with this issue since we have not had an opportunity to discuss Senator Chambers' bill as I originally thought we might. Thank you.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, you have been hit by a blizzard of paper so far on this issue and I know that you are not going to have the time and probably not the inclination, which I can't blame you for, to really go through it all. But I hope you will consider what Senator Newell is asking you to do, which is to go on record in favor of a project the understanding of which you do not have. Now I had given just now in a handout form a case that was brought to me Saturday at the Barbershop where I work. Now I don't know if this gentleman lives in Senator Newell's District or Senator Fitzgerald, but he is not

a black person. He knows there are other Senators, but in Omaha when people have an unpopular case, or they feel they are woefully outnumbered, I am the one that they bring the things to because I listen to them and try to help them. I am not motivated by the building industry. I am not looking for a job after I get out of the Legislature if I lose next time or choose not to run. I don't intermeddle in other people's districts. Mr. Stahmer who used to be a Senator here said Senator Newell was going door to door in his district in the City Council race for his opponent. So he is not hot on the Freeway because of that. That's Stahmer who is now on the City Council. There are other people who feel that what happens in their district has been intermeddled with. Senator Newell, while wanting to push this thing through the black community where I live, wants to stop the Harrison Street Interchange which is not in his district.

SENATOR CLARK: Pardon me, Senator Chambers. Would you be just a little quiet, please, and give him some consideration?

SENATOR CHAMBERS: Thank you, Mr. Chairman, but I am trying to get some things into the record because in the event of litigation I want it to be clear what matters were discussed before the Legislature. I do want to make it clear that this letter from the Nebraska State Department of Planning and the U.S. Department of Transportation both were, in fact, placed on your desks. They were called to your attention. The contents were called to your attention. The specific case of Mr. Pike was brought to you where he is being told by the Department of Roads in so many words that they don't have to really negotiate with him in good faith because they can use the power of eminent domain to take his property from him, and that if he wants to go to court, he can, but there is really not too much necessity because the outcome is a foregone conclusion. That is what caused the man to come down to talk to me at the shop. If these are white people's issues, why don't some of them go to the white Senators? I got a call upstairs on my desk now where another man who is about to lose his parking lot...that's the one I thought this one would involve, but the one I handed to you involved them taking a man's house, his rental property, his garage, and then not giving him enough money for functional relocation. Functional relocation means they put you in the same condition you were in when they took your property from you. His garage relates to the seasonal work that he does. With the amount of money that the state is giving

him for his property and to relocate, he cannot acquire a home. He cannot get a garage. So, in effect, he has no functional relocation. He is being told, take what the state offers you even though it is inadequate, and if you don't take it, we will use the power of eminent domain and you may as well not come to court because it is not going to do you any good. I am giving you the stuff. Now if the Senators are insistent on going on record in favor of a project that is still hurtful to people who are there, who are being threatened with loss of their property, then you are the ones that they ought to come to when they have a problem, not me. But they go where they think they can get help. They determine where they think they can get help by the way we conduct ourselves on the issues that are close to them. Another aspect that I think you have not looked at, but I wish you would, is that when this thing...this monstrosity if it goes through the community, it will have an affect on the people who are left. Some of them will have these ten foot earth berms right outside their front door. It runs a distance of twenty blocks through the community without a break, with no way to get on it or off it. That, to me, is unconscionable. It has not happened in any other community in this city...in this state. There is no city in this state through which a monstrosity like this passes because all the other cities in the state are white. There is no real concern in this Legislature for the plight of people who are black or who are poor.

SENATOR CLARK: You have thirty seconds, Senator Chambers.

SENATOR CHAMBERS: I think that the situation is so grave that if you insist on running this thing through the community, the people are entitled in the same way you say this preacher can be disobedient to make the road impassable. And since inflated rubber tire vehicles are the ones that you put on these roads and that you insist on running through our community to pollute the air and harm the health of our little children, means can be found to make that road impassable by vehicles with inflated rubber tires. And this final thing, it is so close to the areas where little children live that I think that should be enough to make you want to see the seriousness of the problem that I am bringing to you. And if you think little children are not killed by freeways being close to where they live, not too many weeks ago a child whose last name was Mangleson was killed on the Interstate near 72nd in Omaha because he was trying to catch snakes and he followed one out on the

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Interstate and he was killed.

