

## ELEVENTH DAY

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Legislative Chamber, Lincoln, Nebraska,  
Saturday, January 13, 1940.

The Legislature met at 9:00 a. m. President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Mr. Carlson who was excused.

The Journal for the Tenth Day was approved.

### Communications

Letters were read from Congressmen Carl T. Curtis, Charles F. McLaughlin and Karl Stefan, and from Stephen Early, Secretary to the President, all acknowledging receipt of Legislative Resolution No. 3.

### Visitor

Mr. Rossiter introduced Mr. Raymond Clapper, Washington newspaper columnist and political commentator, who addressed the Legislature briefly.

### STANDING COMMITTEE REPORT

#### Enrollment and Review

#### Presented to Governor for Approval

Friday, January 12, 1940 at 11:30 a. m.

L. B. No. 4

L. B. No. 5

L. B. No. 6

(Signed) Craven, Chairman

## RESOLUTIONS

**LEGISLATIVE RESOLUTION NO. 9.      Appreciation to Ak-Sar-Ben**

**Resolution in Appreciation of the Hospitality Extended to Members of this Legislature by the Board of Governors and Members of Ak-Sar-Ben**

Introduced by R. M. Howard, John F. Doyle

WHEREAS, the members of the Fifty-fourth (Extraordinary) Session, Nebraska State Legislature, Nineteen Hundred and Forty, were honored guests of, and entertained by the Board of Governors and members of Ak-Sar-Ben in Omaha, Nebraska, on the evening of January Third, Nineteen Hundred and Forty, and

WHEREAS, our hosts on this occasion were untiring in their efforts to make our visit an enjoyable one, and

WHEREAS, the members of this body desire to express their most sincere appreciation for the gracious hospitality and the many courtesies extended, NOW THEREFORE,

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEBRASKA IN FIFTY-FOURTH (EXTRAORDINARY) SESSION ASSEMBLED:**

1. That the members of this Legislature extend a vote of thanks to the Board of Governors and members of Ak-Sar-Ben for their hospitality and cordiality during the visit of said members of the Legislature to Omaha.

2. That a copy of this resolution be spread at large on the pages of the Journal of this Legislature; and that the Clerk of this Legislature be directed to forward copies of this resolution, properly authenticated and suitably engrossed, to the Board of Governors of Ak-Sar-Ben, Omaha, Nebraska.

**MOTION—To Suspend Rules and Adopt**

Mr. President: I move that the rules be suspended and that Legislative Resolution No. 9 be adopted. Howard.

The motion prevailed with 35 ayes, no nays, 8 not voting.

The resolution was adopted.

**LEGISLATIVE RESOLUTION NO. 10.      In Memory of Patrick J. McMahon.**

Introduced by Peter P. Gutoski

Patrick J. McMahon was born at Omaha, Nebraska, on March 17, 1888. He served as a member of the bicameral Legislature in the House of Representatives in 1927, 1929, 1931 and 1933, and was a member of the unicameral Legislature of 1937. He died at his home on December 25, 1939, in Omaha, where he had resided during his life. He left surviving him his wife and eight children. At the time of his death, he was assistant superintendent of parks at Omaha. His death is mourned by his many friends.

His interest in civic affairs of city, county and state is best shown when recognition is given to the number of years he spent working in the interest of his fellow-citizens. As a legislator, Patrick J. McMahon was earnest and sincere, endeavoring to foster and protect such legislation as was for the best interests of his community and the state at large.

His success in life was obtained through his own efforts, as he came from the rank of the working class, whose welfare was ever uppermost in his mind.

In the passing of Patrick J. McMahon, the family has lost the companionship of a husband and father; we have lost a friend and fellow-worker, and the State of Nebraska has lost a conscientious citizen. NOW THEREFORE,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEBRASKA IN FIFTY-FOURTH (EXTRAORDINARY) SESSION ASSEMBLED:

That this Resolution be spread at large on the Legislative Journal; and that the Clerk of the Legislature be instructed and directed forthwith to forward a copy thereof, properly authenticated and suitably engrossed, to the family of the deceased, as a mark of our reverence to his memory.

