

## SIXTH DAY

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Legislative Chamber, Lincoln, Nebraska,  
Monday, January 8, 1940.

The Legislature met at 10:00 a. m. Speaker Diers presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except John Adams, Jr., and except Messrs. Mekota, Reavis and Sorrell, who were excused.

The Journal for the Fifth Day was approved.

### STANDING COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL NO. 4.** Placed on Select File with amendments.

E and R amendments to L. B. No. 4:

I. Amend General File Amendments of January 6 to the Title by striking therefrom the first word "To" and inserting in lieu thereof the word "to".

II. Amend Title, original bill, line 5 (printed bill, lines 4 and 5) by striking therefrom the words "workmen's compensation law" and inserting in lieu thereof the words "Workmen's Compensation Law".

III. Amend General File Amendment No. 1 of January 6, page 1, lines 8 and 21, by striking therefrom the word "State" and inserting in lieu thereof the word "state".

**LEGISLATIVE BILL NO. 5.** Placed on Select File with amendments.

E and R amendments to L. B. No. 5:

I. Amend Title, original bill, page 1, line 2 and 4 (printed bill, page 1, line 2 and 4) and original bill, Section 1, page 3, line 161, and Section 2, page 5, line 1 (printed bill, Section 1, page 6, line 167, and Section 2, page 10, line 1) by striking therefrom the words "Comp. St." or "Compiled Statutes" wherever the same appears and inserting in lieu thereof the abbreviation "C. S".

II. Amend Title, original bill, page 1, line 3 (printed bill, page 1, line 3) by inserting after the word "compensation," and before the word "to" the words "to define certain terms and words used in The Unemployment Compensation Law,"

III. Amend Section 1, original bill, page 1, line 4 (printed bill, page 1, line 4) by striking the punctuation ";" after the word "otherwise" and insert in lieu thereof the punctuation ":" and amend printed bill only, Section 1, page 1, line 4 by striking therefrom the word "quires".

IV. Amend Section 1, original bill and printed bill, by striking the punctuation single quotation marks ( ' ' ) wherever the same may appear for the purpose of emphasizing a term or descriptive word, and insert in lieu thereof double quotation marks ( " " ).

V. Amend Section 1, original bill, Page 1, line 20 (printed bill, page 2, line 20) by striking therefrom the word "Section" and inserting in lieu thereof the abbreviation "Sec." and by striking the character "(c)" and inserting in lieu thereof the character "(e)"

VI. Amend printed bill only, Section 1, page 2, line 43 by inserting the word "is" after the word "which" and before the article "a".

VII. Amend Section 1, original bill, page 2, line 67 (printed bill, page 3, lines 69 and 70) by inserting the punctuation "," after the word "and" and before the word "subject"; and after the word "subsection" and before the word "means".

VIII. Amend the printed bill only, Section 1, page 4, line 88 by striking the word "preformed" and inserting in lieu thereof the word "performed".

IX. Amend the printed bill only, Section 1, Page 5, line 123 by striking therefrom the punctuation ":" and inserting in lieu thereof the punctuation ";" .

X. Amend the printed bill only, Section 1, page 5, line 130 by striking therefrom the word "deem" and inserting in lieu thereof the word "deemed".

XI. Amend printed bill only, Section 1, Page 5, line 143 by striking therefrom the character “(C)” and inserting in lieu thereof the character “(C)”.

XII. Amend Section 1, original bill, page 3, line 149 and 153 (printed bill, page 5, line 154 and page 6, line 158) by striking therefrom the word “act” and inserting in lieu thereof the word “Act”.

XIII. Amend Section 1, original bill, page 3, lines 150, 152, 156, 168, 170 (printed bill, page 5, lines 156, 157, page 6, lines 162, 175, 177, 178) by striking the word “State” and the word “States” wherever the same may appear, except as a part of the words “United States”, and insert in lieu thereof the words “state” and “states” as indicated in the text of the bill.

