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LB 628, 259, 931

really do need to be discriminated and there really is justification for paying five dollars an hour for Senator Newell's kid to do something and two fifty an hour for my kid Jenny to do the identical thing. You are really affirming that. I would urge you to support the advancement of the bill. We send out of this State Legislature at the present time, this is going to be short, Senator Marvel, ninety-five million right now directly, plus a whole bundle of other money but ninety-five million of state aid. Do you want that to be used discriminatorily? So we do have an involvement and we are giving control at the local level, we are saying, "Hey look, you do whatever you want on programs and everything. Just make sure you treat everybody the same. When you come to athletics make sure you give everybody a comparable opportunity. Jenny DeCamp is as good as Billy Newell."

SPEAKER MARVEL: The motion is to advance the bill. All those in favor of advancing the bill vote aye, that is LB 628, opposed vote no. Have you all voted? Record the vote.

CLERK: 28 ayes, 6 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The Clerk will read some items into the record.

CLERK: Mr. President, your committee on Education whose chairman is Senator Koch instructs me to report LB 259 advance to General File with committee amendments attached. Your committee on Appropriations whose chairman is Senator Warner instructs me to report LB 931 advance to General File. That is signed by Senator Warner as Chair. Your committee on Appropriations gives notice of hearing, Mr. President, for next Wednesday, February 10. I have a report from Public Health and Welfare on gubernatorial confirmation confirmation hearing. Mr. President, Senator Newell would ask unanimous consent to add his name to LB 628 as cosponsor. (See pages 536-537 of the Journal.)

SPEAKER MARVEL: No objections, so ordered.

CLERK: Mr. President, new resolution, LR 214. (Read for the first time as found on page 538 of the Legislative Journal.) That will be laid over pursuant to our rules, Mr. President.

SPEAKER MARVEL: Senator Newell, do you want to take up 630 before we go to 728?

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SENATOR CLARK: The resolution is laid over. We will now go to LR 214.

CLERK: Mr. President, LR 214 offered by Senator Chambers, found on page 537 and 538 of the Journal. (Read LR 214).

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I don't feel that the discussion the other day was fair. I don't think it was adequate, so it became necessary to raise additional issues that were not considered that day. This resolution has been referred to variously as a polygraph resolution or an opportunity for the Legislature to put state dollars where its legislative mouth is.

SENATOR CLARK: Could we have it just a little more fair to Senator Chambers so he can at least hear himself talk.

SENATOR CHAMBERS: Senator Clark, I know what I am going to say and I am speaking for the record but I appreciate what you did. This is an issue that has caused some people discomfort, but so that it is clear what is being done here, the first four Whereases give the history of this road. It is being taken off the Interstate and put into the Interstate Transfer program. That program requires a specific appropriation by Congress and this is one of the programs that in the World Herald dated...well, I will go to the Lincoln Star, I have that one, January 29th, 1982, it mentions specifically the Interstate Transfer programs as the kind that will be returned to the state. In case that is not sufficient documentation, Senator Warner handed us a booklet which is a fact sheet on federalism and if you turn to page 7, you will see that noninterstate highways as well as airports and local mass transit are to be returned to the states. Should that not be adequate, there was an article in the World Herald, February the 8th, which says that the emphasis of the federal government is going to be on completing interstate systems, that primary and secondary roads will receive a low priority. Then if we go to the Lincoln Journal of February 8th, 1982, we will find these words, "Regarding highways Reagan's budget proposes to turn over responsibility for all highway programs except the interstate highway system." So that means roads like the North Freeway are going to be turned over to the states. Funding for them even while a part of the federal system of funding has been cut drastically. Since the Legislature has gone on record as favoring the completion of this road,

there should be a placing of state dollars where the Legislature has placed its mouth and an assurance given that this project will be completed. I think it would be a gross injustice not to adopt this resolution especially in view of what the Agriculture Committee did the other day. On February 4th they advanced a bill dealing with the Vet College. It was to extend the date authorizing agreements to construct this school. And here is the final paragraph in an Omaha World Herald article of February 5th, 1982. "The bill would extend until December 31st, 1984 legislation authorizing construction of a college of Veterinary Medicine providing that federal and private funds and cooperative agreements with at least two other states are secured." Now the Vet College will impact on white people and the interests of white people in the same way that the State Office Building in Omaha did. So they don't want to initiate any construction until all of the money that would be necessary to complete it will be secured. Where the North Freeway is concerned, on a \$50 million project you have a possibility of \$2 million. That even cannot be spent due to the bid rigging investigation which the U.S. Attorney told me may take upwards of a year to complete, and there is no telling who and which types of companies may be drawn into the investigation before it is over. So this resolution is very simple in what it suggests, namely that the state undertake to carry out what it has indicated its will is. I have a sneaking suspicion that the vote on the resolution in 1981 and the vote against the bill in 1982 may have had just a tiny bit of personal animosity in it toward me. But in order that I can be shown publicly to have made a misjudgment, I am offering the opportunity for the Legislature to "put me in my place" by showing that I have misperceived and misread this situation. I know that Senator Howard Peterson may not have too much interest in this issue on its own merits, but I have got a little rhyme here that I would like to read before Senator Peterson going to the scriptures for some additional support in my stand against the Freeway. Here is the little rhyme. "I have argued: In my eyes, To start construction is unwise. Thinking minds will not give backing To this road, for funds are lacking. If you chafed from my rebuke, Consider, then, the words of Luke." And I will go to Luke, the 14th Chapter beginning at the 28th Verse: "For which of you, intending to build a tower, sitteth not down first, and counteth the cost, whether he have sufficient to finish it? Lest haply, after he hath laid the foundation, and is not able to finish it, all that behold it begin to mock him, saying, this man began to build, and was not able to finish." So, Senator Howard