SENATOR CLARK: Your time is up, Senator Chambers.
Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I will be brief, but just a little while ago, Senator Chambers, you used the phrase that we are receiving a blizzard of paper, and so I looked up the definition in the dictionary here of blizzard, and it says, a heavy snowstorm with a lot of wind. Well, we don't have the snowstorm but I believe we do have a lot of wind.

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

SENATOR NEWELL: Mr. President....

SENATOR CLARK: Yes.

SENATOR CHAMBERS: When I sat down I did turn my light off and then turned it back on because I didn't quite get to....(interruption).

SENATOR CLARK: I didn't see it come on.

SENATOR CHAMBERS: I know. I know. I didn't quite get to finish, so...(interruption).

SENATOR CLARK: You have a right to speak if you want a second time.

SENATOR CHAMBERS: And I would....okay. What I was trying to tell you is that this thing is supposed to go through the middle of a housing project where little children live. Senator Johnson knows this. Anybody who lives in Omaha knows it. They know that these people are trapped there. They cannot move. There is no place for them to go. And I think it would be a mistake for the Legislature to go on record with a resolution although it has no impact or force in law, to tell the people in that community that a white Senator who does not live in their district can tell other white people what is best for them, even though my job in coming here is to represent the interests of the people in my district. You know why no poor people came to that hearing? They can't afford to come down here. That's why they send me. You know why you can have employees? Because the taxpayers send them down here, but the taxpayers are not the ones who voted to send them down here to speak against this bill. That is what you

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ought to consider. We are not doing this on the basis of a popularity contest that people outside the area will engage in or try to misrepresent to you. The Constitution says there are certain fundamental rights that people have that are not subject to a referendum because that would mean that the majority which has an interest in crushing down the minority would always win simply on the basis of a popular vote. And if people are given a right by the Constitution to life, liberty and the pursuit of happiness and yet the very community in which you live is going to be handled in such a way as to bring items through you that hurt your happiness, that lowers the level of your lifestyle, that will diminish the value of what little property you have, then you are being denied substantial rights. And I will tell you this much, because you'd find it out anyway if it comes to this. If it becomes necessary for the community to find a way to oppose this Freeway other than in the Legislature by the means that I have adopted, my job is to be where the people are, and I have mentioned Northern Ireland before in the hope that you would listen, before we reach a point where those things are necessary to be done by a community. You have teachers down here in Lincoln who are talking about picketing and for teachers that is a radical step. When you have a community full of unemployed young people who know that their parents have been discriminated against, who know the discrimination they face in school, then I can show them in the newspaper where a white Senator can get other white Senators to say, we are going to run a wall through your community. It's not hard to idealize that situation and equate it with what is happening in Northern Ireland where those people are oppressed by the British and absentee Irish landlords. And if there is something that they have to give their time to, what better thing than to protect the community where they live, where their grandparents live, where their young brothers and sisters live, against encroachments by calous white people and their handpicked handkerchief head Uncle Toms who will say anything white people want them to say to get a job, or something to put on their resume. Yes, Senator Wesely, I am angry, and I wish that those of you who sit here could come through my community this summer if there is a problem. Let Senator Newell lead you...(interruption).

SENATOR CLARK: You have about a minute and a half left.

SENATOR CHAMBERS:and say, I am going to come to these people who are angry and outraged and tell them, I did this to you, now let me explain why. But I won't be

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able to find any of you. But that is where I will be. And you are sending me there. But I will tell you this, it was felt in South Africa that the black people could not do anything because they didn't have the means. There are people who gave them the means and the other day something happened in South Africa like had never happened before. It was better organized and none of the black people were hurt in the process. If it is war that you are asking for, it doesn't have to be on Vietnam's ground. It means that you do to me here which if it was done to somebody overseas would be considered adequate provocation to use violence for self-defense. And if you are going to destroy my community, you are not going to destroy it for a song. If it is a fight you want, I will join you in it.