XIV. Amend printed bill only, Section 1, page 6, line 172 by striking therefrom the character “(C)” and inserting in lieu thereof the character “(G)”.

XV. Amend the printed bill only, Section 1, page 6, line 188 by inserting after the word “legislation” the punctuation “;” and by striking therefrom the punctuation “.”.

XVI. Amend Section 1, original bill, page 4, line 195 to line 237 inclusive (printed bill, page 7, line 204 to page 8, line 248 inclusive) by striking therefrom the punctuation “.” wherever the same may appear preceding the Arabic numerals indicating a subsection of subsection “J”.

XVII. Amend printed bill only, Section 1, page 8, lines 242 and 243 by striking therefrom the words “or as an insurance agent” following the word “agent”.

XVIII. Amend Section 1, original bill, page 4, line 239, (printed bill, page 8, line 250) by striking the word “state-controlled” and inserting in lieu thereof the words “state controlled”.

XIX. Amend Section 1, original bill, page 4, line 244 and page 5, line 260 (printed bill page 8, line 255 and page 9, line 273) by striking therefrom the figure “(1)” following the words “Columbia” and “subsection” respectively, and inserting in lieu thereof the letter “(1)”.

XX. Amend the original bill, page 5, by striking therefrom the first word “Section” appearing in Sections 2 and 3, and inserting in lieu thereof the abbreviation “Sec”.

(Signed) Craven, Chairman

**RESOLUTIONS****LEGISLATIVE RESOLUTION NO. 4. Cedar Valley Public Power and Irrigation District.**

**Memorializing the Congress and the President of the United States and the Public Works Administration, and the Works Progress Administration of the United States to Approve and Make an Allocation of Funds for a Grant, and Grant and Loan to the Cedar Valley Public Power and Irrigation District**

**Preamble**

WHEREAS, the Congress and the President of the United States did initiate and carry out a public works and relief program, in an endeavor to speed reemployment and recovery, which are being supervised and handled by the President of the United States and the Public Works Administration and the Works Progress Administration of the United States government, and

WHEREAS, the Cedar Valley Public Power and Irrigation District, has pending an application, before such administration, for a loan and grant for such purposes, and

WHEREAS, such projects would serve a useful purpose in speeding recovery, diminishing unemployment, furnishing supplemental water for irrigation, in order that agriculture, in the territory served, might be made self-sustaining or profitable, and furnishing electric power and energy, to be used in the vicinity of such districts, NOW THEREFORE,

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEBRASKA, IN SPECIAL SESSION ASSEMBLED:**

1. That this body does most earnestly petition and memorialize the Congress, the President of the United States, the Public Works Administration and the Works Progress Administration, that proper orders and allocations of funds be made for such grants and loan, and that such projects and applications be approved and carried to completion, at the earliest possible date, for the public good.

2. That the Clerk of this Legislature be instructed and directed forthwith, to forward a copy of this Resolution, properly authenticated and suitably engrossed, to the President of the United States, to each of the Senators and Representatives, representing the State of Nebraska, in Congress; to the Public Works Administration and to the Works Progress Administration, so that they, and each of them, may

be advised in regard to such Public Power and Irrigation District, and the advisability of such approval, grants and loan to such district.

(Signed)

John F. Doyle	Fred A. Mueller
Edwin Schultz	R. M. Howard
Tom Lambert	John S. Callan
Leland R. Hall	Harry E. Gantz
Charles R. Herrick	Martin J. Mischke
E. M. Neubauer	J. Lyndon Thornton
Daniel Garber	L. B. Murphy
Alva M. Johnston	E. M. Von Seggern
Ray Thomas	Richard N. Johnson
A. C. Van Diest	Carl H. Peterson
Swan Carlson	F. J. Brady
A. L. Miller	

#### MOTION—Amendments to L. B. No. 2

Mr. President: I move that the Standing Committee amendments offered to L. B. No. 2 be withdrawn and the following be submitted in lieu thereof.

