

LEGISLATIVE JOURNAL

FIFTY-NINTH (EXTRAORDINARY) SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska

Thursday, August 22, 1946

Pursuant to a proclamation by His Excellency, Dwight Griswold, Governor of the State of Nebraska, the fifty-ninth (extraordinary) session of the Legislature of Nebraska assembled in Legislative Hall of the capitol building at the hour of ten o'clock a. m. August 22, 1946, and was called to order by Lieutenant Governor Roy W. Johnson.

Prayer was offered by Reverend William P. Bancroft.

The roll was called and the following members were present:

Adams, Thomas H.	Foster, Harry A.	Mueller, Fred A.
Anderson, James H.	Garber, Daniel	Norman, William J.
Anderson, Lester H.	Hanna, Don E.	Ogden, Cliff N.
Babcock, R. A.	Heiliger, H. P.	Peterson, C. Petrus
Brodahl, A. J.	Hern, William	Pizer, Harry L.
Burney, Dwight W.	Hoyt, Ed	Raasch, Ernest C.
Burnham, Harry F.	Hubka, Ladd J.	Raecke, Walter R.
Carlberg, Roy B.	Jeffords, Carl P.	Reavis, Joseph C.
Carmody, Arthur	Kain, Lloyd	Ryan, James
Conklin, J E	Klaver, Sam	Seaton, Fred A.
Cronin, Dennis H.	Krause, Nell	Sorrell, Frank
Crossland, William A.	Lee, Earl J.	Tvrdik, Charles
Cullingham, Sidney J.	Lusienski, Ed F.	Weborg, George C.
Dooley, Tom	Mekota, John E.	Wood, Fay
Doyle, John F.		

MESSAGE FROM THE GOVERNOR

August 16, 1946

Mr. Hugo Srb
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. Srb:

I hand you herewith a Proclamation providing for Extraordinary Session of the Legislature of the State of Nebraska to convene August 22, 1946 at 10 o'clock a. m.

Sincerely yours,
(Signed) Dwight Griswold

PROCLAMATION OF THE GOVERNOR

Executive Office, Lincoln, Nebraska

By virtue of the authority vested in the Governor by Section 8, Article IV, of the Constitution of Nebraska, I, Dwight Griswold, as Governor of the State of Nebraska, believing that an extraordinary occasion has arisen, do hereby call the Legislature of Nebraska to convene in extraordinary session at the State Capitol on Thursday, August 22, 1946, at 10 a. m., for the purpose of considering and, if deeming it advisable, enacting legislation relating to the following subjects:

1. To amend section 68-206, Revised Statutes, 1943, and section 68-404, Revised Statutes Supplement, 1945, to increase the maximum amount per month permitted to be paid to any person as old age or blind assistance, and to exclude medical, surgical and hospital care from the maximum amount authorized to be so paid.
2. To amend section 68-202, Revised Statutes Supplement, 1945, to re-define who are eligible to receive old age assistance funds.
3. To amend subsection (1) of section 49, Chapter 242, Session Laws of Nebraska, 1945, to provide changes in the authorized expenditure of funds appropriated and allocated to the Board of Control out of the Post War Construction Fund.
4. To appropriate to the Superintendent of Public Instruction for the remainder of the biennium ending June 30, 1947, (a) all funds received from the United States under the National School Lunch Act, and (b) a sufficient amount from the state general fund to cover costs of administration and disbursement of such funds so received.
5. To appropriate to the Superintendent of Public Instruction for the remainder of the biennium ending June 30, 1947, (a) all funds received from the United States under the Act of Congress providing for on-the-job training for veterans, and (b) a sufficient amount

from the state general fund to cover costs of administration arising in connection with compliance with such Act of Congress and other activities relating to veterans' education and training.

6. To amend section 79-2817, Revised Statutes of Nebraska, 1943, to remove the limitation of the maximum amount that junior colleges may charge for tuition fees.