Peterson and others, it seems to me that what Luke is advising us to do this morning is make certain that we have enough wherewithal to complete a project or we shouldn't start it at all, the same attitude that we take toward the Vet School, that we took toward the State Office Building. But there may be some Senators who think that for some reason a difference ought to be made with this project and they now have the opportunity to offer that difference. I have about three or four more minutes on my opening, so I have got a couple of things that I want to share with you before I turn it over to others who would like to speak in behalf of this resolution. There can't be any opposition, I don't think. Bear with me a second. I had raised the issue of whether or not it is proper to use federal funds to relocate utilities because this project has been taken off the interstate system. Only, only when a project is on the interstate can public funds be used to pay for the relocation of those utilities, otherwise the utility companies have to pay for them. In October I addressed this question to the Federal Highway Administration. Yesterday I got a letter from the U.S. Department of Justice, and all of you can have a copy if you want it. Somebody is dragging their feet but the issue is alive and here is what that letter says. "Dear Senator Chambers: Your letter to the Attorney General regarding use of federal aid highway funds in connection with the relocation of public utilities has been referred to me for reply. As you are aware, the Federal Highway Administration has primary responsibility over all federal aid highway funds. I am informed that the Federal Highway Administration is presently investigating the matter set forth in your letter to the Attorney General and is obtaining additional information material to this investigation before making a decision in this regard. By copy of this letter I am requesting the Federal Highway Administration to advise me of any decision it makes in connection with the matters raised in your letter. Signed Paul McGrath, Assistant Attorney General." That is of the United States. So if there are matters that are still being investigated by the federal government, not just on the bid rigging, prudent people would realize that consideration...serious consideration should be given not to the possibility but to the likelihood that this road is not going to be funded by the federal government. Reagan is going to turn it back to the state, and even should that not happen, it has been made clear that before we reach the point of having a \$1,260 billion deficit as we see in the article from the

New York Times handed out by Senator Hoagland this morning. You can consider these flush times. Starting next year you are going to find times of people being flushed down the stool and certainly these types of unjustified projects which have never been justified from the standpoint of a transportation facility are not going to be funded. Senator Newell gave us assurances and he is quoted in the February 2nd World Herald and, Senator Newell, I got a transcript of that debate so they did correctly represent your general feeling, but I will read what the World Herald said. "As for funding, Newell said he is confident that the federal government will continue to help on a year to year basis. Quote, the money is going to come. This may not be done in a two or three or four year period, but it will be completed and we will get a road that gives access to this community." The only possibility for completing this road will be if the state commits itself. To now drop the other shoe. You have given public declaration of your support for the completion of this project. It takes money to complete. The only source of that funding will be the state. So I am offering this resolution to establish legislative intent. Then because the project has been so monstrous, I will have a third shoe to add to the third foot of this monster after this resolution passes. I ask you to support LR 214.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Mr. President and members of the body, you know I have a tough time here because seldom do you find a convert so quickly changing his attitude on a road as Senator Chambers has done. I mean, Senator Chambers last week was here trying to promote a bill that would oppose the construction of the North Freeway. Today he wants to make sure it is funded. Now I ask you... I ask you, is Senator Chambers known for his inconsistency? Nope. Is Senator Chambers known for his frivolous activity? Nope. Is Senator Chambers known for being one of the most tenacious members of this body? Absolutely. Absolutely. And so I rise to oppose this resolution. I do so because I think I understand the game that is being played. I don't think Senator Chambers has changed his position. I don't think he is a convert now wanting to see this road built. I think Senator Chambers has come across a way to stop the road. And let me tell you how he is going to do it. What is the best way to make sure that the Congress of the United States won't fund this road? Tell them the state will. I mean, look, there is hard times, hard economic times,

and so if we say that the state will fund this road, the federal government needs not do it, and therefore we have a real bind, the state government not having a lot of money will have a very difficult time promoting this road and it will compete with other interests. So Senator Chambers' game is very clear. Senator Chambers is trying to oppose this road by trying to inform the federal Congress, inform the federal government that we want this road so bad we will pay for it ourselves. Now, frankly, if Congress makes the changes as Senator Chambers talks about, that may be a real option, but it is way too premature to say, we are going to fund it now and encourage Congress not to fund it. We don't know whether the President's program will be accepted by Congress. Those are things that we do not know. We don't know how and we don't know when. We do know that the federal government gave us \$2 million. Senator Zorinsky's office said that we will likely...there is a very good possibility, not a guarantee, that we would get \$2 million more dollars this year, that Senator Zorinsky and Senator Exon are presently working on funding for next year. Those are federal dollars. Those federal dollars have been committed to this project and I don't think we should say, no, we don't want that money, we will do it with our own dollars. Now let me say that the bottom line here is that if we pass this resolution, we are promoting Senator Chambers' consistent and tenacious opposition to this road, saying that we will pay for it and will compete with the projects that we have presently on line. But there is one more reason why this is a bad resolution, and here is the important reason, Howard Peterson. Here is the important reason, Martin Kahle.

SENATOR CLARK: You have one minute left.