**MOTION—To Suspend Rules and Adopt**

Mr. President: I move that the rules be suspended and that Legislative Resolution No. 10 be adopted. Gutoski.

The motion prevailed with 36 ayes, no nays, 7 not voting.

The resolution was adopted.

## Approved by Governor

January 12th, 1940.

To the Members of the Legislature

Gentlemen:

I have been directed by His Excellency, Governor R. L. Cochran, to inform your honorable body that he has this day approved the following bills:

L. B. No. 4

L. B. No. 5

L. B. No. 6

Respectfully submitted,

(Signed) Lulu Drayer

Acting Secretary to the Governor

**BILLS ON THIRD READING**

The following bills were read the third time and put upon passage:

**LEGISLATIVE BILL NO. 8.** With emergency clause.

A bill for an Act to amend Section 50, Chapter 133, Session Laws of Nebraska for the year 1939; to appropriate for the immediate needs of the State Assistance Fund additional monies; to repeal said original section; and to declare an emergency.

Whereupon the president stated: "All provisions of law relative to procedure having been complied with, the question is 'shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 38:

Adams, E. A.	Carsten	Garber	Howard
Adams, J. Jr.	Craven	Gross	Johnson
Ashmore	Diers	Gutoski	Johnston
Brodecky	Doyle	Hall	Klaver
Callan	Gantz	Herrick	Lambert
Mekota	Neubauer	Schultz	Van Diest
Miller	Peterson	Sorrell	Von Seggern
Mischke	Reavis	Thomas, Ray	Westley
Mueller	Reed	Thornton	
Murphy	Rossiter	Tvrdik	

Voting in the negative, 2:

Brady        Thomas, Amos

Not voting, 3:

Carlson     , Dunn       Norman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### Explanation of Vote

Mr. President: I feel that the taxpayers of the state have been contributing more than they can afford, to relieve the indigent, particularly when the general fund of the state is now overdrawn approximately one million dollars. Any excess income that may accrue to the state should be applied to the overdraft. (Signed) Amos Thomas

Mr. President: I vote no because I do not believe these sources will bring in this amount of revenue. (Signed) Brady.

#### Statement for Journal

Mr. President: Had I been present I would have voted for Legislative Bill No. 8. (Signed) Dunn

Mr. President: Had I been present I would have voted for Legislative Bill No. 8. (Signed) Norman

**LEGISLATIVE BILL NO. 3.** With emergency clause

#### MOTION—To Suspend Rules

Mr. President: I move that we suspend the rules as to the provisions in regard to time and method of printing bills.  
(Signed) Peterson

The motion prevailed with 41 ayes, no nays, 2 not voting.

A bill for an Act to amend Secs. 68-266, 68-410 and 43-518 C. S. Supp., 1939, relating to public welfare and social security; to provide that reasonable funeral and burial expenses for dependent children and recipients of old age assistance and blind assistance, upon death, shall be paid by the county boards of the proper counties from money other than that received from the state assistance fund; to repeal said original sections; and to declare an emergency.

Whereupon the president stated: "All provisions of law relative to procedure having been complied with, the question is 'shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 30:

Brodecky	Hall	Mueller	Thomas, Amos
Callan	Herrick	Murphy	Thomas, Ray
Craven	Howard	Neubauer	Thornton
Diers	Johnson	Peterson	Van Diest
Dunn	Lambert	Reavis	Von Seggern
Gantz	Mekota	Reed	Westley
Garber	Miller	Rossiter	
Gross	Mischke	Sorrell	

Voting in the negative, 12:

Adams, E. A.	Brady	Gutoski	Norman
Adams, J. Jr.	Carsten	Johnston	Schultz
Ashmore	Doyle	Klaver	Tvrdik

Not voting, 1: Carlson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### Explanation of Vote

Mr. President: I vote aye because the Reavis amendment should be in the law. (Signed) Herrick

**LEGISLATIVE BILL NO. 2.** With emergency clause

#### MOTION—To Suspend Rules

Mr. President: I move that the rules be suspended to consider Legislative Bill No. 2 on Third Reading File. Von Seggern

The motion prevailed with 38 ayes, no nays, 5 not voting.