7. To re-enact the Nebraska Merit System Act, with such amendments as may be desirable.

8. To amend section 32-505, Revised Statutes of Nebraska, 1943, to provide that where the surnames of candidates for the same office on the general election ballot are the same in spelling or sound, any such candidate may have his post-office address and occupation printed below his name on the ballot.

9. To submit to the electors an amendment to section 2, Article IV, of the Constitution of Nebraska.

10. To appropriate funds for the necessary expense of the extraordinary session herein called.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed this 16th day of August, 1946.

(Signed) Dwight Griswold
Governor of Nebraska

Attest:

(Signed) Frank Marsh
Secretary of State

The President declared the fifty-ninth (extraordinary) session of the Nebraska State Legislature duly convened and ready to transact business.

Rules of the Legislature

The President announced that without objection, the rules of the last regular session would govern the extraordinary session and all Standing Committees of the last session would continue during the present session.

MOTION—Committee on Credentials

Mr. President: I move that a committee of three be appointed on Credentials. (Signed) Sam Klaver

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

Klaver, chairman; Wood, Brodahl

The committee withdrew and subsequently returned with the following:

REPORT—Committee on Credentials

Mr. President: Your Committee on Credentials hereby reports that the following named is entitled to a seat in this body:

Mrs. Nell Krause, 27 District, Antelope and Boone Counties

LETTER—Secretary of State

August 22, 1946

Mr. Hugo F. Srb
Clerk of the Legislature
Lincoln, Nebraska

Dear Mr. Srb:

We hand you herewith Certificate by the Secretary of State of the State of Nebraska, certifying as to the appointment of Nell Krause to fill the vacancy in the 27th Legislative District, in accordance with the provision of Chapter 32-1705 of the 1939 Cumulative Supplement to the Compiled Statutes of Nebraska, 1929.

Yours truly,
(Signed) Frank Marsh
Secretary of State

CERTIFICATE

State of Nebraska, Department of State

I, Frank Marsh, Secretary of State of the State of Nebraska do hereby certify that on August 22, 1946, Dwight Griswold, the duly elected, qualified and acting Governor of the State of Nebraska, transmitted to this office the appointment of Nell Krause as a Member of the Legislature for the 27th District, to fill a vacancy existing in the representation of said District, for the unexpired term, ending on January 7, 1947, and said appointment has been placed on file in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this 22nd day of August in the year of our Lord, one thousand nine hundred and forty-six.

(Signed) Frank Marsh
Secretary of State

Seal

MOTION—Adopt Report

Mr. President: I move that the report of the Committee on Credentials be adopted. (Signed) Sam Klaver

The motion prevailed.

OFFICERS OF THE LEGISLATURE

I wish to report the appointment of Leonard T. Fleetwood as Assistant Clerk of the Legislature and Ray F. Miller as Assistant Sergeant-at-Arms. (Signed) Hugo F. Srb.

MOTION—Officers

Mr. President: I move that the appointment of Leonard T. Fleetwood as Assistant Clerk of the Legislature and Ray F. Miller as Assistant Sergeant-at-Arms be approved. (Signed) Wm. Hern

The motion prevailed.

MOTION—Committee to Escort Associate Justice

Mr. President: I move that the President appoint a committee of three to escort Associate Justice John W. Yeager to the Legislative Chamber for the purpose of giving the oath of office to the new member and officers. (Signed) John E. Mekota

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

Mekota, Chairman; Tvrdik, Burnham.

The committee retired and subsequently returned escorting the Associate Justice.

MOTION—Escort the New Member

Mr. President: I move that the President appoint a committee of three to escort the new member to the rostrum. (Signed) Lloyd Kain.

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

Kain, Chairman; Raasch, Sorrell.

The committee to escort the new member retired and subsequently returned escorting Mrs. Nell Krause.

The required oath of office was administered by Associate Justice John W. Yeager to the new member, who was then escorted to her seat in the legislative chamber.

The oath was administered to Assistant Clerk Leonard T. Fleetwood and Assistant Sergeant-at-Arms F. R. Miller.