SENATOR CLARK: Before I call on Senator Newell to close, I would like to recognize Mark Edgar from Senator Marsh's District, and he is George Edgar's son, and Karl Henderson from Senator Fowler's District. They are under the north balcony and they are guests of Senator Maresh. Will you stand and be recognized, please? Welcome to the Legislature. Senator Newell, would you care to close? Senator DeCamp, did you want to talk on the motion? His light just came on.

SENATOR DeCAMP: Mr. President, simply to say whether it be Christian school amendments, North-South Interstates or Freeways, or whatever they are called, or any of the multitudes of issues that come up over the year where one group, whether they be a fraction of a percent, a black minority, or whatever, absolutely is convinced in their own mind that they are being abused, discriminated against, hurt in some way, then we had all better sit back and look at it from a couple of different angles and see if there isn't some way to accommodate and resolve the problem without all going to war and cutting each other's throats. And as I say, whether it be Christian school amendments, which irritate one person or another, or whether it be a black minority on a road, there is usually some middle ground that will solve the problem, and I would urge those people in Omaha and those people that are interested and absolutely believe this road is necessary, I would encourage them to stop, look and listen carefully before you so-to-speak cross the rubicon and reach a position where you can't backtrack.

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

SENATOR NEWELL: Mr. President and members of the

Legislature, we have just an opportunity to see Senator Chambers when he is angry, when he raises the ante, when he says, you know, if I don't get my way, there is going to be hell to pay. We have seen Senator Chambers use one of his better techniques and that is the veiled threats, the high emotion, etcetera. Now I have tried to discuss this issue in terms of people, in terms of communities, not only the white community but the black community. Senator Chambers is isolated in his position and he well knows it. This road has support and he well knows it. We should have debated the issue before us instead of this resolution, as he promised. We have done everything we possibly could to make this an issue of issues, not one of emotion. Frankly, there is no support for Senator Chambers' position. If it was going to destroy the community, the destruction has happened. If there is to be benefits for the community, the road must be completed, not just the houses cleared, the people moved. That is the issue here today. It is not one of veiled threats. This is not the case as so often we are told that if you agree with Senator Chambers, you are understanding and you are sympathetic and you are a reasonable person...if you disagree, you are a racist. This is an issue of the Freeway, the North Freeway, where all North Omahans are united with few exceptions to its completion and finalization. This resolution is necessary so that we do not have unnecessary delays, that there are no doubts about a legislation that Senator Chambers has not allowed to come up this session, so that, in fact, we all understand that until that legislation that Senator Chambers has introduced is passed, and I doubt very sincerely if it ever will be, but until that day happens, that there should be a continuation of these efforts. If Senator Chambers truly wanted to stop this Freeway, he would have allowed the bill to be discussed this year and advanced. He did not. That is the issue. The issue is, will we continue with the project that is very important to the city, to the people of Omaha, or will we allow, because of our inaction, doubts, delays and etcetera. I urge this Legislature to do the responsible thing, to advance this resolution and next year I hope we debate early Senator Chambers' bill and deal with it fairly on the issue...on the issue, and that is the necessity, the desire, the merits of the North Freeway. Thank you.

SENATOR CLARK: The motion is the adoption of the resolution number 189. All those in favor vote aye. All those opposed vote nay. The motion is the adoption of LR 189. Senator Newell, I can't hold it open forever.

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SENATOR NEWELL: Mr. President, let's have a Call of the House and ask everybody to come in and record their presence.

SENATOR CLARK: A Call of the House has been requested. All those in favor of a Call of the House will vote aye, opposed nay. Record the vote.

CLERK: 13 ayes, 1 nay to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All legislators will take their seats and will check in, please. If you are sitting in your seat, please check in. There are only four excused. We are looking for ten people. Please check in. Now we are looking for five. Senator Dworak, Beutler, Nichol and Pirsch are excused. Senator DeCamp, Senator Marsh. Senator Remmers, would you check in, please? Now we have got them all. Do you want a roll call vote? Do you want...(interruption).

SENATOR NEWELL: I can take call ins for a while.

SENATOR CLARK: The motion before the House is the adoption of LR 189. He will take call in votes. If we don't get that, we will go for a roll call, I guess.

SENATOR NEWELL: Mr. President.

SENATOR CLARK: Yes.

