

March 27, 1990

LB 1055  
LR 239, 397-400

2,000 jobs that are connected with Ak-Sar-Ben, so all three, LB 1055, as amended by the committee, is definitely a very good, good bill and, hopefully many of the senators, enough senators here will agree and not only vote to advance or adopt A, B, and C, which will be the total of LB 1055. Thank you.

SPEAKER BARRETT: Thank you. Senator Schmit.

SENATOR SCHMIT: Mr. President, I move that we recess until one-thirty, please.

SPEAKER BARRETT: Do you have anything for the record, Mr. Clerk?

CLERK: One item, Mr. President. Amendments from Senator McFarland to LR 239CA. That's all that I have. (See pages 1627-28 of the Legislative Journal.)

SPEAKER BARRETT: You've heard the motion to recess until one-thirty. All in favor say aye. Opposed no. Ayes have it, the motion carried, we are recessed.

RECESS

PRESIDENT NICHOL PRESIDING

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

PRESIDENT: Thank you. Do you have anything for the record, Mr. Clerk?

CLERK: I do, Mr. President. New resolutions. (Read brief summary of LR 397-400. See pages 1629-31 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: If I could have your attention a minute, Senator Labeledz has a group of students in the south balcony. There are 57 fourth and fifth graders from Holy Ghost School in Omaha accompanied by their teacher. Would you students and teacher please stand so we may recognize you. You're a nice looking group and we're happy to have you here today. You may be interested to know that the Legislature, in a moment or two, will be talking about bingo and what the state has to do with

surviving for 100 years to Brunswick.

PRESIDENT: Well, thank you. Senator Dierks, would you like to finish?

SENATOR DIERKS: Only to ask that you all accept and sign on this resolution. Thank you.

PRESIDENT: Fine, thank you. The question is the adoption of the resolution. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 24 ayes, 0 nays, Mr. President, on adoption of LR 399.

PRESIDENT: The resolution is adopted. LR 400, please.

CLERK: Mr. President, LR 400, offered by Senator Dierks congratulates the...or asks, I'm sorry, asks that the month of May, 1990, be declared as State Poppy Month.

PRESIDENT: Senator Dierks, please.

SENATOR DIERKS: Thank you, Mr. President and members of the body. May, this year, will be proclaimed as National Poppy Month, and the Governor will be signing a declaration or proclamation, as to that effect for Nebraska, later today. So I'm really very pleased to be able to bring this resolution to you, because I have a special interest in the things that have happened with the war veterans of this nation. The Legion Post in Ewing, Nebraska, is named the Sanders Legion Post, and it's named after two of my uncles who were both killed in France in World War I, and on the same day, as a matter of fact, my mother's two older brothers. And my father was also a charter member of that Legion Post. So, I feel somewhat of a strong attachment to the whole Legion process and what they do and what they stand for. There was a young colonel from Canada who, one day in 1915, of April of 1915, was standing in one of those fields where they lined up these little white crosses and all of our veterans or all of our war dead had been buried there in rather hurried fashion. And he saw these poppies growing around there, and he penned a poem, called "In Flanders Fields", and I think it's appropriate that that poem be entered on the record here today. So, if you'll bear with me just a few seconds, I'll read that. It's called, "In Flanders Fields", by Colonel John McCrae. And it goes, In Flanders Fields the poppies blow

between the crosses, row on row. They mark our place, and in the sky the larks still bravely singing, fly, scarce heard amid the guns below. We are the dead. Short days ago we lived, felt dawn, saw a sunset glow, loved and were loved, and now we lie in Flanders Fields. Take up our quarrel with the foe, to you from falling hands we throw the torch, be yours to hold it high. If ye break faith with us who die, ye shall not sleep, though poppies grow in Flanders Fields. I urge your support of this resolution. Thank you.

PRESIDENT: Thank you. Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I hate to do this, and, Senator Dierks, I'm not talking about the substance of your resolution, but I think with all the talk of drugs, the kind of legislation that people in this body and other Legislatures will seek to enact that really constitute a war against black people and poor people than a war on drugs, I don't know whether it's appropriate to designate a month Poppy Month. And I'm saying this in all seriousness. There are things that take on a symbolical significance. And I wouldn't want anybody to think that the Legislature, tongue in cheek, decided to take this plant, which is the cause of so much misery throughout the world, and honor it by declaring a month a month to honor the poppy. It would have been more appropriate, I think, had Senator Dierks decided to set aside a month in honor of those people or those principles that the resolution goes for. But there is no way that I will vote for a resolution that is to honor this flower. And, if you'll give me a moment, I want to read the "Now, therefore".

