

February 16, 1982

LR 222
LB 126, 137, 139, 212,
212A, 215, 278, 304,
353, 410, 417, 421

PRESIDENT: Any discussion on the motion to appoint a committee of five to escort the Chief Justice into the Chamber? Hearing none, all those in favor then of the motion to appoint the committee signify by saying aye, opposed nay. Motion carries and the Chair appoints the following committee to escort the Chief Justice; Senator Nichol, Senator Vard Johnson, Senator DeCamp, Senator Cullan, and Senator Beutler. Those members would please follow Senator Nichol up the aisle and go to escort the Chief Justice. And now the Chair will read some matters in.

CLERK: Mr. President, new resolution, LR 222 by Senator Chambers. (Read.) Pursuant to our rules, that will be laid over, Mr. President.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 215 and find the same correctly engrossed; LB 304 correctly engrossed; LB 410 correctly engrossed; LB 278 correctly engrossed; LB 126 correctly engrossed; LB 212 correctly engrossed; LB 212A correctly engrossed; LB 353 correctly engrossed; LB 417 correctly re-engrossed; LB 139 correctly engrossed; LB 421 correctly engrossed; all signed by Senator Kilgarin.

Mr. President, your committee on Banking whose Chairman is Senator DeCamp instructs me to report LB 137 advanced to General File with committee amendments attached, Mr. President.

PRESIDENT: While we are waiting for the committee to come back, the Chair takes pleasure in introducing Bill Hefner, son of Senator Elroy Hefner. He is under the North balcony. Will Bill stand up and be recognized. Bill, where are you? Welcome to the Unicameral, Bill. The Legislature will be at ease until the committee returns. The Chair recognizes Sergeant at Arms, Ray Wilson.

SERGEANT AT ARMS: Mr. President, your committee now escorting his honor the Chief Justice of the Supreme Court of the State of Nebraska.

PRESIDENT: The committee will escort the Chief Justice to the podium. Chief Justice Norman Krivosha.

CHIEF JUSTICE NORMAN KRIVOSHA: (Gave the State of Judiciary Message as found on pages 689 - 703, Legislative Journal.)

PRESIDENT: The committee will escort the Chief Justice

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CLERK: 33 ayes, 3 nays, Mr. President, on adoption of the resolution.

PRESIDENT: Motion carries and LR 228 is adopted. Before we go on to the last matter on agenda item #4, the Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. President, I just wanted a moment to alert the body of a little problem, or at least it looks like a problem. I would recommend that you look closely at your telephone long distance calls that you just recently received and I don't know if that is the way the computer does it anymore or whether it was on a rampage or what the situation is, but please look at your telephone bill carefully this month to make sure it is correct. Thank you.

PRESIDENT: Thank you, Senator Nichol. Next item on agenda item #4 is LR 222.

CLERK: Mr. President, LR 222 offered by Senator Chambers found on page 686 of the Journal. (Read.)

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this resolution that I am offering that relates to the North Freeway is in the nature of a compromise. Rather than tell the Legislature to oppose construction of the Freeway, rather than ask that the Legislature appropriate money for the completion of the Freeway, it is simply now is recognizing an accomplished fact at least for this year. Inadequate money is available for any construction so the Department of Roads has said what it had to say that there will be no construction. I am giving you a handout to deal with this situation and you see an individual sitting on the back of...well, two parts of a horse, two rear ends but they connect in the middle so one rear end is facing to the left and the other rear end is facing to the right which means that it is going nowhere, and that brought to mind what I feel the Legislature inadvertently has done on the Freeway issue. I say it is inadvertent because the Legislature has never been known to take opposite positions on the same subject but the Legislature had gone on record in favor of the building of the Freeway, that is one side of the animal. But on the other hand it has said that even if federal funds dry up and there is no money, the Legislature will not see that the Freeway is funded so that put the other back end of the horse or jackass or whatever it is with the original back end so the Legislature is really working

