

January 19, 1981

LR 6  
LB 311-356

read some bills in now, we will recess until 3:30 and come back and hopefully there will be more bills to process and then I would like to have a meeting with the chairmen in Room 1520 at 9:00 tomorrow morning. The Clerk now will....Senator Carsten.

SENATOR CARSTEN: Mr. President, I am hopeful to have a meeting of the Revenue Committee at 3:00. We may be a little late getting back in Exec Session, so I just wanted to alert you of that.

SPEAKER MARVEL: Okay. Senator Carsten is calling a meeting of the Revenue Committee for three o'clock this afternoon. In which room? 1520. Okay, Mr. Clerk, go ahead.

CLERK: Mr. President, first of all, Senator Marsh has an explanation of vote to be inserted in the Journal. (See page 244 of the Legislative Journal.)

New bills, Mr. President. Read by title LB 311-355 as found on pages 244 through 255 of the Legislative Journal.

Mr. President, new resolution. (Read LR 6 as found on pages 255 and 256 of the Legislative Journal.)

Mr. President, Senator DeCamp asks unanimous consent to have the names of all the members added as co-introducers to LR 6.

SPEAKER MARVEL: Okay, the motion before the House is the unanimous consent request that all names be added to the resolution which was just read. Is there objection to that motion? If not, the motion is so ordered.

CLERK: Mr. President, pursuant to our rules....

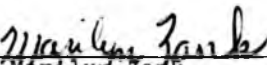
SPEAKER MARVEL: It will be in the Journal?

CLERK: Yes, sir, it will be taken up some time later.

Mr. President, LB 356. (Read title to LB 356 as found on pages 256 and 257 of the Legislative Journal.)

SPEAKER MARVEL: Okay, the motion by Senator Marsh to recess until 3:30 p.m. All those in favor of that motion say aye. Opposed no. We are recessed until 3:30 this afternoon.

Edited by:

  
Marilyn Zark

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LB 60, 71,

## RECESS

SPEAKER MARVEL: The Legislature will come to order. Please indicate your presence. Will you please indicate your presence. Senator Clark, would you like to indicate your presence? Senator Cope, would you indicate your presence, please? Mr. Clerk, record the vote.

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

SPEAKER MARVEL: Okay, the Clerk has some items on his desk.

CLERK: Mr. President, I have several matters to read in if I may. First of all I have a reference report from the Executive Board referring LB 206-253 and rereferring LB 207 and 245.

Mr. President, I have notice of committee hearings from Appropriations Committee and the Ag and Environment Committee signed by the respective chairmen.

Mr. President, Senator Lamb wants a meeting of the Executive Board at eleven o'clock tomorrow in Room 1520. The Executive Board will meet in Room 1520 tomorrow at eleven o'clock for purposes of referring bills.

Mr. President, Senator Wagner, DeCamp and Fenger would like to print an amendment to LR 6 in the Legislative Journal. (See page 260.)

Mr. President, Senator Schmit would like to announce that Senator Wagner was selected as vice chairman of the Ag and Environment Committee.

Mr. President, Senator Lamb offers proposed rules changes which pursuant to our rules shall be referred to the Rules Committee for their consideration. (See page 260 of the Journal.)

Mr. President, your committee on Public Health gives notice of public hearing for January 26 and 27.

Mr. President, your committee on Banking, Commerce and Insurance whose chairman is Senator DeCamp to whom was referred LB 71 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 60 advanced to General File, (signed) Senator DeCamp as chairman.

Mr. President, Senator Koch would like inserted in the

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SPEAKER MARVEL PRESIDING

DR. PALMER: Prayer offered.

SPEAKER MARVEL: Roll call. Okay, record the vote.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: We would appreciate it if you would get whatever bills you have in this morning. If this is absolutely impossible we are still going to meet for a while this afternoon to try to get as many bills as possible processed. Mr. Clerk, do you have other items under #3?

CLERK: Yes, sir, Mr. President. First of all I have a correction to the Journal. (Read. See page 269 of the Journal.)