SENATOR NEWELL: Here is the important reason, Bill Nichol. Is this Legislature to begin saying that we are going to set the priorities as we used to do on which roads get built, or are we going to make that an administrative decision? Are we going to let the Highway Commission make those decisions. Are we going to have public hearings and continue with the same process that we have now? If we move this resolution through, we are saying that the Legislature is once again going to do away with the professionalism that we have developed in that department and that we personally are going to make these decisions, each and every one of them. So we encourage Martin Kahle to come in with a proposal, Bill Nichol to come in with a proposal, Jim Goll to come in with a proposal, Howard Peterson to come in with a proposal, and we will spend our

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time debating road projects from now until forever. I oppose this resolution. It is, in fact, a wolf in sheep's clothing.

SENATOR CLARK: We have an amendment on the desk.

CLERK: Mr. President, Senator Chambers would move to amend the resolution. (Read the Chambers' amendment as found on page 605 of the Legislative Journal).

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, there was some discussion the other day as to exactly how much money remains on this project, but in order that I won't understate the amount or leave anything to doubt, I have put in the specific figure that was given to me by Ray Hogrefe who is the division or district representative of the Federal Highway Administration's offices in Lincoln. So in the 7th Whereas...and this does not relate to whether you like the resolution or not, it specifies the amount of money remaining to be spent for this project. Now regardless of what Senator Newell says about why I am doing what I am doing, we are in what the law people call a res ipsa loquitur situation, the facts speak for themselves. Now it makes no difference whether I like the road, hate the road, like Mayor Boyle, dislike Mayor Boyle, agree with Senator Newell, disagree with Senator Newell. We are dealing with an issue which can be judged on its merits and the Legislature has taken some affirmative actions. It has not simply sat back and done nothing. The first resolution offered on this project was offered by Senator Newell, and it was adopted by the Legislature May 28th, 1981. He set the pattern which I am following. So if anything, Senator Newell is now disavowing the action that he took on that date as a meddlesome piece of action by the Legislature interfering with the professionals whose job it is to set timetables and lay out priorities on road building. But we all know that the argument will change depending upon what side of it a person finds himself or herself. But I suggest that you adopt this amendment that I am offering to the resolution and consider what the resolution itself says. I talked the other day about road projects that have been built in Omaha to date and that none of them have done the things that were promised. Take I-680. I-680, Senator Newell, which goes into Northwest Omaha which you say needs to be helped by the North Freeway, and if what you say is true, then we ought to

build that North Freeway even if it takes state money. The state should have an obligation to invest in a depressed area of the City of Omaha. But here is something from this particular study. It is called the Land Use and Urban Development Impacts of Beltways Case Studies. One is of Omaha. That was released in 1980. Here you find on page 0-13, "Omaha's topography significantly influenced land patterns. The softly rolling terrain in the southwest lends itself to development more readily than the hilly areas of Northern Omaha." That was on page 0-6. Here is the language on 0-13. "For most of its length, I-680 runs through open undeveloped land on Omaha's north and northwestern perimeter. This area does not invite construction, lacking utilities and other infrastructure." This is the area Senator Newell says is going to be developed by the North Freeway which is miles from it. On the other hand, I-680 which was constructed runs right into that area and has not led to any construction or development because the terrain is hilly and the utilities which could be paid for through SID financing in southwest Omaha will not work in northwest Omaha because northwest Omaha is within the city limits and southwest Omaha was not. So we need to understand that when you are talking about the economic development of a depressed area some money may have to be spent, whether you like me or not, and I don't see how anybody could not like me, but on the chance that somebody out there doesn't, it will not take away from the validity of what I am telling you. Remember, studies have been made by the Department of Transportation about Omaha. And listen to this, this is from that Department of Transportation study, Senator Duda, and I will give anybody else an additional copy. "Two points emerge from study of the Omaha belt I-680. First, Omaha illustrates that a beltway can be planned, financed and constructed despite little or no local need for the facility. Indeed, the metropolitan area might have benefited substantially from an investment in crosstown arterials". That is on page 14 of the case studies. Then on page 0-10, listen to this, "but these streets are in white peoples' areas. Dodge Street and 72nd Street evolved into major arterials carrying much crosstown traffic. Lack of expressway capacity along these routes has meant rush hour congestion and difficult driving conditions in inclement weather". Yet there is no effort to make Dodge into an expressway nor 72nd, although existing traffic patterns would justify it. So you want to take an area of declining population, declining traffic and build a freeway. But if you are going to authorize them to start their devastation with any portion of the \$2 million they may have to spend, you ought

to ensure that the job will be completed. I mention that Deputy Director Charles Nutter had been quoted in this report and I would like to read what the report said about Mr. Nutter on page 0-7. "According to the Deputy State Engineer, Charles Nutter, Nebraska Department of Roads, traffic volumes did not dictate the construction of a beltway, meaning I-680. Local officials just decided to have a belt" and that was a quote, "despite the adequacy of preexisting routes to carry traffic through the metropolitan area". Now, remember, we are talking about the movement of traffic in a relatively small city. Listen to these words, "The important components of Omaha's economic base"...listen to this, and Senator DeCamp probably didn't even know this, I will read again..."The important components of Omaha's economic base, agriculture, services, trade and insurance are not particularly reliant upon the regional transportation network. Sections of the belt are quite new and none are heavily traveled." That is I-680. Senator DeCamp knew that. That is on page 0-21. But before I make you lose what my amendment is about, I will stop reading these statements from the report and maybe touch on them later if you have further concern or interest, but useless roads have been built in Omaha already. If you insist on building another useless road, let us at least state openly what the amount of money is that will be involved...the amount of money that the state itself may eventually have to expend on it. So my motion at this point is simply to insert the dollar figure that was told to me by the Federal Highway Administration that the remaining portion of the road will cost to construct. This is merely the North Freeway aspect, not that connector running to the airport because that is a local problem for Omaha to work out with the bond market being as soft as it is. So I am asking that you adopt my motion.