PRESIDENT: Thank you, Senator.

SENATOR CHAMBERS: I'm not through. You weren't paying attention.

PRESIDENT: Oh, excuse me.

SENATOR CHAMBERS: I mean you're paying attention to Senator Pirsch, but not to me. But as Speaker...

PRESIDENT: Yeah.

SENATOR CHAMBERS: ...as Chair you don't have to, but I wanted to read this. Now, therefore, be it resolved by the members of

the Ninety-first Legislature of Nebraska, Second Session, 1) That the month of May, 1990, be declared State Poppy Month; that the Legislature urges all citizens to support the observance of State Poppy Month. Senator Dierks, may I ask you a question.

SENATOR DIERKS: Certainly.

SENATOR CHAMBERS: Are there narcotic substances that are derived from the poppy?

SENATOR DIERKS: Yes, there are.

SENATOR CHAMBERS: Wouldn't it have been....Let me not ask it as a leading question. Would it be better, instead of calling this Poppy Month, because that's all the declaration will be, how's the public to know what's really intended. Wouldn't it be better me having...my having said that, if this said you want to recognize these people that you're talking about, or their contribution?

SENATOR DIERKS: Is that a question?

SENATOR CHAMBERS: Yes.

SENATOR DIERKS: Okay. I think that what we're talking about is symbolism. And the symbolism, I think, is pretty well accepted nationwide that the poppy has been part of the whole process of recognizing our veterans, the war dead, those who didn't die but who did serve valiantly in the war fields. And I don't believe there is any connotation at all with the narcotic part of the poppy plant. We're talking about the flower and the appropriateness to the occasion, I believe.

SENATOR CHAMBERS: Thank you. Members of the Legislature, there are people in groups who raise poppies and say that they raise them only as a flower. But America wants to use herbicides and other means, even caterpillars and other little creatures, to try to destroy plants that produce these narcotic substances. But in the process of doing that, they have not decided to take a stand against those corporations whose solvents are essential to the production of cocaine. In view of all of the emphasis being placed on illicit drugs, I think it is a mistake for the Legislature to enact this resolution. And I wanted my comments in the record so that Senator Dierks and anybody else who might be interested will understand why I'm not just going to abstain

from voting, I must vote no on this resolution.

PRESIDENT: Thank you. Senator WeiHING, please.

SENATOR WEIHING: Mr. President and members of the Legislature, there are many, many varieties of poppies. Those varieties which are used for the production of drugs have been bred that way, been selected, and that has been...that by the act of man. The poppies that they're speaking of with regards to in Flanders where those are wild, they were not in any way, in any connotation or use in the way of drug. We can do many things to distort our brains as to what is meant. It is up to us to control ourselves with regards to these. The poppy, the flower is very beautiful. At the time that that poem was written, that person had no connotation whatsoever, he was concerned, he was remorseful, and he wanted to point out that there was beauty among death. And I really don't feel that we should bring in and attempt to say that every poppy plant that grows is an illicit plant. It was not illicit until man selected, bred...selected and bred and made certain ones of those illicit. I stand up for resolution, LR 200 (sic).

PRESIDENT: Thank you. Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I've always admired the background information that Senator WeiHING can bring to the discussion of a subject, so I'd like to ask him a question or two, if I may.

PRESIDENT: Senator WeiHING, please.

SENATOR CHAMBERS: Senator WeiHING, can you think of any plant or animal, and when I say animal I include insects, which, if left alone by human beings, would not be serious threats and hazards to human beings?

SENATOR WEIHING: If left....I don't quite understand your question, if...any species?

SENATOR CHAMBERS: Yes.

SENATOR WEIHING: ...is left alone?

SENATOR CHAMBERS: Yes.

SENATOR WEIHING: ...that it will not be a threat?

SENATOR CHAMBERS: Right, a serious threat, in the way that cocaine, heroine, hashish, marijuana...are the plants from which these substances are derived harmful in and of themselves?

SENATOR WEIHING: The...are you speaking of the drug within the...

SENATOR CHAMBERS: No, I'm talking about the plants left untinkered with by human beings.

SENATOR WEIHING: Oh, if you take an untinkered plant, those that are growing in nature,...

SENATOR CHAMBERS: Yes.

SENATOR WEIHING: ...you'll find a tremendous variation as to what some of these products will be. Yes,...

SENATOR CHAMBERS: Okay. So, in the...

