

THIRD DAY

Legislative Chamber, Lincoln, Nebraska,
Thursday, January 4, 1940.

The Legislature met at 10:00 a. m. President Johnson presiding.

Prayer was offered by The Reverend Wm. G. Rembolt.

The roll was called and all members were present.

Mr. Van Diest was excused to attend a hearing in the Department of Irrigation.

The Journal for the Second Day was approved.

Communications

A letter was read from a teacher in the Dorchester High School.

STANDING COMMITTEE REPORT

Public Works

LEGISLATIVE BILL NO. 5. Placed on General File.
(Signed) R. M. Howard, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION NO. 2. In Memory of George H. Heinke

Mr. George Henry Heinke, Republican of Nebraska City, Nebraska was born on a farm near Dunbar, Nebraska, June 22, 1882; worked his way through college for six years; received his A. B. Degree in 1907 and L. L. B. Degree in 1908 from the University of Nebraska; Attorney at Law, in Nebraska City, Nebraska for 30 years; County Attorney of

Otoe County, Nebraska from 1919 to 1923 and again 1927 to 1935. He was elected to the Seventy-sixth Congress on November 8, 1938, and died January 2, 1940.

"We cannot say, and we will not say
That he is dead,—he is just away!
With a cheery smile, and a wave of the hand,
He has wandered into an unknown land,

And left us dreaming how very fair
It needs must be, since he lingers there,
And you—Oh you, who the wildest yearn
For the old-time step and the glad return,—

Think of him faring on, as dear
In the love of there as the love of here;
Think of him still as the same, we say:
He is not dead—he is just away!"

Whereas, the sudden death of Congressman George H. Heinke has brought great sorrow to his friends and constituents of the State of Nebraska it is the desire of this body to render tribute to his memory, and therefore,

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

That this Legislature pause for a moment in its deliberations to do reverence and pay tribute to the memory of Congressman George H. Heinke, a distinguished and useful servant both in his own county and the State of Nebraska, as an able and gallant member of Congress. He was very serious in his efforts to carry out his own convictions both in private and public life.

That the deepest sympathy that can be bestowed upon his family is hereby tendered to them; that a copy of this resolution be spread at large upon the Legislative Journal and that a copy of this resolution, properly authenticated and suitably engrossed, by said Clerk of the Legislature be sent to the family of Congressman George H. Heinke of Nebraska City, Nebraska, as a lasting memorial and testimony of the appreciation of this state for his services as a citizen and a lawmaker, and as a mark of the love and great esteem which he held in the hearts of his fellow Nebraskans.

Signed by members of the State Legislature of the First Congressional District.

Frank Sorrell	Joseph C. Reavis
M. E. Westley	Lester L. Dunn
George I. Craven	John S. Callan
Fred L. Carsten	James E. Reed

MOTION—To Adopt L. R. No. 2

Mr. President: I move that the rules be suspended and that Legislative Resolution No. 2 be adopted. Sorrell

The motion prevailed and the resolution was adopted with 38 ayes, no nays, 5 not voting.

The Legislature paused in its deliberations for a moment to pay silent tribute to the memory of Mr. Heinke.

LEGISLATIVE RESOLUTION NO. 3 Petitioning the Secretary of Agriculture of the United States of America to Institute the "Stamp Plan" for distribution of surplus food commodities in the State of Nebraska as a unit.

Introduced by Tom Lambert of Platte, E. M. Neubauer of Harlan.

Preamble

WHEREAS, the present system of surplus food distribution in the State of Nebraska is wasteful, costly, inefficient and bunglesome, and in many instances unsanitary, and

WHEREAS, under the present system of distribution of surplus food commodities the consumer is not receiving the proper rations conducive to good health, and

WHEREAS, the United States of America, through the offices of the Department of Agriculture, has adopted a "stamp plan" of surplus food distribution enabling the consumer to purchase food through the regular channels of established wholesale and retail stores, thus making it possible for the consumer to have a bigger selection of food supplies, and also to obtain the proper rations in proper quantities, as need for the food supplies arises, and

WHEREAS, the expense of distribution has, through the "stamp plan" been curtailed and the retail and wholesale grocers have been benefited, at no increased cost to the United States of America or the State of Nebraska, and

WHEREAS, the "stamp plan" has been introduced in a number of towns in the Middle West and has been working satisfactorily and with increased benefits to the consumer and retail grocers, without extra expense to the United States of America or the state where the plan is operating, and

WHEREAS, the Secretary of Agriculture has indicated that he is about to introduce the plan into operation in the cities of Lincoln and Omaha, and

WHEREAS, the entire State of Nebraska as a unit should have the benefit of the "stamp plan"; NOW THEREFORE,

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

1. That this Legislature respectfully petitions the Secretary of Agriculture of the United States of America to introduce and place in operation in the State of Nebraska as a unit, the "stamp plan" referred to in the preamble to this resolution, so that all of the citizens of the State of Nebraska, whether in city, town, village or rural community, may receive the benefits of the "stamp plan" as set forth in the preamble of this resolution.