Von Seggern, Chairman

#### Standing Committee amendments to L. B. No. 2

1. Amend Section 1, original bill, page 1, line 23 (printed bill, page 1, line 17) by inserting the words "in such county" after the word "estate" and before the word "owned"; and amend original bill, page 1, line 25 (printed bill, page 1, line 17) by inserting the words "if the name of the spouse is stated in the lien filed," after the word and punctuation "spouse,".

2. Amend Section 2, original bill and printed bill by striking all of section 2 and inserting in lieu thereof the following:

"Sec. 2. That Sec. 68-270, C. S. Supp., 1939, be amended to read as follows:

68-270. The Board shall satisfy and release the claims, accruing under the provisions of Section 12 (68-268) of this Act, when fully paid, or when compromised and settled, or when the estate has been probated and the proceeds allowable have been applied on such claims. The county in which the recipient had legal settlement at the time assistance payments were made may fully release such claims and liens when paid, or it may compromise and release same when it finds that the purposes of this Act will be better served thereby or it may

release such liens for the purpose of clearing the title to the real estate involved when it appears to it that a recovery thereunder is not probable. Each release shall be signed in the name of the county by the chairman of the Board of County Commissioners or Supervisors after he is authorized by vote of such board: Provided, the register of deeds or the county clerk, as the case may be, shall not charge a fee for filing releases of said liens."

3. Amend Section 3, original bill, page 2, line 23 (printed bill, page 3, line 16) by inserting the words "in such county" after the word "estate" and before the word "owned" therein; and original bill, page 3, line 26 (printed bill page 3, line 18) by inserting after the word and punctuation "records." and before the word "The" the following: "No lien shall attach to real estate owned by the spouse of a recipient unless the name of the spouse appears in the certificate filed."

4. Amend the original bill and printed bill by striking therefrom all of Section 4 and inserting in lieu thereof the following:

"Sec. 4. That Sec. 68-416, C. S. Supp., 1939, be amended to read as follows:

68-416. The Board shall release liens, accruing under the provisions of this Act, when fully paid, when compromised and settled, or when the estate of which real estate and personal property affected by this Act are a part, has been probated and the proceeds allowable have been applied on such liens. The county in which the recipient had legal settlement at the time assistance payments were made may fully release such claims and liens when paid, or it may compromise and release same when it finds that the purposes of this Act will be better served thereby or it may release such liens for the purpose of clearing the title to the real estate involved when it appears to it that a recovery thereunder is not probable. Each release shall be signed in the name of the county by the chairman of the Board of County Commissioners or Supervisors after he is authorized by vote of such board: Provided, the register of deeds or the county clerk, as the case may be, shall not charge a fee for filing releases of said liens."

The motion prevailed.

#### GENERAL FILE

#### LEGISLATIVE BILL NO. 2.

Mr. Gantz offered the following amendment to Mr. Von Seggern's amendment No. 1, and the Gantz amendment was adopted:

Amend Section 2, L. B. 2 in the Von Seggern amendments by inserting after the word "Provided" in line 17 the words "that notwithstanding any other general or specific law" and punctuation "," thereafter.

Mr. Amos Thomas offered the following amendment to Mr. Von Seggern's amendment No. 2, and the Thomas amendment was adopted.

That the following words in the Von Seggern amendments to Section 68-270 Comp. St. Supp. 1939 in L. B. No. 2 be stricken:

"or it may compromise and release same when it finds that the purposes of this Act will be better served thereby".

Mr. Gutoski offered the following amendment to Mr. Von Seggern's amendment No. 3:

Amend the Von Seggern amendment by striking from amendment No. 3, page 1, line 7 the words "unless the name of the spouse appears in the certificate filed".

Record vote was requested.

A call of the House was ordered.

The call was raised.