A bill for an Act to amend Secs. 68-268, 68-270, 68-413 and 68-416, C. S. Supp., 1939, relating to public welfare, social security and to liens upon the property of recipients of assistance; to fix the time when such liens shall attach; to designate the property to which the liens may attach; to provide how they may be released; to repeal said original sections; and to declare an emergency.

Whereupon the president stated: "All provisions of law relative to procedure having been complied with, the questions is 'shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 35:

Adams, J. Jr.	Gantz	Mischke	Sorrell
Ashmore	Garber	Mueller	Thomas, Amos
Brady	Gross	Murphy	Thomas, Ray
Brodecky	Hall	Neubauer	Thornton
Callan	Herrick	Norman	Tvrdik
Carsten	Howard	Peterson	Van Diest
Craven	Johnson	Reavis	Von Seggern
Diers	Johnston	Reed	Westley
Dunn	Mekota	Rossiter	

Voting in the negative, 6:

Doyle	Klaver	Miller
Gutoski	Lambert	Schultz

Not voting, 2: Adams, E. A. Carlson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### Explanation of Vote

Mr. President: This bill creates a lien on the independent estate of a spouse of a recipient which is additional to the liens provided by the present assistance laws. Being opposed to all liens in the assistance statutes, I can not support the additional lien. I vote no.

(Signed) Gutoski

Mr. President: I vote no on L. B. No. 2 because this bill will place a cloud on titles to property of people who have received no benefit from the Old Age Assistance Law. It will make it impossible for these innocent people to sell their property without paying a debt not incurred by them.

(Signed) Klaver

Mr. President: I oppose liens against homesteads of old age recipients. It is impossible to repeal the law at this session. Since Governor Cochran has said that he will veto such a bill, I vote for this bill because it is the best we can do for the old people at this session.

(Signed) Johnston

Mr. President: I vote "aye" on this bill because it is the best we can do for the old people at this session. Governor Cochran has advised the Legislature that he will veto this bill when amended to repeal the liens against the homesteads of the recipients of old age assistance.

(Signed) Mueller

#### Statement for Journal

Mr. President: Had I been present I would have voted "aye" on L. B. No. 2.

(Signed) Ernest A. Adams

#### STANDING COMMITTEE REPORT

##### Enrollment and Review

LEGISLATIVE BILL NO. 8. Correctly enrolled.

LEGISLATIVE BILL NO. 2. Correctly enrolled.

LEGISLATIVE BILL NO. 3. Correctly enrolled.

(Signed) Craven, Chairman

##### President Signs

While the Legislature was in session and capable of transacting business, the President signed:

LEGISLATIVE BILL NO. 8.

LEGISLATIVE BILL NO. 2.

LEGISLATIVE BILL NO. 3.

##### Request for Unanimous Consent

Speaker Diers asked unanimous consent to take up L. B. No. 1 on General File.

No objection raised.

##### GENERAL FILE

LEGISLATIVE BILL NO. 1. Speaker Diers moved to indefinitely postpone.

The motion prevailed with 32 ayes, no nays, 11 not voting.

**Recess**

At 10:00 a. m. the Chair declared a recess until 11:00 a. m.

**After Recess**

At 11:07 a. m. the Legislature reconvened, President Johnson presiding.

The roll was called and all members were present except Mr. Carlson who was excused.

**PETITIONS AND MEMORIALS**

A petition from the Nebraska Allied Workers Union was read, relating to assistance for single people and the thirty days furlough for W.P.A. workers.

**STANDING COMMITTEE REPORT**

**Enrollment and Review**

**Presented to Governor for Approval**

Saturday, January 13, 1940 at 10:15 a. m.