2. That the Clerk of this Legislature is hereby ordered and directed forthwith to forward a copy of this resolution, properly authenticated and suitably engrossed, to the President of the United States; to the Secretary of Agriculture of the United States; and to each of the United States Senators and Congressmen representing the State of Nebraska in the Congress, to the end that the representatives referred to may be advised that this Legislature considers the "stamp plan" of surplus food distribution necessary to the welfare of the citizens of the State of Nebraska, and necessary to the discontinuance of the wasteful, inefficient and bunglesome manner of the present system of surplus food distribution.

SPECIAL ORDER OF THE DAY

At 10:30 a. m. Mr. Eubank and Mr. Vandemoer appeared in the Legislature in response to the motion offered by Mr. Callan and passed on the first day, and a discussion was had on the subject of state assistance in Nebraska.

COMMITTEE MEETINGS

Mr. Brady announced that the Committee on Appropriations would meet immediately after the hearing on L. B. No. 4, in the Governor's Hearing Room.

Mr. Carsten announced that the Committee on Legislative Administration had been requested to meet with the Committee on Appropriations at that time.

REPORT—Committee to Consult Attorney General

Mr. Rossiter read the following letter from the Attorney General and moved that the same be made a part of the Legislative Journal:

Letter of Attorney General

“January 4, 1940

Honorable J. B. Rossiter
Honorable Edwin Schultz
Honorable Hugh B. Ashmore

Legislative Chamber
Lincoln, Nebraska

Gentlemen:

You state that no provision is made in the Governor's proclamation calling a special session for the payment of the necessary expenses of the legislature and ask if the legislature has the power to appropriate money for such purposes.

The Constitution requires the legislature, among other things, to keep and publish a journal of its proceedings, to provide a printed copy of every bill and resolution introduced for the use of each member, and to publish in book form all laws within sixty days after the adjournment of each session. It further provides that, in addition to salaries, members shall receive their actual traveling expenses to and returning from each regular and special session, and that employees of the legislature shall receive no compensation other than their salary or per diem.

While the Governor states the purpose for which the legislature is convened and the Constitution inhibits them from entering into any other business, still they could not function as a legislature unless they were endowed with the power to pay their necessary, incidental expenses. Without such power, it would be impossible for the legislature to perform any business for which they were called.

It is my opinion that the legislature has the implied and inherent power to make such an appropriation as is necessary to pay the ex-

penses of a special session, although the matter is not contained in the Governor's proclamation calling the session.

Respectfully yours,
(Signed) Walter R. Johnson
Attorney General"

WRJ/MEG

The motion prevailed.

Member Excused

Mr. Sorrell was excused for the session on January 5.

Recess

At 12:18 p. m. the Legislature recessed until 3:00 p. m.

After Recess

The Legislature reconvened at 3:00 p. m. President Johnson presiding.

The roll was called and all members were present except Messrs. Herrick, Johnston, Lambert, Miller and Schultz.

Communication

The Clerk started to read a communication pertaining to old age assistance. Objection was raised by Mr. Amos Thomas to the reading of the communication, on the ground that it did not pertain to matters before the Legislature; which objection was sustained by the Chair.

Mr. Mueller moved that the communication be read.

Speaker Diers offered a substitute motion that the communication be read tomorrow in its general order of business.

The substitute motion prevailed.

Recess

At 3:15 p. m. on motion by Mr. Brady the Legislature recessed until 5:00 p. m.

After Recess

The Legislature reconvened at 5:00 p. m. President Johnson presiding.

The roll was called and all members were present except Mr. Lambert and Mr. Schultz.

BILLS ON FIRST READING

The following bill was read the first time by title:

LEGISLATIVE BILL NO. 6. By Committee on Appropriations.

A Bill for an Act to provide for the compensation of employees, mileage of members, and for supplies and other incidental expenses incurred during the Fifty-fourth (Special) Session of the Legislature of the State of Nebraska; appropriating the sum of Five Thousand and no/100 Dollars therefor; and to declare an emergency.

MOTION—To Suspend Rules and Read Second Time

Mr. President: I move that the rules be suspended and that L. B. No. 6 be read the second time. Mueller

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

BILLS ON SECOND READING

The following bill was read the second time by title:

(For title see Bills on First Reading)

L. B. No.	Introducer	Committee Reference
6	Committee on Appropriations	Committee on Appropriations

MOTION—To Suspend Rules and Set Hearing Date

Mr. President: I move that the rules be suspended, regarding the five days notice of hearing, and that the public hearing on L. B. No. 6 be set for Monday, January 8, 1940 at 2:00 p. m. (Signed) Brady

The motion prevailed with 39 ayes, no nays, 4 not voting.

GENERAL FILE

LEGISLATIVE BILL NO. 5. Read and considered.

The following amendment was offered by Mr. Howard and adopted:

Page 5, line 143 (printed bill) strike out the word "usual".

Referred to E and R for review.

Adjournment

At 5:40 p. m. on motion by Mr. Mischke the Legislature adjourned.

Hugo F. Srb,

Clerk of the Legislature.