Voting in the affirmative, 16:

Carlson	Hall	Miller	Schultz
Craven	Herrick	Mueller	Thomas, Ray
Doyle	Klaver	Neubauer	Thornton
Gutoski	Lambert	Reed	Westley

Voting in the negative, 15:

Ashmore	Gantz	Murphy	Thomas, Amos
Brady	Gross	Norman	Van Diest
Brodecky	Howard	Peterson	Von Seggern
Dunn	Mischke	Rossiter	

Not voting, 12:

Adams, E. A.	Carsten	Johnson	Reavis
Adams, J. Jr.	Diers	Johnston	Sorrell
Callan	Garber	Mekota	Tvrdik

The motion prevailed.

Mr. Gantz offered the following amendment to Mr. Von Seggern's amendment No. 4, and the Gantz amendment was adopted.

Amend Section 4 of the Von Seggern amendments to L. B. No. 2 by inserting after the word "Provided," the words "that notwithstanding any other general or specific law" and the punctuation ";" thereafter.

Mr. Rossiter offered the following amendment to Mr. Von Seggern's amendment:

Strike the words following "paid", as follows:

"or it may compromise and release same when it finds that the purposes of this Act will be better served thereby" in Section 4, Von Seggern amendments.

The Rossiter amendment was adopted.

The Von Seggern amendments, as amended, were all adopted.

Mr. Gutoski offered the following amendment to the bill as a whole:

Amend Section one line 17 by striking the word "either" after the word "owned" and after the word "assistance", "or his spouse, if the name of the spouse is stated in the lien filed".

#### **MOTION—To Secure Opinion of Attorney General**

Mr. President: I move that we ask the Attorney General for an opinion, whether the proposed Gutoski amendment is within the call, and also as to how the Gutoski amendment will affect the purpose of the call, which is to clarify title on property.

(Signed) Brady, Ashmore

#### **Recess**

At 12:06 p. m. on motion by Mr. Mueller the Legislature recessed until 2:00 p. m.

#### **After Recess**

The Legislature reconvened at 2:00 p. m. Speaker Diers presiding.

The roll was called and all members were present except Messrs. Mekota, Miller, Reavis, Sorrell and Westley, who were excused.

#### **Offer to Withdraw Motion**

Mr. Brady offered to withdraw the Brady-Ashmore motion offered before recess.

Mr. Ashmore objected.

**MOTION—To Secure Opinion from Attorney General**

Vote was taken on the Brady-Ashmore motion to secure an opinion from the Attorney General and the motion was lost with 10 ayes, 17 nays, 16 not voting.

**Amendment Withdrawn**

The Gutoski amendment to the bill as a whole was withdrawn.

Mr. Mueller and Mr. Gutoski offered the following amendments to L. B. No. 2:

Amend the title of the printed bill as follows:

Strike the word "amend" from line one, and insert the word "repeal" in lieu thereof.

Strike the following words and punctuation in lines 3, 4, and 5:

"to fix the time when such liens shall attach; to provide how they may be released; to repeal said original sections"

and insert in lieu thereof the following:

to release all liens for old age assistance and blind assistance now claimed or of record; to authorize and direct the register of deeds and the county clerks to enter upon their records evidence of such releases.

To amend the printed bill as follows:

Strike all of Section 1 and insert in lieu thereof the following:

Section 1. That Sections 68-268, 68-270, 68-413 and 68-416, Compiled Statutes, Supplement 1939, are hereby repealed.

Strike all of Sections 2, 3, 4 and 5 of the printed bill and in lieu of Section 2, insert the following:

Section 2. All liens claimed under Sections 68-268 and 68-413, Compiled Statutes, Supplement 1939, are hereby released and every register of deeds and county clerk having charge of the real estate records in his county, shall enter and sign upon the margin of the record of every certificate filed therein for such lien, the following evidence of release, to-wit: "Released by Legislative Bill No. 2 of the Fifty-fourth (Extraordinary) Session 1940, of the Legislature of Nebraska."