SENATOR WEIHING: ...it will be very broad, very broad range.

SENATOR CHAMBERS: ...in the case...excuse me, in the case of all of these drugs and chemical substances, have they not, if they're chemical substances, then compounded by human beings for the purpose of producing a narcotic effect, or the plants processed in such a way as to produce a narcotic substance?

SENATOR WEIHING: Yes, they certainly have, they've been brought about to do that for both beneficial and nonbeneficial.

SENATOR CHAMBERS: So, what you stated about the poppy can be said about any of these plants that are used to produce narcotics and narcotic substances. If left untampered with by human beings, they would not be harmful. But human beings, who want that narcotic effect, will select those plants through which they can produce it. Isn't that correct?

SENATOR WEIHING: Yes, they do.

SENATOR CHAMBERS: Do you think in the minds of the common people, the ordinary people, those not as versed in horticulture and horticultural subjects as you are, would think that there

are various species or types of poppies, some of which have nothing to do with the production of narcotics?

SENATOR WEIHING: I would say that would depend on the background of the individuals. Those individuals who have become harmed by this would think so, Senator Chambers. And I can see your point there very well, there are many who may not be involved with this at all, would not even think of that.

SENATOR CHAMBERS: Thank you. If the media are kind to us, and they do not publicize anything about this resolution, then we'll get home free. But I venture to say, if any of them write a story or an article or deal with it in any fashion, there will be people asking questions as to why the Legislature is going to set aside a month to recognize the plant from which is derived so much misery, not only in this country but throughout the world. I just wanted to give Senator Weihing the opportunity to point out that other plants would fit in the category of his characterization, namely, if these plants were left alone and not determined by human beings to be used in this manner, then there wouldn't be any problem. Senator Dierks, I hate to do this, but I just can't vote for the resolution.

PRESIDENT: Senator Dierks, would you like to close, please.

SENATOR DIERKS: Yes, I would. I guess I'm sorry, Mr. President, members of the body, that Senator Chambers has found this particular resolution to pick on, because the intent was strictly honorable, and it still is. And I think that we have known for years that...I think all the members of this body have probably worn poppies on Memorial Day or on Veteran's Day in honor of the war dead, in honor of their uncles and their brothers and their grandparents. It's I think somewhat of a tradition. And I believe that we are only right in honoring May, this year, as Poppy Month. And I certainly hope that you will show that same appreciation and vote for this resolution. Thank you.

PRESIDENT: Thank you. The question is the adoption of the resolution. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 24 ayes, 1 nay, Mr. President, on adoption of LR 400.

PRESIDENT: The resolution is adopted. May I introduce some

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LB 976  
LR 398, 399, 400

haste, not only makes for waste, but it makes for foolishness. You wind up doing the opposite of what is intended. I know what Senator Pirsch's intendment was and is, but thanks to help from the Governor's Office, we are going to have bill like no bill we have ever had before. This will be a first, even for the Nebraska Legislature. I don't think even Congress has achieved what we are achieving here this afternoon. So, Senator Pirsch, this is one time I am not just saying orally that...

PRESIDENT: One minute.

SENATOR CHAMBERS: ...I am going to support the amendment, I am going to vote yes. And if I could vote yes more than once, I would vote enough times myself to make sure this amendment is added. I sure would hate to be in a position of having argued strongly for this amendment, then shamefacedly having to vote against it or pull it, so I sure hope she doesn't become like a dentist and pull it. (Laughter) Mr. Chairman, we are at that time in the session when I think it is necessary to add a little levity because this is such a serious matter that we are dealing with, and with the time being short that I have left at this point, I will stop for now.

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 398, LR 399, and LR 400. Senator Landis, please. Senator Pirsch, would you like to close on this part of the amendment, please?

SENATOR PIRSCH: Thank you, Mr. President. Mr. Speaker, I will try and answer some of the questions that have been going. This, of course, being dealing with the same thing, we will have more of the same subject on the other three parts of the amendment, but I do want to point out in answer to Senator Hall, we are not striking the course. That is still in the bill, if you would look. It is a Class IV misdemeanor because we are saying this is a serious crime. This is a misdemeanor crime, and it should be considered more serious than an infraction. The course will still be mandated and this isn't going to clog the courts. Less than 1 percent will go to court, and if you are caught, you are caught. It is kind of like the alcohol, but remember in the case of marijuana, if you are caught, you have \$100 fine, infraction. If you hand your joint to a friend, you committed a felony. That is far too much disparity in the severity of using marijuana and that has been the problem all