Mr. President, your committee on Judiciary gives notice of public hearing in Room 1113 for January 27, 28 and 26. Your committee on Education gives notice of public hearing in Room 1517 for January 26 and 27 and your committee on Public Works gives notice of public hearing in Room 1517 for January 28, February 11, 12, 18, 19 and 20. That is signed by the respective chairmen.

SPEAKER MARVEL: Do you have any other items?

CLERK: No, sir.

SPEAKER MARVEL: Okay, we are ready for #4. Item #4, introduction of new bills. Under item #5, resolutions, LR 6.

CLERK: Mr. President, first of all, with respect to LR 6, Senator Chambers asks unanimous consent to have his name withdrawn as co-introducer of the resolution.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Read LR 6. Mr. President, the resolution is found on page 255 of the Journal.

SPEAKER MARVEL: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I want to put a couple of things into the record as to why I don't want my name on this resolution. I think of the words of the Declaration of Independence where when they were going to break from Britain, the colonists, they stated that "a decent respect for the opinion of mankind demands that they should state the causes that impelled them to the separation." So I am in a position as a black man in a country where black people are oppressed and denied many rights and privileges...I am in a position which is often made difficult by activities such as the one which is occurring this morning. I can understand the elation, the happiness, the joy of the families and loved ones of those who are coming back from Iran, but I am also keenly aware at a time like this, of the rights and privileges within this country that people like me do not enjoy at this very moment. So it would be highly cynical and hypocritical for me to endorse a resolution calling for a State Freedom Day when I don't have freedom, a National Freedom Day when people like me all over the country don't have freedom. I can view the resurgence of the Ku-Klux Klan, the American Nazi Party, I look at the multitude of deaths among young black children in Atlanta, Georgia, the deaths of black people in Buffalo, New York, including two where the hearts of the individuals were cut out after they were killed, and it is impossible for me to share in the glow that people feel this morning. I looked at the resolution and there is a part of one of the whereases that I couldn't even agree with. It states, "people who have remained loyal to their government while captured". Loyalty should not be extended to a government. It can be extended to a country or to the constitution of those principles for which the government supposedly stands, but the government is not one, it is not an entity which can demand loyalty. Treason is not committed by being against the government. Treason is committed by taking actions against the country and what it stands for. So there are some provisions in the resolution itself that I could not go for. And I understand that there are people who are not interested in what I have to say on this floor, but I am speaking to a wider audience. And because of the nature of the Legislature it is extremely difficult to have the job of representation that I have. It is difficult knowing that what you say will never strike a responsive chord, knowing that people can talk about freedom when they know that citizens within this country are not free, is indeed

difficult. I think about the young individuals who were sent into Iran on a stupid political maneuver supposedly designed to free the hostages when all it could have done was resulted in all of their deaths and possibly the plunging of the nation into a war. We all know that the most worthless thing in the world is a General without a war; so that one opportunity for somebody to have a moment of glory was snatched away... But eight young men will never see the light of day again; in fact, will be forgotten because this entire thing is a media event. It is created out of a political situation. These 52 people are not the only ones who have a problem. Their families are not the only ones who have been troubled. But because it is surrounded by politics and the media, it has taken on a "reality" which is out of proportion to the genuine reality of the situation. The reality of the hostage situation is one which is contrived and manufactured. Now, when I live in a city like Omaha where there is discriminatory housing, Senator Kremer, we are held hostage by virtue of that fact. The schools are segregated so we are denied educational opportunity. Right now they are talking about putting what they call a magnet school in the heart of the black community which will emphasize science, but it is not available to the black children who live in the area. Its design is to draw white children in and give them another leg up on our children. I have to watch these things happen in the city where I live. I watch highways cut through our community displacing old people, displacing poor people, bills coming before the Legislature to destroy the Omaha Housing Authority because the white people in Omaha don't want black people scattered into their communities. Then stop the highways and programs that take our homes from us. Don't let it be a one-sided operation. So after you get through voting for your Freedom Day resolution for the hostages, I hope some of you will listen to the concerns that I have to express about the lack of freedom for the people that I represent. And for these reasons and others that I have not stated, there is no way that I could put my name on this resolution. If you belong to a group which is marked, by and large, by poverty, disease, ignorance, no opportunity, no hope that you can point to for your children to show them a better way and a better opportunity, then it is indeed difficult. What you really ought to do is to add something to this resolution and state that it will not simply be another empty gesture, but it will be the start of a program to bring about freedom for all citizens in this state, that you feel the hostages will have when they return to this country.