SENATOR CLARK: I would like to introduce to the Legislature, two visitors of Senator Marge Higgins. The visitors are seated under the south balcony and they are both her sisters, Mrs. Robert Young of Slocane, Iowa and Mrs. Sam Howell of Omaha. Will you stand and be recognized, please. Welcome to the Legislature. Senator Duda. The only thing we are on is the Chambers' amendment. Please confine your remarks to that.

SENATOR DUDA: I turned off my light. I would like to speak to the resolution.

SENATOR CLARK: All right, that's fine. Senator Marsh, did you want to talk on the amendment? Senator Fowler,

did you wish to speak to the amendment only?

SENATOR FOWLER: Yes, I guess I would like to speak to the amendment as I understand it, which is to strike "many millions" of dollars and provide the more precise figure of "fifty million" dollars. It seems to me that since the State of the Union Address and the recent budget that Senator Chambers sent us copies of some of the statements with regards to federal funding, and I think we are all familiar that there have often been times that we have got into programs and projects based on promise of future federal funds and they weren't there. Kind of like Charlie Brown, Lucy and the football. You go running at the football and then it is pulled away at the last minute and find yourself flat on your back. What is unique perhaps is that I don't think anyone ever really thought that in the area of federal highways the federal government would pull the football away, yet that exactly seems to be what is proposed. Now if we are going to make a commitment as a state to a project and we want to get it started, I think we have...particularly a project of this scale, we have to decide in our minds whether or not if it is started are we going to provide the dollars to finish it? A freeway that goes nowhere that is never finished is a totally useless freeway, and therefore I think we really ought to assess this. Now if we are going to make a commitment to \$50 million, if that is what its cost is, that's what we ought to do today rather than many millions of dollars. I guess I would at least support the amendment to make this resolution more precise as to the dollar amount those of us in the Legislature are willing to commit on this project in case the new federalism is, in fact, adopted, the economic recovery program continues in its current efforts to build America up and get the country moving again by sending everything back to the states, if that is the direction we are going to continue, then this Legislature has the responsibility to commit itself to funding these programs before they are started. So I would support the amendment but on the resolution I am afraid, Senator Chambers, I could not support it because I do not think that, in fact, we can make that sort of a commitment and, in fact, that is one reason that I oppose the North Freeway is that I do not think this state has, or the City of Omaha has the resources to finish this project. And I guess I would just like to ask Senator Chambers one question that might change my mind with regards to supporting the resolution even though I support the amendment, and that is, Senator Chambers, could you provide for me any sort of merits, value, any sort of constructive thing

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that this freeway could, in fact, achieve for the fifty million dollars you are talking about? And I will give you the rest of my time to answer that question.

SENATOR CHAMBERS: Senator Fowler, I am put in the position of having to be the devil's advocate because I must speak on behalf of those who want the road. What it will do is take a swath right through the middle of a low rent or low income housing development where older people and young children live. It will have a good possibility of bringing fumes of the kind that have been found to help contribute to cancer, influenza and other respiratory ailments. It will bring noise which exceeds the federal standards for noise. It will cause property near the highway on each side to lose value for residential purposes and the people will leave. However, that will be a boon to those who have been trying to get this land in the first place because it is flat. Northern Natural Gas is building a large complex not too many blocks from this area. They will need housing. They have got enough space to park 1500 cars there. They will have 2400 employees. In addition to InterNorth...I said Northern Natural Gas, it is the InterNorth, they are connected, Creighton has a teaching hospital, St. Joseph. They have a law school and a dental school right in that general vicinity. They have a lot of instructors and students. The housing available is almost nil. They cannot expand to the south because that is downtown. They can't expand to the west because of the existing freeway, Tech High and other developed areas. They can't expand to the east because there are other developments there already, so the only region open...

SENATOR CLARK: You have one minute left.

SENATOR CHAMBERS: ...for development is where the freeway exists. So the greatest benefit, if it is completed, will be to clear out the poor people and make it available for high rise apartment dwellings, condominiums and other establishments that the people living there now will not be able to afford. Whereas urban renewal has not been successful as a project in Omaha, the freeway will serve that function, so that is about the only advantage I can see of it.

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

SENATOR CHAMBERS: Not on the amendment.

SENATOR CLARK: No closing on the amendment. All those in

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favor of the amendment vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted on the amendment? Once more, have you all voted on the amendment? Record the vote.

CLERK: 7 ayes, 14 nays, Mr. President, on adoption of the amendment.

SENATOR CLARK: The amendment lost. Motion on the desk.

CLERK: Mr. President, Senators Newell and Duda move to indefinitely postpone LR 214.

SENATOR CLARK: Senator Newell. Senator Newell, on your motion, please.

SENATOR NEWELL: Mr. President and members of the Legislature, I shall be brief because this debate has gone on and it is not the first time we have heard this issue. I would hope that it was the last time we heard this issue but I rather doubt that also. I have offered the kill motion to....Senator Duda and myself have offered the kill motion to LR 214, and very simply it is a proposal to kill the North Freeway. It is encouraging the federal government not to fund the money so that we will have financial problems building the road and thereby Senator Chambers hopes we will not build the road. I oppose it. I would turn the rest of my time over to Senator Duda for his remarks on the kill motion.