against itself. What I have done in addition to that is to put some materials before you that will prove conclusively that despite what Mr. Coolidge has indicated to the Governor, and I know he indicated things to the Governor because the Governor told me, and the thing that Mr. Coolidge indicated to the Governor that the Governor told me is that "money is in the pipeline from Washington to finish this Freeway". If you turn to the third sheet of that handout, you will see a letter sent to me from the Department of Transportation dated February 23rd and you can read the whole letter but the third paragraph says, "Concerning your question about guaranteeing the funding of a highway project through to completion, no highway project which is funded by the federal government carries with it a guarantee of completion. As with all highway projects, continuing funding for the North Freeway will be subject to future Congressional authorizations." Well, right now times are not as hard as they are going to become with reference to federal spending. Prior to this year there was not a \$100 billion deficit facing the government. Because of this deficit, there are going to have to be cuts. The highway program is one of those that has been marked for such cuts. That being the case, you can say that \$2 million had been appropriated this year when times were good. If all that the state can get is \$2 million when times are good, you know there is little likelihood that more money will be coming when times are becoming bad. In addition to that, this is a part of the interstate transfer program which the president has said he intends to return to the state so all this resolution, when you get through the Whereases does, and I attached a copy of the resolution as the last page of this handout so if any of you are interested in looking at it, this is the significant language, "that in the event that the federal government shall fail to guarantee funds sufficient to complete the Omaha North Freeway, no construction shall be commenced." I am telling you this because they are continuing to tear down houses, they are continuing to cut down trees. Even though all of the evidence I have given you from Washington indicates that there is little likelihood of additional money, you have heard other Senators stand on the floor and without giving you any documentation say that they know money is coming. They have been told that this program is going to be extended so there will be a greater number of years allowed for completion but they have not given you one shred of solid evidence as I have been required to do. So you have before you the situation but I have to tie it into something that you might can relate to better than that Freeway. This article is dated February 15 and it talks about the greater Omaha Chamber of Commerce supporting the extension of authorization time for the Vet School, and it says in the next to the last paragraph, "A federal appropriation

of \$12 million has been requested to help finance the project but the funds are unavailable. LB 648 would reserve state funding until December 31, 1984 in the event federal money becomes available." So there you have that clause introduced with the two words "in the event", which means that in the event the federal money is not forthcoming, there will be no construction on a veterinary college. When we are dealing with a much larger project that impacts directly on the lifestyle and health and well-being of a community, you are saying even though there is no likelihood of the money coming continue to tear down houses though you have rebuilt none. Over 400 houses have been torn down. Continue to cut down trees bringing about the possibility of erosion and the other problems that result when you decimate the landside, the countryside. I have yet to hear any Senator stand on this floor and say that enough money may be available to acquire a plot of ground on which the veterinary college can be built, therefore, even though you don't have enough money to complete the school, go for the gusto and get that plot of ground. Or if you say that you have enough to get the plot of ground and dig the footings, so buy the plot of ground, dig the footing and pray for all you are worth that there will be enough federal money and agreements between the other states to go ahead and complete it. You deal differently and rationally on every other project so long as it doesn't relate to the welfare of people of my complexion. Now there is one other item. It deals with an article in yesterday's paper and it talks about the declining consumption of gasoline in Nebraska as well as the decline in prices. All of you know that the primary source of road funds is gasoline tax. If the prices are declining, if the consumption is declining, and it has declined 25% during the last five years, from 12 to 15% since 1980 or 1981, you have got the article, you can get the year exact, if there has been that great a decline, obviously there will be less tax money. So Senator Warner is in a position to tell you what is going to have to be done to replenish the coffers of those road funds, that is, you are going to have to look to the variable tax rate, Senator Haberman, the variable gas tax. If the standard amount of tax that goes on every gallon is not going to produce as much because fewer gallons are being sold and there is a lesser cost per each gallon, you are going to have to find a way to replenish that money and that is where the variable gas tax will come into play. It can be adjusted upward or downward, and in this case probably upward, to produce the amount of money that the Department of Roads needs to carry out the projects that the Legislature is going to allow it to commit itself to. So what I am asking you to do in this resolution is to simply say that if there