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LB 57,

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Please record your presence. Record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Item number three, the Clerk will read.

CLERK: Mr. President, first of all Legislative Resolution five is ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I'm about to sign, and do sign, LR 5.

CLERK: Mr. President, your committee on Banking, Commerce and Insurance whose chairman is Senator DeCamp, to whom was referred LB57 instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File with amendments. (Signed) Senator DeCamp, Chairman.

Mr. President, the committee on Revenue gives notice of hearing for January 26, 27 and 28. Banking for February 3. Administrative Rules and Regulations for January 28. Miscellaneous Subjects for January 29 and 30 and February 5 and 6. Signed by the respective chairmen.

Mr. President, I have a reference report from the Reference Committee referring LB's 254 through 309 and re-referring 206.

I have a lobby registration report for January 16 through January 19th.

Mr. President, Senator Lamb would like the Executive Board to meet Monday at 9:00 a.m. in room 1520 for purposes of referencing bills.

SPEAKER MARVEL: The Clerk will read LR 6.

CLERK: Mr. President, LR 6 was offered by the membership. It is found on page 255 of the Journal and it reads as follows. (Read LR 6).

SPEAKER MARVEL: The Chair recognizes Senator Burrows.

SENATOR BURROWS: Mr. Chairman, members of the body, I move the adoption of LR 6. I think that it is high time that the

Legislature really recognized the hardships that have been endured by not only these people who have been hostages in Iran but also the prisoners of war that have honorably served the country and stayed in honorable service during their captivity. The resolution is written clearly to provide for those that continued honorable service, and in this situation I don't think that anybody can argue that these people are undeserving because some of the most severe hardships anyone can take are that of being a prisoner of war when they are tortured and go through extreme physical and mental torture, and if not torture, just the presence and threats of whether they are going to make it for the months or years that are involved in their captivity. We, in this resolution, set aside a day to commemorate or remember and think of these people and what they have done, the losses and the personal losses that are involved to these people for the benefit of the country from the position they were placed in in loyal service to the United States and then losing their freedom and giving up their freedom through loyal service to the United States and having really not been seriously recognized through resolution or commemoration or any other device historically. So I move the adoption of this resolution and let us think once a year about the sacrifices made by these people in their loyal service to the country. Thank you.

SPEAKER MARVEL: There is an amendment on the desk.

CLERK: Mr. President, Senators Wagner, DeCamp and Fenger move to amend LR 6 by inserting a new section at the end which would read: (Read pending amendment found in the Journal on page 259.)

SPEAKER MARVEL: The Chair recognizes Senator Wagner.

SENATOR WAGNER: Mr. Speaker, members, the new section, Section 3 there would replace the first one and then the old one would go to Section 4 but this also goes back to the resolution that was introduced here in the Legislature in the last session, LR 204, and it is related to the wearing of yellow ribbons, and as a result of our resolution and a great many other people, the hostages, the hostage families, the yellow ribbon became very symbolic to our hostages, the freedom, trying to get them out, and this amendment just inserts this language into the resolution, and when there is a Freedom Day, we would go ahead and as a symbol, a symbolic symbol would be the yellow flag. We have talked to the Moeller family at Lour City who have done a lot of work in this area as far as the yellow ribbon is concerned. They are very pleased that this amendment is being added and I

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would very much urge everyone support the amendment.

SPEAKER MARVEL: Is there any further discussion? Senator Higgins.

SENATOR HIGGINS: Mr. President and members of the body, I have not written an amendment yet. I don't think I even know how but I would like to ask if when we adopt this resolution we can add to it that we will never use this day in a commercial means such as we have Fourth of July sales, and we will never commercialize this Freedom Day as we have some of our other national holidays. I am not against private enterprise making a buck but I think this occasion should be reserved so that we really do show not just to the hostages that are returning but to the power that brought them back that we don't ever intend to use this holiday or special day as a means of making money, and if somebody else would put that in the way of an amendment or something I would appreciate it since I have never written one. Thank you, sir.