L. B. No. 8

L. B. No. 2

L. B. No. 3

(Signed) Craven, Chairman

**MOTION—To Appoint Committee to Notify Governor**

Mr. President: I move that a committee of five be appointed to wait upon the Governor to advise him that the Legislature has completed its work and is ready to adjourn and ask him if he has any further message for the Legislature. (Signed) Diers

The motion prevailed and the President appointed the following members to serve on said committee:

Diers, Chairman

Gutoski

Doyle

Tvrdik

Mekota

**MOTION—To Retain Help**

Mr. President: I move that the Clerk of the Legislature be directed to retain such help as may be required to check the bills and otherwise

complete the business of the office for the Fifty-fourth (Extraordinary) Session of the Legislature. (Signed) Carsten

The motion prevailed.

**MOTION—Statutes and Session Laws for Member**

Mr. President: I move that a copy of the Compiled Statutes 1929, C. S. Supp., 1939, Session Laws of Nebraska 1939 and Legislative Journal 1939 be furnished to Mr. Ray Thomas. (Signed) Neubauer.

The motion prevailed.

**MOTION—To Send Legislative Journals**

Mr. President: I move that the Clerk of the Legislature be instructed to send to each member of the Legislature, to the Lieutenant Governor and to each authorized member of the Press assigned to the Legislature for the Fifty-fourth (Extraordinary) Session, a copy of the permanent Legislative Journal of said session and a copy of the Session Laws passed thereat. (Signed) Klaver

The motion prevailed.

**MOTION—To Approve Journal for Eleventh Day**

Mr. President: I move that the Legislative Journal for the Eleventh Day be approved as prepared by the Clerk. (Signed) Mischke

The motion prevailed.

**REPORT—Committee to Notify Governor**

Mr. President: Your committee has conveyed the message to the Governor, who stated that he appreciates the good work done and that he has no further message to communicate to this Legislature. Diers

**Vote of Thanks**

On motion by Mr. Carsten a vote of thanks was extended to the employees of the Legislature who had so willingly and faithfully cooperated to expedite the work of the special session.

Messrs. Tvrdik and Gutoski expressed themselves regarding a special session of the Legislature to extend the delinquent tax act.

With a few brief closing remarks, the President recognized Mr. Neubauer who made the following motion for



## LEGISLATIVE BILLS

Approved After Adjournment

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The following Legislative Bills were approved by the Governor after adjournment of the Legislature:

**January 13, 1940**

Legislative Bill No. 2

Legislative Bill No. 3

Legislative Bill No. 8

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## LEGISLATIVE BILLS ENACTED INTO LAW

Fifty-fourth (Extraordinary) Session

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- L. B. No. 2 Callan, Diers and Hall. Relating to liens for state assistance.
- L. B. No. 3 Relating to funeral and burial expenses for recipients of state assistance.
- L. B. No. 4 Relating to suits under Nebraska Workmen's Compensation Law.
- L. B. No. 5 Defining terms used in the Unemployment Compensation Law.
- L. B. No. 6 Appropriation for salaries of employees, mileage of members and incidental expenses of Legislature.
- L. B. No. 8 Appropriation for State Assistance Fund.

**LEGISLATIVE BILLS**

By Introducers

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**Callan, Diers and Hall**

- 1 Appropriation for State Assistance Fund.
- 2 Liens for state assistance.
- 3 Funeral and burial expenses.
- 4 Suits under Workmen's Compensation Law.
- 5 Unemployment Compensation Law.

**Committee on Appropriations**

- 6 Appropriation for Legislature.

**Committee on Judiciary**

- 7 Jurisdiction, Workmen's Compensation Court.

**REFERRED TO COMMITTEE ON****Appropriations**

Chairman—Frank J. Brady

- 1 Appropriation for State Assistance Fund.
- 6 Appropriation for Legislature.

**Government**

Chairman—E. M. Von Seggern

- 2 Liens for state assistance.

**Judiciary**

Chairman—Amos Thomas

- 4 Suits under Workmen's Compensation Law.
- 7 Jurisdiction, Workmen's Compensation Court.

**Public Health and Miscellaneous Subjects**

Chairman—A. L. Miller

- 3 Funeral and burial expenses.

**Public Works**

Chairman—R. M. Howard

- 5 Unemployment Compensation Law.