Re-number Section 6, page 3, of the printed bill to read, "Section 3."

Record vote was requested.

## Voting in the affirmative, 23:

Adams, E. A.	Gutoski	Mischke	Thomas, Ray
Brodecky	Hall	Mueller	Thornton
Callan	Johnson	Neubauer	Tvrdik
Carlson	Johnston	Norman	Van Diest
Doyle	Klaver	Reed	Von Seggern
Gantz	Lambert	Schultz	

## Voting in the negative, 8:

Ashmore	Dunn	Howard	Peterson
Brady	Gross	Murphy	Rossiter

## Not voting, 12:

Adams, J. Jr.	Diers	Mekota	Sorrell
Carsten	Garber	Miller	Thomas, Amos
Craven	Herrick	Reavis	Westley

The motion prevailed and the amendment was adopted.

On motion by Mr. Gutoski, the bill was referred to E and R for review.

**Explanation of Vote**

Mr. President: I vote aye because the bill as now amended is too complicated and the law would be impossible of enforcement. (Signed) Van Diest.

**MOTION—To Reconsider Action**

Mr. President: I move that we reconsider our action in regard to Special Order of business for L. B. No. 3. (Signed) Hall.

The motion prevailed with 24 ayes, 3 nays, 16 not voting.

Mr. Hall moved that L. B. No. 7 be considered on General File.

The motion prevailed.

**GENERAL FILE**

**LEGISLATIVE BILL NO. 7.** Read and considered.

Referred to E and R for review.

**Consent to Consider**

Mr. Schultz requested unanimous consent to consider L. B. No. 8 next on General File.

Request granted.

### GENERAL FILE

**LEGISLATIVE BILL NO. 8.** Read and considered.

**Mr. Amos Thomas presiding.**

Mr. Lambert offered the following amendment:

In L. B. No. 8, Sec. 1, line 12, (printed bill) strike the words "estimated at" and insert the words "not to exceed".

**Speaker Diers presiding.**

Record vote was requested.

Voting in the affirmative, 7:

Adams, E. A.	Brady	Lambert	Thomas, Amos
Ashmore	Johnston	Mischke	

Voting in the negative, 24:

Adams, J. Jr.	Gantz	Johnson	Rossiter
Brodecky	Gross	Klaver	Schultz
Callan	Gutoski	Mueller	Thomas, Ray
Carlson	Hall	Neubauer	Tvrdik
Craven	Herrick	Peterson	Van Diest
Dunn	Howard	Reed	Von Seggern

Not voting, 12:

Carsten	Garber	Murphy	Sorrell
Diers	Mekota	Norman	Thornton
Doyle	Miller	Reavis	Westley

The motion to adopt the amendment was lost.

### Statement for Journal

Mr. President: Having been called to the telephone during the vote on the Lambert amendment, I wish to state that had I been present I would have voted no. (Signed) Doyle.

**Mr. Amos Thomas presiding.**

Speaker Diers offered the following amendment, which was adopted:

To amend L. B. No. 8, Sec. 1, line 17, strike "\$252,000.00" and insert "\$266,400.00"; amend line 19, strike "\$8,148,000.00", insert "estimated \$8,613,600.00".

Referred to E and R for review.

#### STANDING COMMITTEE REPORT

##### Appropriations

LEGISLATIVE BILL NO. 6. Placed on General File.  
(Signed) Brady, Chairman.

##### GENERAL FILE

LEGISLATIVE BILL NO. 6. Read and considered.

Upon request by Mr. Brady, unanimous consent was granted to change the word "Special" in the title and body of the bill to "Extraordinary".

Referred to E and R for review.

Upon request by Mr. Craven, unanimous consent was granted to consider Legislative Bills numbered 4 and 5 on Select File.