SPEAKER MARVEL: Senator Higgins, you will either have to write this out in your own handwriting or else we can the next time we meet draw up a special resolution which may be the solution to your problem.

SENATOR HIGGINS: All right, thank you. I will wait.

SPEAKER MARVEL: Okay, is there any further discussion on the... we are on the Wagner amendment now, any further discussion? Senator Wagner, do you have any other comments?

SENATOR WAGNER: Mr. Speaker, no, other than I would like to thank Senator Burrows and yourself for preparing the original resolution because that is what we were after yesterday and then found out this resolution was being prepared so the one thing we did want to do is get the yellow ribbon amendment in it and I would encourage support of all the members. Thank you.

SPEAKER MARVEL: All those in favor of the Wagner amendment to Resolution #6, all those in favor vote aye, opposed vote no. Have you all voted? Have you all voted? Record the vote.

CLERK: 41 ayes, 0 nays on the adoption of Senator Wagner, Fenger and DeCamp's amendment, Mr. President.

SPEAKER MARVEL: The motion is carried and the amendment is adopted. Now, are we ready, Senator Burrows? Do you wish to move the resolution as amended?



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SENATOR BURROWS: I move the adoption of the resolution as amended.

SPEAKER MARVEL: Any further discussion on that motion? All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 42 ayes, 1 nay on adoption of the resolution, Mr. President.

SPEAKER MARVEL: The motion is carried and the amendment is adopted. Members of the Legislature, it is my privilege to introduce to you a young lady who with her staff has put out at least 869 separate bills and I would like to have her stand, and if it is your will to acknowledge the work that is done. The Clerk will read.

CLERK: Mr. President, new bills: (Read title to LB 490 through LB 517, pages 305 - 311, Legislative, Journal.)

Mr. President, while we are waiting, new resolution, LR 7: (Read. See pages 212 and 213, Legislative Journal.) That will be laid over.

Mr. President, hearing notice is provided by the Business and Labor Committee for February 4.

Mr. President, Senator Labedz offers explanation of vote.

Mr. President, new bills: (Read title to LB 518 through LB 526, pages 314 - 316, Legislative Journal.)

Mr. President, Senator Burrows would like unanimous consent to have his name added to LB 144 as coinroducer.

SPEAKER MARVEL: Hearing no objection, so ordered. One last call, does anybody have any legislation that is buried someplace that you would like to dig up? Now is your chance. Last call for any legislation.

CLERK: Mr. President. (Read title to LB 527 and 528, pages 316 and 317, Legislative Journal.)

Mr. President, Senator Kremer would like to ask unanimous consent to have his name added to LB 182 as coinroducer.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President: (Read title to LB 529, page 317, Legislative Journal.)

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LR 6  
LB 137, 256,

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Pastor Homburg, Messiah Lutheran Church, Ralston, Nebraska.

DR. HOMBURG: Prayer offered.

PRESIDENT: The Legislature will come to order. Roll call.

CLERK: Mr. President, Senators Maresh and DeCamp would like to be excused until they arrive, Senator Fowler and Dworak until they arrive.

PRESIDENT: Have you all registered your presence? Record the presence, Mr. Clerk.

CLERK: A quorum present, Mr. President.

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

CLERK: Mr. President, yes, sir, there are. (Read corrections as found on page 319, Legislative Journal.)

PRESIDENT: The Journal will stand as corrected. Any messages, reports or announcements.

CLERK: Mr. President, yes, there are. First of all I have a communication from Senator Lamb that he would like printed in the Journal pursuant to Exec. Board policy.

Mr. President, I have a Reference Report referring LB 310 to 401.

Mr. President, LR 6 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign Legislative Resolution #6.

CLERK: Mr. President, an Attorney General's opinion addressed to Senator Remmers regarding LB 137 and one to Senator Higgins regarding LB 256. (See pages 323-325, Legislative Journal.)

Mr. President, Committee on Rules gives notice of hearing in Room 1019 for Tuesday, February 3. Your Committee on Banking, Commerce and Insurance gives notice of hearing in Room 2230 for February 2 and 3.