## SUMMARY OF LEGISLATIVE BILLS

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Bills introduced ..... 8

Final disposition of each bill

Approved by Governor

2 3 4 5 6 8

Indefinitely postponed

1 7

## CHRONOLOGY OF BILLS

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### Fifty-fourth (Extraordinary) Session

**LEGISLATIVE BILL NO. 1 By Callan et al**

	Page
Jan. 2 Read first time.....	13
Jan. 2 Read second time. Referred to Committee on Appropriations .....	14
Jan. 2 Notice of hearing.....	14
Jan. 6 Placed on General File.....	32
Jan. 6 General File. Considered.....	33
Jan. 8 Motion .....	48
Jan. 9 General File. Opinion of attorney general.....	54
Jan. 9 General File. Laid over.....	54
Jan. 13 Indefinitely postponed .....	86

**LEGISLATIVE BILL NO. 2 By Callan et al**

Jan. 2 Read first time.....	13
Jan. 2 Read second time. Referred to Committee on Government .....	14
Jan. 2 Notice of hearing.....	14
Jan. 6 Placed on General File.....	28
Jan. 6 Motion. Laid over.....	31
Jan. 8 Motion .....	40
Jan. 8 General File. Referred for review.....	41-45
Jan. 8 Placed on Select File.....	48
Jan. 9 Select File. Referred for engrossment.....	52
Jan. 10 Correctly engrossed .....	60
Jan. 11 Replaced on Select File.....	69
Jan. 11 Select File. Referred for engrossment.....	71
Jan. 11 Replaced on Select File.....	72
Jan. 11 Select File. Referred for engrossment.....	73
Jan. 11 Correctly engrossed .....	73
Jan. 13 Read third time and passed 35-6.....	84
Jan. 13 Correctly enrolled .....	86
Jan. 13 Signed by President.....	86

	Page
Jan. 13 Presented to Governor.....	87
Jan. 13 Approved by Governor.....	90

**LEGISLATIVE BILL NO. 3 By Callan et al**

Jan. 2 Read first time.....	13
Jan. 2 Read second time. Referred to Committee on Public Health and Miscellaneous Subjects.....	14
Jan. 2 Notice of hearing.....	14
Jan. 6 Placed on General File.....	28
Jan. 6 General File. Laid over.....	31
Jan. 8 Motion .....	45
Jan. 8 General File. Laid over.....	47
Jan. 9 General File. Referred for review.....	53
Jan. 10 Placed on Select File. Referred for engrossment.....	61
Jan. 11 Correctly engrossed .....	63
Jan. 11 Motion .....	73
Jan. 13 Read third time and passed 30-12.....	83
Jan. 13 Correctly enrolled .....	86
Jan. 13 Signed by President.....	86
Jan. 13 Presented to Governor.....	87
Jan. 13 Approved by Governor.....	90

**LEGISLATIVE BILL NO. 4 By Callan et al**

Jan. 2 Read first time.....	13
Jan. 2 Read second time. Referred to Committee on Judiciary	14
Jan. 2 Notice of hearing.....	15
Jan. 6 Placed on General File.....	29
Jan. 6 General File. Referred for review.....	34
Jan. 8 Placed on Select File. Referred for engrossment.....	36, 47
Jan. 9 Correctly engrossed .....	52
Jan. 11 Read third time and passed 39-0.....	67
Jan. 11 Correctly enrolled .....	73
Jan. 12 Signed by President.....	75
Jan. 12 Presented to Governor.....	79
Jan. 12 Approved by Governor.....	82

**LEGISLATIVE BILL NO. 5 By Callan et al**

Jan. 2 Read first time.....	14
Jan. 2 Read second time. Referred to Committee on Public Works .....	14
Jan. 2 Notice of hearing.....	15
Jan. 4 Placed on General File.....	18
Jan. 4 General File. Referred for review.....	24
Jan. 8 Placed on Select File. Referred for engrossment.....	37, 47

	Page
Jan. 9 Correctly engrossed .....	56
Jan. 11 Read third time and passed 40-0.....	68
Jan. 12 Correctly enrolled .....	74
Jan. 12 Signed by President.....	75
Jan. 12 Presented to Governor.....	79
Jan. 12 Approved by Governor.....	82