SENATOR NEWELL: Mr. President, if you could explain the issue one more time and then let's just have a roll call and try to resolve it.

SENATOR CLARK: Well, I think we will have a roll call now. We have got everyone here.

SENATOR NEWELL: Okay. Could we explain the issue?

SENATOR CLARK: Pardon?

SENATOR NEWELL: Would you explain what we are voting on one more time?

SENATOR CLARK: I thought I had. The Clerk will explain it.

CLERK: Mr. President, we are voting on the adoption of LR 189.

SENATOR CLARK: Call the roll.

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CLERK: (Read the roll call vote as found on page 2377 of the Legislative Journal.) 25 ayes, 12 nays, Mr. President, on adoption of the resolution.

SENATOR CLARK: Motion carried. The resolution passed. LR 190.

CLERK: Mr. President, LR 190 offered by Senators Hoagland, Wesely, Landis, found on page 2320. (Read LR 190.)

SENATOR CLARK: Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, this particular resolution introduced by four of us is intended to recognize the efforts of Amnesty International, which is an international group that does what it can to secure the release of people who are held prisoner, largely in totalitarian countries around the world, for their political views, because of religious differences or for other matters of conscience. I think all of you are probably quite familiar with its activities. We have quite a number of totalitarian regimes in this hemisphere and elsewhere, which hold people for all kinds of different reasons oftentimes having nothing to do with things brought about by those individuals. The Soviet Union, of course, has a long history of discrimination against the Jews. Many totalitarian regimes in South America hold people without trial, without even levying charges against them for purely political reasons because they oppose the policies of that particular regime. This resolution is simply intended to recognize the efforts of Amnesty International and lend support to its international efforts and I would recommend that this body adopt it. Thank you, Mr. President.

SENATOR CLARK: Senator Peterson.

SENATOR PETERSON: Mr. Chairman, I wonder if Senator Hoagland would yield to a question, please.

SENATOR CLARK: Senator Hoagland.

SENATOR HOAGLAND: Yes, Senator Peterson.

SENATOR PETERSON: Senator Hoagland, in Christian conscience I feel that there is a close relationship between this particular resolution and the so-called Christian school bill. I am wondering if a group of us decided as Christians to vote for this particular resolution, if you would likewise do the same...place yourself in the same position as far as the Christian schools are concerned.

SENATOR HOAGLAND: Well, Senator Peterson, I think if there were any Christians in Cass County who were being held in prison, being tortured, having their lives

LR 146, 180, 188, 189,
191, 194-196

LB 111, 118, 138, 213, 216,
320, 472, 506, 506A, 512,
523, 551, 556, 556A

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PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend John Schmeltzer, Associate Pastor of First Plymouth Congregational Church here in Lincoln.

REVEREND SCHMELTZER: Prayer offered.

PRESIDENT: Roll call. Record the presence, Mr. Clerk.

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

PRESIDENT: A quorum being present, are there any corrections to the Journal.

CLERK: One little one, Mr. President, on page 2378, insert the contents of LR 194.

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

CLERK: Mr. President, I have a series of items. Mr. President, I have several communications from the Governor addressed to the Clerk. (Read. Re.: LB 320, 472, 111, 118, 213, 216, 512, 523, 551, 553, 554, 556, 556A, LB 138, LB 506. See pages 2383-2384.)

Mr. President, I have a veto message from the Governor. (Read. Re.: LB 506A. See page 2385 of the Journal.)

Mr. President, I have an Attorney General's opinion addressed to Senator Beutler regarding LB 321; an opinion addressed to Senator Hoagland on LB 213. See pages 2385-2387 of the Journal.)

Mr. President, new resolutions, LR 195 by Senator Koch. (Read. See page 2387-2388.) And Mr. President, LR 196 offered by Senators Wesely, Hoagland, Fowler and Beutler. (Read. See pages 2388-2389.) Mr. President, finally LRs 146, 180, 188, 189, 191 and 194 are all ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 146, LR 180, LR 188, LR 189, LR 191, LR 194. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

PRESIDENT: We will proceed then with agenda item #4, Final Reading on this final day of the 87th Legislature, first session. The Sergeant at Arms will secure the Chamber.