SENATOR DUDA: Mr. President....

SENATOR CLARK: Senator Duda, did you want to talk on the kill motion?

SENATOR DUDA: Yes. Yes.

SENATOR CLARK: All right.

SENATOR DUDA: But very briefly because a week ago today we were debating LB 364 and today we are in the same debate. And a week ago today I said the question was intent rather than finances and I still feel that way. And the intent is to stop the roadway. And I guess all I would say is that the people of North Omaha want this. They certainly realize that we are in a financial bind at the moment, little or nothing will be done presently. The federal

budget was proposed yesterday. We don't yet know what effect the federal budget will have on this and we certainly have budget problems of our own. But the intent is some day will we finish this, and I would certainly hate to see the hopes of North Omahans killed with this, so I do support the kill motion. Thank you.

SENATOR CLARK: Senator Chambers, did you want to talk on the kill motion?

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, obviously Senator Duda has not read the resolution because it was his emphasis on intent that caused me to write the "Therefore". Listen, Senator Duda, that in the event that federal funding should be inadequate to complete the Omaha North Freeway or should the project be turned over to the state for total funding, it is the intent of the Legislature to guarantee that the road will be completed. I am just like you, I am talking about intent. So you let them put you in a position that was not well thought out, but I am opposed to the kill motion, and if it is an attempt to prevent me from getting certain things into the record, I have demonstrated by offering the resolution that I will have my time. I will not go away. I will not be silenced and I will be heard, if not by the members of the Legislature, by the record. Think of the legend of the Phoenix. The Phoenix was a legendary bird. You burn the bird. From its own ashes it rises again to plague you or bless you, depending on how you view the Phoenix. So if this motion succeeds, then I am going to vote on the prevailing side and make a motion to reconsider, then I will get my ten minutes on my reconsideration motion and my close. So if you want to drag it out in that fashion, that is perfectly all right with me. I want things about the road into the record and I will get them there and demonstrate what Senator DeCamp and I had said at the beginning, those that you want to hush up you can't hush up no matter what you do. Unless you shoot me, then you better hope that LB 202 is in place at that time. But listen at this because Senator Duda and Senator Newell keep talking about development caused by this road. This is from the Department of Transportation report I read to you before. "Nearly all residential expansion since the Forties", Senator Newell, "has been subsidized through the mechanism of Sanitary and Improvement Districts, SIDs, a development tool only applicable outside city limits. Most influential in shaping land use and development patterns in the Omaha area have been SIDs which allowed a developer", listen to what a developer could do and make everybody

in the city pay for it, "to finance improvements including water, sewer, gas, electricity, sidewalks, roads, flood control, recreation areas, even country clubs, with general obligation bonds which became city debts upon annexation." Listen to this, when Omaha was down here asking for a half percent, you should have considered this, "All city residents paid much of the cost of improvement in suburban subdivisions sometimes including luxurious amenities. Eighty percent of the increase in Omaha's debt ratio from 1960 to 1975 is attributable to debt assumed through annexation. The restrictions of SID financing to areas outside city limits encourage residential spread. Nearly every developer believed that without SIDs there would have been little or no growth west of Omaha's 72nd Street." The road is not what led to the development in southwest Omaha, it was SID financing and the great influx of people into that area, and fleeing from the innercity was based on a decision by a federal district court that Omaha's public schools were segregated and bussing must occur to break that segregation down and that is why a lot of people fled to southwest Omaha also. They didn't want their children bussed. So this road is steeped in racism as are a lot of other matters in Omaha. But because you are insistent on dealing with it differently than you do the Vet School, a white project, the State Office Building, a white project, it is my responsibility which I intend to assume to stand as one in an ocean of white and at least make a moral statement about the wrongfulness of the Legislature's conduct. Senator Newell was upset with my bill because it simply said, kill the project and he said, without reference to whether or not the federal funds are there. So I took his proposition into consideration and it said, if the federal funding is not there....

SENATOR CLARK: You have 30 seconds left, Senator Chambers.

SENATOR CHAMBERS: ...and if this project is turned back to the state, then and only then will the state fund it, and you have that obligation, and if you don't assume it and you send some people out there to begin tearing up where I live, all that a man hath will he give for his family, now that is a paraphrase of what Satan told God, so it could be awfully dangerous, awfully dangerous. Don't worry about a nuclear powder keg in eastern or western Europe when you are developing a racial powder keg right here in northeastern Nebraska.

SENATOR CLARK: Senator Marsh, did you want to talk on

the kill motion?

SENATOR MARSH: Thank you very much, Senator Clark, and members of the Legislature, I would like to put some things into the record too. I would like to tell this body that four weeks ago yesterday I spent 45 minutes in Washington speaking with Secretary of Transportation, Drew Lewis, who very clearly stated that the intent of the federal government with the support of the President was to return all highways, all federal highways except the interstate system, to the control and the financing of the state. This was shared with members of the Executive Committee of the National Conference of State Legislatures. This means that the federal government will continue the responsibility on the interstate system. The problem is, as I see it, the North Freeway is not part of the interstate system. It has been removed. I don't know why. I don't where. I don't know when. But we are talking now about something that will ultimately be the responsibility of state dollars. From my seat on the Appropriations Committee I do not see this legislative body, even the Senators from Omaha, saying that they will be ultimately responsible for paying for the North Freeway construction. I do not support the kill motion, not because I want to talk about this anymore, but because I am aware a record needs to be made. Senator Chambers, do you have anything further in the way of information relating to Interstate 680 and how that affects your proposed resolution?