**LEGISLATIVE BILL NO. 6 By Committee on Appropriations**

Jan. 4 Read first time.....	24
Jan. 4 Read second time. Referred to Committee on Appropriations .....	24
Jan. 4 Notice of hearing.....	24
Jan. 8 Placed on General File. Referred for review.....	47
Jan. 9 Placed on Select File.....	51
Jan. 9 Select File. Referred for engrossment.....	52
Jan. 10 Correctly engrossed .....	60
Jan. 12 Read third time and passed 41-0.....	77
Jan. 12 Correctly enrolled .....	78
Jan. 12 Signed by President.....	78
Jan. 12 Presented to Governor.....	79
Jan. 12 Approved by Governor.....	82

**LEGISLATIVE BILL NO. 7 By Committee on Judiciary**

Jan. 6 Read first time.....	30
Jan. 6 Read second time. Referred to Committee on Judiciary 31	31
Jan. 6 Placed on General File.....	31
Jan. 8 General File. Referred for review.....	45
Jan. 8 Placed on Select File.....	49
Jan. 9 Select File. Referred for engrossment.....	52
Jan. 10 Indefinitely postponed .....	61

**LEGISLATIVE BILL NO. 8 By Callan et al**

Jan. 6 Read first time.....	35
Jan. 6 Read second time.....	35
Jan. 6 Placed on General File.....	35
Jan. 8 General File. Referred for review.....	46
Jan. 9 Placed on Select File.....	52
Jan. 9 Select File. Referred for engrossment.....	52, 55
Jan. 10 Correctly engrossed .....	60
Jan. 13 Read third time and passed 38-2.....	82
Jan. 13 Correctly enrolled .....	86
Jan. 13 Signed by President.....	86
Jan. 13 Presented to Governor.....	87
Jan. 13 Approved by Governor.....	90

## GENERAL INDEX

---

	Page
<b>ACTIONS</b>	
Under Workmen's Compensation Law, L. B. 4.....	94
<b>ADJOURNMENT</b>	
Sine die .....	89
<b>APPOINTMENTS</b>	
Thomas, Ray, Member of Legislature.....	5
<b>APPORTIONMENT</b>	
Congressional Districts .....	VI
Judicial Districts .....	XI
Legislative Districts .....	VII
<b>APPRECIATION</b>	
Ak-Sar-Ben .....	30
<b>APPROPRIATIONS</b>	
Legislature, employees, expense, L. B. 6.....	95
State Assistance Fund, L. B. 1, L. B. 8.....	92, 95
<b>ASSISTANCE, STATE</b>	
Vandemoer, Eubank, to appear.....	15, 21
<b>ATTORNEY</b>	
Enrollment and Review Committee.....	75
<b>ATTORNEY GENERAL</b>	
Opinion .....	22

	Page
<b>BILLS</b>	
Approved after adjournment.....	90
By committees .....	91
By introducers .....	91
Chronology of .....	93
Enacted into law.....	90
Summary of .....	92
<b>CERTIFICATE</b>	
Member of Legislature.....	5
<b>CLERK OF LEGISLATURE</b>	
Help, to retain.....	87
Supplies, furnish .....	11
<b>COMMITTEES</b>	
<b>Select</b>	
Consult attorney general.....	11, 22
Credentials .....	4, 5
Escort chief justice.....	5, 6
Escort new member.....	6
Memorial, former members.....	63
Notify governor .....	4, 7, 87, 88
<b>Standing</b>	
Education .....	7
Government .....	7
Legislative administration .....	74
New member, appointed.....	7
Revenue .....	7
<b>COMMUNICATIONS</b>	
Boucher, C. S.....	10
Curtis, Carl T.....	79
Dorchester High School.....	18
Early, Stephen .....	79
Hastings, Mrs. Jay.....	51
McLaughlin, Charles F.....	79
Nelson, Anna M.....	63
Stefan, Karl .....	79
Thomas, Amos .....	16