is no guarantee of sufficient federal funds to complete the North Freeway, then no construction should commence. That means they won't start digging a ditch that they call a roadbed and run out of money. They won't start what they call grading and run out of money and leave a fertile field for erosion, if you will pardon that mixing of metaphors. So I hope you will look at this resolution and see that it is not radical. It is straightforward and that you will vote to adopt it. Thank you. Oh, and if you adopt this resolution which doesn't do that much, then I will be through with the North Freeway for this session of the Legislature as far as offering resolutions, bills or amendments to appropriation bills.

PRESIDENT: The Chair recognizes Senator Newell.

SENATOR NEWELL: Mr. President, members of the body, I will be brief because I am sure the Legislature has dealt with this issue often enough and for long enough that they are not terribly interested in hearing more about it but I would like to speak directly to Senator Chambers concerns about the construction of the North Freeway. Senator Chambers, as you well know the Department of Roads has made a decision on where to spend those \$2 million and where they are going to spend that money is basically for two very positive projects, which I am sure you would not oppose; one is the remodeling of the Spencer Street homes, and the replacement units for those low income housing units. That is the primary place where the money will be spent this year and that will improve housing for poor people in the City of Omaha. I am sure you have no opposition to that kind of expenditure at this point in time. The other places where they are going to spend the money is to prepare the final design, in other words, the final design which is really a lot of paperwork and so forth so when the money does come through they will be able to move rapidly on the project. Those two places are where they are spending the money for this year. For that reasons, I am sure, Senator Chambers, this would be a more appropriate resolution maybe next year, although I wish you wouldn't get the votes for it then either, but I am sure that with those recognitions of the situation that you are not opposed to the Spencer homes and so I would urge you to withdraw. If you do not withdraw, I would urge the members of this Legislature to defeat the resolution.

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PRESIDENT: The Chair recognizes Senator Goodrich.

SENATOR GOODRICH: Mr. President and members of the body, I, too, rise in opposition to this resolution. Senator Chambers, for example, indicated that we were tearing houses down up there but we were not doing anything about rebuilding new houses and that sort of thing. Well, what Senator Chambers fails to tell you is that we have rebuilt over 250 homes in that same general vicinity that he is talking about at a cost anywhere from 8 to 38 thousand dollars apiece and that is just the renovation cost of the units. This particular resolution says that if the federal government can't guarantee that we will get all the money in one year, or at one time in other words, then we shouldn't proceed with any construction. There is no way that anybody whether it is the federal government or the state government or anybody else can guarantee you would get all the money in one year. So he creates a completely impossible situation and then says, if you can't do that, then we don't proceed with any construction. The Constitution has in it a Highway Commission. They are in charge of highway projects. Why don't we leave it up to them to work this problem out? That is their job. This is the third time we have had this and I suggest that enough is enough. I ask you not to adopt the resolution.

PRESIDENT: Senator Chambers, you may close.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I don't know about these houses that Senator Goodrich is talking about and I am going to want him to document for me the construction of all these houses and show that they are connected with the North Freeway and that they were built in the general area that he has said. That is a matter of record now. In the past, I have told you various things about funding. The things that I have told you about funding have developed in the way that I told you they would. I have given you documentation to establish it. Now you see Senator Goodrich and Senator Newell taking a different tack. Before I produced the letter where the federal government said it would not guarantee the funding, Senator Newell was saying he had been talking to people back in Washington and they had indicated money was coming. See, they know that you all will accept whatever they tell you. They know you will not accept what I tell you even though I present it in writing and I am backed by a hundred angels. Just like Jesus said, I think, they are not going to believe that somebody came back from the dead or believe