SENATOR CHAMBERS: Members of the Legislature, and Senator Marsh in response to your question, Interstate 680 is very important because it is an existing road. It goes into the area that Senator Newell says will be developed by the North Freeway. The North Freeway does not go into the area he is talking about. I have to be frank. I don't know what kind of deals were made by whom, but never have I seen a road handled like the North Freeway. I am telling you that at the time I-680 was built Mr. Nutter said, and he is on record in a federal document, that the road was not needed. The city officials were able to get the money. They wanted a highway out there so they built it. They have never shown a justification for its need as a transportation facility. It is underused now and the economic base of Omaha does not even rely on transportation. So they were drawing in a lot of federal money when that road was built because there was no reason to believe that the federal money wouldn't be there. It went through largely uninhabited areas. There was not a lot of taking of property. There was not the going

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through the middle of a black community or any other community, and it has not led to any type of development at all. It has shown no draw as far as construction is concerned, and the main reason is that the road will not bring development into an area where you have to pay large amounts for utilities and the other things that are necessary. Again it goes back to the SID financing and Senator Newell is aware of the Omaha Industrial Foundation which is....

SENATOR CLARK: You have one minute of Senator Marsh's time left.

SENATOR CHAMBERS:developing so much in southwest Omaha. That report that I read to you says the OIF also made enthusiastic use of SID financing which was noted can only be applied to areas outside of its boundaries, and one of the main things they got based on that report is the installation of utilities, which took a great expense off them and make it a general obligation of everybody in the city. So I-680 is a living example of how these roads are built just because the money is there but they do not produce what is promised. So I will not go beyond what Senator Marsh's time is. I have my light on to speak again anyway, but, Senator Marsh, that is about as much as I can answer at this point.

SENATOR CLARK: Senator Newell, do you wish to close? Well you talked for about 20 minutes, but go ahead. You haven't spoken twice. You are the only one.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I am not going to go away. This is irritation time and you ought to know by now that all you do is let me know that I am making my point. But I am going to read you something about I-480 in downtown Omaha. This comes from a Highway Joint Development Project, a study put together by the Department of Transportation and released in May of 1981. I am quoting: "In the mid-1960s during its planning and construction, several planning and development studies suggested that the highway should not be constructed on an embankment but on an elevated structure and that ramp configurations should be changed to accommodate the growing central business district. These design changes were made to construction plans. Simultaneously, the City of Omaha and the Nebraska Department of Roads jointly sponsored a land use study for the property to be made available by the elevated structure." And what they wanted it elevated for was so that economic development could take place on both sides of it and underneath.

A very expensive design plan state and federal money was expended to elevate I-480. Now I can quote again. "The intent of the study was to identify public and/or private development potential of property acquired but not needed for the highway. The study proposed several commercial enterprises at various locations." And get this, those of you who are interested, "No development was to ensue", so despite the promises of economic development from I-480 the government report shows that no development ensued, and as a matter of fact, the development in Omaha was away from I-480, not around I-480 but away from it and it has turned into a barrier that has split an area north of the freeway from the downtown area. Now following a negotiation period the state and federal governments agreed to elevate the highway and to change several ramp locations to accommodate the newly prepared downtown plan and create opportunities for development under and over the highway. These design changes with their associated additional costs were included in the highway package on the understanding that they could foster the potential development of the adjacent and underneath areas. Then if you go to page 41 of that report, you will see that no development occurred and what they have to do with that land instead of economically developing it, was to put in mini parks and parking lots, temporary parking lots because all the things that were promised by the planners and those who were trying to get construction contracts, money for those who do the building, their promises did not pan out, so here is what has happened. And I will go to the two accomplishments that this report states. "There are two significant joint development accomplishments evident in the Omaha I-480 situation. The first is the major alteration of highway plans in response to locally originated land use consideration. The second accomplishment is the decision taken jointly by the city and state to carry out temporary parking improvements to the available property when it became clear that it was not going to become commercially developed." I-680 did not bring development. I-480 did not bring development and now you are going to say that I-580 which has now become the freeway which starts nowhere and ends nowhere is going to bring development, that is insane, it is irrational and it can only happen in the topsy turvy world created by racism where good becomes bad, right becomes wrong, justice becomes injustice, weak becomes strong. But I will fight you every step of the way, and I will have more time to discuss the issue. So even if you adopt Senator Newell's motion right now to kill the amendment....

SENATOR CLARK: You have one minute left.

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SENATOR CHAMBERS:you are not through with me. This report points out something that should be in the record. In areas that have not been the targets for development, that have not been accepted by the investors will not draw any development simply because of a road, a road of its own has never brought development to an area where confidence in development have not been shown already. And as for that riverfront area, the soil is so weak that that is the primary reason that development has not occurred there, and running a road through the middle of my community is not going to strengthen the soil, Senator Newell, of the industrial front down at the riverfront but it may fertilize soil and make it very productive of other things. I am against the kill motion.