##### SELECT FILE

LEGISLATIVE BILL NO. 4. E and R amendments as found in this day's Journal were adopted.

Referred to E and R for engrossment.

LEGISLATIVE BILL NO. 5. E and R amendments as found in this day's Journal were adopted.

Referred to E and R for engrossment.

##### GENERAL FILE

LEGISLATIVE BILL NO. 3. Mr. Callan and Mr. Ashmore withdrew their motions, offered on General File on the Fifth Day.

Mr. Garber offered the following amendment:

Amend L. B. No. 3, Section 1, line 7, by striking the words "seventy-five" and inserting in lieu thereof the word "forty".

Mr. Mischke moved to lay the bill over until, Tuesday, January 9.

The motion prevailed.

**LEGISLATIVE BILL NO. 1.** Passed over, on motion by Mr. Callan.

At 4:55 p. m. the Chair declared the Legislature at ease for ten minutes.

At 5:05 p. m. the Legislature was called to order, Mr. Amos Thomas presiding.

### STANDING COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL NO. 2.** Placed on Select File with amendments.

E and R amendments to L. B. No. 2:

I. Amend the original bill and printed bill by striking therefrom all amendments, except the General File amendments offered by Senators Fred A. Mueller and Peter P. Gutoski, and adopted by the Legislature, January 8, 1940.

II. That the original bill and the General File amendments of Senators Mueller and Gutoski, adopted by the Legislature, January 8, 1940, be amended to read as follows:

#### "LEGISLATURE OF NEBRASKA

#### FIFTY-FOURTH (EXTRAORDINARY) SESSION 1940

#### LEGISLATIVE BILL NO. 2

#### A BILL

FOR AN ACT to repeal 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 release all liens for old age assistance and blind assistance now claimed or of record;

to authorize and direct the register of deeds and the county clerks to enter upon their records evidence of such releases; and to declare an emergency.

INTRODUCED BY John S. Callan of Gage, W. H. Diers of York, Leland R. Hall of Adams.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NEBRASKA:

Section 1. All liens claimed under Secs. 68-268 and 68-413, C. S. Supp., 1939, are hereby released and every register of deeds and county clerk having charge of the real estate records in his county, shall enter and sign upon the margin of the record of every certificate filed therein for such lien, the following evidence of release, to-wit: "Released by Legislative Bill No. 2 of the Fifty-fourth (Extraordinary) Session 1940, of the Legislature of Nebraska."

Sec. 2. That Secs. 68-268, 68-270, 68-413 and 68-416, C. S. Supp., 1939, are hereby repealed.

Sec. 3. Whereas, an emergency exists, this Act shall be in full force and take effect, from and after its passage and approval, according to law."

III. Amend the original bill by striking therefrom all language and punctuation not included in Amendment 2 hereof; amend General File amendments of Senators Mueller and Gutoski, adopted by the Legislature, January 8, 1940, by striking therefrom all language and punctuation not included in Amendment 2 hereof.

LEGISLATIVE BILL NO. 7. Referred to Select File with amendments.

E and R amendments to L. B. No. 7:

I. Amend the title, original bill, line 3 (printed bill, line 2) by inserting before the word "Workmen's" the word "Nebraska".

II. Amend Section 1, original bill, Line 3 (printed bill, line 2) by striking therefrom the words "compensation court" and inserting in lieu thereof the words "Nebraska Workmen's Compensation Court".

III. Amend Section 1, original bill, Line 10 (Printed bill line 8) by striking therefrom the words "compensation act" and inserting in lieu thereof the words "Nebraska Workmen's Compensation Law".

(See Sec. 48-162 C. S. Supp., 1939).

(Signed) Craven, Chairman.

**Adjournment**

At 5:07 p. m. Mr. Gutoski moved that the rules be suspended and that the Legislature adjourn until 10:00 a. m. Tuesday, January 9.

The motion prevailed.

Hugo F. Srb,  
Clerk of the Legislature.