certain things if somebody came back from the dead and told them. I understand that frustration, but because of the feeling of frustration, there cannot be any quit in any person who believes in an issue. Senator Goodrich said this is the third time the matter has come up and enough is enough. It is not enough, Senator Goodrich, until what I feel needs to be accomplished has been accomplished in the same way that Senators Warner and Carsten continue to work for an increase in the income tax. Now that is something that white people can understand so you don't say enough is enough and stop bringing it up. You try to bring bills back from Final Reading to deal with that but when I talk about something that relates to my community you think that because I see you getting irritated I am going to back off, I am going to tuck tail and run, I am going to leave my community up a tree without a paddle. Why this resolution in dealing with this Legislature, Senator Goodrich, is so easy it is a cup of cake. We are not going to be like Senator Venditte would tell us, skating on thin water or putting our nose to the grindstone and keeping our shoulder to the wheel. We are not going to do such things as that. We are going to be as wise as hawks and as harmless as a serpent, more or less. I am trying to add a little levity to lighten this discussion but I want you to know that I am here to stay and the issue is not going to go away. Now Senator Newell mentioned the present work that is being done on the OHA housing projects. I have a transcript of a discussion between myself, Mr. Nutter, who is the Deputy Director of the Department of Roads, and Ray Hogrefe. He was the Regional Administrator for the Federal Housing Administration. If you are interested in reading it, you will see that it was my pressure on them that compelled them to say they would rerenovate all of those units. They were going to split through the middle and renovate some on the east side of the road but not on the west side. So although it is an atrocious project, what I have done is to try to make sure that it is as painless on the people in that community as possible. It is like saying a person has terminal cancer. You cannot cure it so you will make it possible for them to die with as little discomfort as possible. That is what is being done, Senator Newell. The successful treatment of this particular patient is not to restore the patient to health nor to save the patient's life but to make its demise as dignified and painless as possible. But it is my community and I will fight to salvage it and I am going to bring up the issue again and again and again. But remember this, if what Senator Newell is saying is correct, if what Senator Goodrich is saying is correct, and they don't have any concrete evidence to present it to you, they just throw numbers out, then

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LB 547, 590, 590A

how is this resolution going to hurt anything? All that it says is that the money is not guaranteed by the federal government. Well, if they guarantee the money, then you go ahead with construction unless I can find another way to stop them...

PRESIDENT: One minute, Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. Chairman. So I think that you ought to look at this resolution, see how reasonable it is and here is one of the WHEREASES, toward the bottom. WHEREAS no construction will be commenced at a Regional Veterinary College unless and until adequate federal and private funds shall be available to assure completion. Now if you are not going to start building that until you have got the money guaranteed, why are you going to do this on the Freeway? Maybe if somebody told me there is a coming together of an urban fantasy and a rural fantasy on the discussion of this issue, the urban fantasy is an unneeded Freeway which serves no transportation purposes and has never been justified. The rural fantasy is the Veterinary College. So maybe that is why the unholy alliance has occurred, but whatever has brought it into existence, I have got to fight it. There is no other choice for me, but if you want some peace on the North Freeway issue this session, adopt this resolution. It is a good compromise. You don't take anything away from those who want to destroy my community and you don't really give me anything but it does restore to the Legislature a small measure of consistency which certainly does not exist now.

PRESIDENT: The motion before the House is the adoption of LR 222. All in favor vote aye, opposed nay. Have you all voted? Yes, Senator.

SENATOR CHAMBERS: I want a roll call vote

PRESIDENT: A roll call vote has been requested. The Clerk will proceed with the roll call vote.

CLERK: (Roll call vote taken. See page 934 of the Legislative Journal.) 9 ayes, 28 nays, Mr. President.

PRESIDENT: Motion fails. Do you have some matters to read in, Mr. Clerk, and then we will proceed to the General File.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports it examined engrossed LB 547 and find the same correctly engrossed; 590 correctly engrossed; and 590A correctly engrossed. All signed by Senator Kilgarin.