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

SENATOR NEWELL: Mr. President and members of the body, I rise with a little control and I want to deal with some of the arguments that have been presented. First of all I think that Senator Marsh's comments deserve rebutting or discussing on this floor. It is, in fact, the President's stated purpose in his State of the Union address about the new federalism that there is going to be some changes. They are not federal policy, however, Senator Marsh, they are proposals, and those proposals suggest as Senator Marsh did that the President would like to turn over road building activities to the states. Now, this project is a replacement. This was on the federal interstate system. It has been moved back so it is under funds... funding mechanism that was part of the interstate system. Whether that will be included in the bill is a question that we cannot answer. It may not be. Whether the bill passes is a question we cannot answer. It may not. And when it will be proposed and when it will be acted upon are all questions yet to be resolved. This resolution isn't so wrong that it couldn't be right, and Senator Chambers' proposals aren't so wrong that they could be right. But, Senator Marsh, you know, Senator Fowler knows and every person on this floor knows that this proposed resolution is not intended to encourage the building of a North Freeway. It is intended to encourage Congress not to fund it. Now I think that is a poor public policy decision and that that is what we are making the decision on today. The policy ought to be, the federal government has committed to build the road, the state government says they want and are committed to build the road, we would prefer to use federal monies which we have basically provided to the federal government instead of state monies and we ought to do that until we know that the proposals

that Senator Marsh is talking about may come into effect or may not come into effect, and I want to deal just briefly with Senator Chambers' comments. Senator Chambers, I would appreciate your interest, your renewed interest in economic activity. I do think, however, Senator Chambers, that if you are as concerned about economic activity as you say, that you should be promoting our area of town because we need jobs, we need employment opportunities instead of saying that everything is negative. Senator Chambers, it irritates me to no end and it has continually irritated me to no end your lack of understanding of basic economics and your unwillingness to fight for and promote economic activity and growth in our area of town for the people that you represent. I said I was going to talk with some reservation and I probably am losing that, so I will say that I am opposed to this resolution. And I sometimes wish that we had more support for what is necessary to provide the good life as it is distributed through our economic system to the people of our neighborhoods. Senator Chambers, if you ever could understand, I would appreciate your help. Thank you.

SENATOR CLARK: The question before the House is to indefinitely postpone the resolution. All those in favor vote aye....for what purpose do you arise, Senator Chambers? He was closing.

SENATOR CHAMBERS: I want a Call of the House and a roll call vote.

SENATOR CLARK: A Call of the House has been requested. All those in favor of a roll call vote aye, opposed vote nay. This is a roll call. He asked for a Call of the House. That is what we are under now is a Call of the House. Record the vote.

CLERK: 17 ayes, 3 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All legislators will take their seats and check in, please. Would everyone please check in? We only have one excused. Senator Warner, would you punch your button, please? Would the Senators get off the phone, please, and come in and check in. Senator Sieck and Senator Vard Johnson. While we are waiting for those two, I would like to introduce 40 students from York College in York, Nebraska, Mike Fowler is the instructor. They are in the north balcony. Will you stand and be recognized, please? Welcome to the

Unicameral. Senator Chambers, are you ready to start the roll call? The Clerk will call the roll if we can have it quiet, please, so we can hear the response. The question is the indefinite postponement of the resolution.

CLERK: (Read the roll call vote as found on pages 605 and 606 of the Legislative Journal). 34 ayes, 0 nays, Mr. President, on the motion to indefinitely postpone the resolution.

SENATOR CLARK: The resolution is indefinitely postponed. The Call is raised. Motion on the desk.

CLERK: Mr. President, Senator Chambers moves to reconsider the vote in killing LR 214.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, somethings...some battles are never won. Some lessons are never learned, and some people never get tired. I fit into the latter category. There are principles that are very important to me and I will go to the mat on those principles. Now I have been told that if I persist in what I am doing on this issue of the North Freeway, all the bills I have in the Legislature will be killed. So what. I will offer them next year. Call the question everytime I speak. So what. I will speak on your issues and talk them to death and you will have to call the question on your own issues. So you are not going to be able to silence me. You will hear what I have got to say whether you like it or not. But I am going to tell you something on this issue. Who best understands what the federal government is going to do? Ronald Reagan and Drew Lewis. In case some people don't know, Ronald Reagan is the President of the United States. Drew Lewis is the Secretary of Transportation. Who better knows what is going to happen with the federal government? President Reagan and Secretary of Transportation, or a member of the Nebraska Legislature? Now I ask you, who better knows? So a person on the floor of the Legislature tells you, I don't care what Reagan said, I don't care what Drew Lewis said, I have got the inside scoop. I don't care if David Stockman says there will have to be cuts here and have to be cuts there and that the highway program is a fertile field for cutting. He doesn't care that Stockman says that. Who is Stockman? He is only the President's alter ego. He is only the person who wrote all the words in the President's budget message. But Stockman doesn't