	Page
<b>CONGRESSIONAL DISTRICTS</b>	
Apportionment .....	VI
<b>EMPLOYEES</b>	
Appropriation for salary, L. B. 6.....	95
Roster .....	74
Wage scale .....	75
<b>FUNERAL EXPENSES</b>	
Recipients, state assistance, L. B. 3.....	94
<b>GAVEL</b>	
Presented to President of Legislature.....	2
<b>GOVERNOR</b>	
Appointment, Member of Legislature.....	5
Letters .....	2, 3
Message .....	7
Proclamation .....	2
<b>INVITATIONS</b>	
Chamber of Commerce, Falls City, Lincoln.....	51
Mutual Benefit Association.....	78
<b>JOURNAL, LEGISLATIVE</b>	
Approved .....	88
Permanent, mailing .....	88
Printing .....	26
<b>JUDICIAL DISTRICTS</b>	
Apportionment .....	XI
<b>LABOR</b>	
Unemployment Compensation Act, L. B. 5.....	94
Workmen's Compensation Law	
Claims against State, governmental agencies, L. B. 4.....	94
Jurisdiction, L. B. 7.....	95

	Page
<b>LEGISLATIVE BILLS</b>	
Approved after adjournment.....	90
Chronology of .....	93
Enacted into law.....	90
Summary .....	92
<b>LEGISLATIVE DISTRICTS</b>	
Apportionment .....	VII
<b>LEGISLATURE</b>	
Appropriation, officers and employees, mileage of members, incidental expenses, L. B. 6.....	95
Membership .....	IV
Rules .....	XV
Sessions .....	XIII
<b>LIENS</b>	
Recipients, state assistance, L. B. 2.....	93
<b>OATH OF OFFICE</b>	
Member of Legislature.....	6
<b>OFFICERS</b>	
Legislature .....	III
<b>OLD AGE PENSION ASSOCIATION</b>	
Petition .....	57
<b>POSTAGE</b>	
Members, allowance .....	11
<b>PRESS</b>	
Representatives .....	III
Courtesies .....	88
<b>PRINTING</b>	
Contracts awarded .....	26

	Page
<b>RADIO STATION</b>	
Permission to broadcast message.....	2
<b>RESOLUTIONS</b>	
No. 1 Memory of Jay Hastings.....	12
No. 2 Memory of George H. Heinke.....	18
No. 3 Stamp Plan for surplus commodities.....	20, 27, 66
No. 4 Cedar Valley Public Power and Irrigation District.....	39, 52
No. 5 Recommendation to Board of Control.....	57
No. 6 Panhandle Public Pump Irrigation District.....	59, 69
No. 7 Memory of former members.....	64
No. 8 Chamber of Commerce, Lincoln and Falls City.....	75
No. 9 Appreciation Ak-Sar-Ben .....	80
No. 10 Memory of P. J. McMahon.....	80
<b>RULES</b>	
Adopted .....	4
Legislature .....	XV
<b>SALARY</b>	
Employees of Legislature.....	75
<b>SECRETARY OF STATE</b>	
Certification of appointment.....	5
Letter, new member.....	4
<b>SESSION LAWS</b>	
New member .....	88
Printing .....	26
<b>SOCIAL SECURITY</b>	
Appropriation, state assistance fund, L. B. 8.....	95
Burial expense, L. B. 3.....	94
Liens, state assistance, L. B. 2.....	93
Unemployment Compensation Act, L. B. 5.....	94
Vandemoer, Eubank, to appear.....	21
<b>STATUTES AND SESSION LAWS</b>	
New member .....	88

	Page
<b>SUPPLIES</b>	
Authority to furnish.....	11
Stamps for members.....	11
<b>UNEMPLOYMENT COMPENSATION LAW</b>	
Amended, L. B. 5.....	94
<b>VISITOR</b>	
Introduced .....	79
<b>VOTE OF THANKS</b>	
Employees .....	88
<b>WAGE SCALE</b>	
Employees of Legislature.....	75
<b>WORKMEN'S COMPENSATION COURT</b>	
Claims against State, governmental agencies, L. B. 4.....	94
Jurisdiction, L. B. 7.....	95