count, Drew Lewis doesn't count, Ronald Reagan doesn't count. So we have one who overbalances three. I don't think that is quite the way it really is in the world of actuality. Now for your information, when the Freeway was taken off the interstate system, it became a part of the state highway system. It is to be a state highway, and if you think that cannot happen consider that the Kennedy Freeway which branches off I-480 and goes south is classified as a city street. So there are a lot of things about highways as well as other matters that some people on the floor of the Legislature don't understand and don't know about. I am always amused when somebody on this floor stands up and tries to teach about economic reality. If Senator Chambers could understand economic reality, and then doesn't state what the economic reality is. So I think it was a hasty vote in killing that resolution. But now that we have Senator Newell who knows more than President Reagan, Drew Lewis and David Stockman, let me show you the lineup against me and my fight to save my community. The U.S. Department of Transportation, they are against me, that is one. The Federal Highway Administration, a branch of that department, that is two. Powerful Governor Exon, ex-Governor who is now a member of the U.S. Senate, that is three. Powerful ex-Mayor of Omaha, Edward Zorinsky who is one of the ten least known Senators in Washington, that is four. And there are more. Congressman Hal Daub, makes five. The Honorable Governor Charles Thone, that is six. And despite the tricks, I am not in a fix. Now who is seven? The City Council of Omaha, which is composed of seven members for those of you who like numerology. Number eight, the Mayor of Omaha. Eight against one, and the odds continue to climb. The Legislature as a whole. Now that is the most crushing blow of all. Those whom I trust, whom I work with every day, with whom I find such close fellowship and understanding, who bring such joy and delight to my depressed spirit, woe unto me, they are against me also on this issue. That makes nine, and that is fine. Then we come to the Department of Roads presided over by Mr. Dave Coolidge, a nice elderly gentleman who trembles in front of the camera and has a very nonmilitant mustache, who did not know and had no idea that there might be highway bid rigging in the State of Nebraska and was shocked and thunderstruck when it came to his attention. But he knows enough to oppose me on this issue. That is an even ten. Now who do I have on my side? Who do I have as an ally? Who do I have as a supporter? Who do I have that buoys me up in the face of all this adversity? Nobody, except an elderly former actor who likes to pretend to be a cowboy and eats jellybeans and does not like the federal government paying for the

construction and maintenance of state highways. In case you don't know who he is, he is none other than Ronald Reagan, former Governor of California, who is on my side, me and Ronald, Ronald and me. Reagan and Chambers, Chambers and Reagan. Whoever thought you would see that tandem on an issue against such overwhelming odds as I have mentioned. State legislators oppose me and all I have got is the President of the United States on my side. I really feel mistreated and set upon this morning. Members of the Legislature, because I never want to allow myself to break down on this floor, I think what I will do is bring it all to a merciful halt for all of us. But I am going to tell you really why I am terminating my struggle for this morning, because Senator Nichol is now sitting in the Chair and I would like him to be able to say, that without uttering a word, without striking gavel to desk top, he was able to do what nobody else could do, and that is end the discussion on February 9th at 11:09 of the North Freeway. But remember what I promised you, the whole project is a monstrosity and a monster is that which deviates so much from what is natural to one of its kind that it is considered a freak. This monster has three feet, two shoes have been taken care of. You passed Senator Newell's resolution, LR 189 in 1981. You killed my bill in 1982. So there must be a third shoe, and I assure you that I have put it up on the desk and I will fight, fight, fight, and you would appreciate what I am doing. Were I on your issue, were you afraid to speak, you would be happy to have somebody who was fearless, who would not be put off by angry looks. So we will discuss this issue again this session and I can't promise you how many more times, but at least one, and then maybe I will leave the Legislature after fighting valiantly and losing again and again, and do what Senator Cavanaugh did who fought valiantly on a number of issues and lost again and again, and go from here to Congress. But one thing is certain, we are writing a record in history and our words will justify us and our words will condemn us. I have a number of things in the record and this final point for today, then I will leave you. You haven't had the rest of the story yet, that will come later. When a state knows that it does not have the money to complete a project which can be destructive of a community and proceeds with reckless disregard for the consequences, or of the consequences to that damaged community, I think the state opens itself up to liability, and if I have to take the Bar Examination and fight the action myself, you can count on it.

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LB 127A, 636, 724, 778, 823, 834

SENATOR NICHOL: One minute left. Senator DeCamp.

SENATOR DeCAMP: I wasn't going to talk but it just occurs to me that you are all maybe going the opposite way on this. All the resolution says, if you read it, is exactly, precisely the opposite of what Ernie wants. The resolution says, look, we realize there are some touch economic times and we have already indicated support for this particular road, and if it gets into trouble, it is the intent...and that is all it says, the intent of the Legislature to try to continue it on. Well, that seems to me to make sense for those, I don't know, 40 or 50 that wanted the doggone road, and I guess they think it is a necessary road. I think Ernie is the one that is the winner. Everytime you vote against him you are voting against him without reading the resolution because the resolution is the last thing he ever wants. He wants a record that shows everybody opposed the state doing what they said they wanted, which was the road. So I suppose if you were smart, you would just pass the dumb resolution and he would be the only loser, it just occurs to me.

SENATOR NICHOL: Senator Chambers, did you wish to close? Senator Chambers, did you wish us to vote on your motion to reconsider, or do you wish to with....okay, he will withdraw. Is there any objection to Senator Chambers withdrawing his motion? Senator Haberman. The motion is withdrawn. Mr. Clerk, do you have some things to read in?

CLERK: Yes, sir. Mr. President, Senator Sieck would like to print amendments to 127A; Senator Vard Johnson to 724. (See page 606 of the Legislative Journal).

Mr. President, your committee on Miscellaneous Subjects gives notice of cancellation and resetting of a public hearing.

Senator Vickers would like to print amendments to LB 778 in the Journal. (See page 607 of the Journal).

Your committee on Urban Affairs whose Chairman is Senator Landis, reports 636 advanced to General File with committee amendments attached; 823 advanced to General File with committee amendments attached. Those are signed by Senator Landis. (See page 607 of the Journal).

Your committee on Public Health whose Chairman is Senator Cullan, reports LB 834 advanced to General File. (See page 607 of the Journal).