MOTION—New Member, Committees

Mr. President: I move that the new member, Mrs. Nell Krause, be appointed on the committees served by her predecessor, Mr. Ed Schultz, and that, with this exception, the membership on all standing committees be the same as during the regular session. (Signed) James H. Anderson.

The motion prevailed.

Senator C. Petrus Peterson then welcomed Mrs. Krause as a new member of the Legislature and she responded with a greeting to the Legislature.

MOTION—Notify the Governor

Mr. President: I move that the President appoint a committee of five to notify Governor Dwight Griswold that the Legislature is now organized and ready to receive any communications. (Signed) Arthur Carmody.

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

Carmody, Chairman; Heiliger, Norman, Weborg, Mueller.

The committee retired and subsequently returned escorting Governor Dwight Griswold, who delivered the following:

MESSAGE TO THE LEGISLATURE

By Dwight Griswold, Governor of Nebraska,

Extraordinary Session, Thursday, August 22, 1946.

Mr. President, Mr. Speaker, Members of the Legislature:

Last week I issued a Proclamation calling an extraordinary session of the Legislature to meet Thursday, August 22, 1946, a copy of which you already have.

I decided to issue this Call for a Special Session because of a change in conditions which has occurred since you adjourned last May and which you could not possibly foresee. The increase in the cost of living created a condition so that our present Old Age Assistance Law does not properly provide the minimum care for many of the recipients. Likewise an increase in the cost of building has made it impossible to construct some of the state institutional buildings for which you provided funds without so lowering the standards that they would not be economical units.

On account of these changed conditions, I called this Extraordinary Session in order that you might be given the opportunity to increase the maximum amount paid for old age and blind assistance and also to provide you the opportunity to change the authorized expenditure of funds appropriated for buildings under the jurisdiction of the Board of Control. Other matters have also been added, perhaps not as important as these two but deserving of your attention.

I would like to recite a little history relative to old age assistance. Prior to my inauguration as Governor in January of 1941, the income of the Old Age Assistance fund had on several occasions been insufficient to pay the recipients the full amount which the department felt they needed. The income was increased, however, and during my first term as Governor recipients were consistently paid on a 100 per cent basis throughout the entire twelve months of the year.

When the Legislature met in 1943 the nation was at war and I remember a conference which was held at the Executive Mansion one evening which was called by eight or ten legislators who were interested in seeing old age assistance properly financed. It was felt then that because of the war and rationing, the sale of gasoline and the sale of liquor would both be radically reduced. It was the decision of the legislators attending that conference to present a bill increasing the head tax payment and also increasing the number of people who would be called upon to pay it. This was done in order to make up what was expected to be a deficiency in the income from gasoline tax and from liquor tax which went into the Assistance Fund.

In spite of the war, however, the income from both gasoline tax and liquor tax held up very well and with the added head tax the Assistance Fund in the biennium beginning July 1, 1943 was much larger than ever before in the history of Nebraska. The cost of living was increasing and per capita payments to recipients were consistently raised, although the number of recipients decreased, due to war-time employment.

The increase in the head tax was made in a bill which automatically expired on March 1, 1945 and when the 1945 Legislature met the nation was still at war. With no way to know just what might happen in the future relative to gasoline and liquor tax income, the 1945 Legislature, therefore, prior to March 1, 1945, reenacted the increased head tax law.

Before the 1945 Legislature adjourned, however, the war had ended in Europe and it was becoming increasingly apparent that the war in Japan might end soon. Your Appropriations Committee toward the close of the 1945 Session discovered that there was an unexpended balance in the Assistance Fund of more than two and one-half million dollars. With the war in Europe over and the one in Japan coming to an end,

the Appropriations Committee, therefore, recommended that there be reappropriated to the Assistance Fund \$1,230,844.09 of this unexpended balance, feeling that that reappropriation would more than amply take care of all assistance grants during the biennium beginning July 1, 1945.

The Legislature approved that plan, permitting \$1,137,257.57 to lapse into the General Fund and thus reduce property taxes. Many have said that the money should not have been thus lapsed into the General Fund, stating that if anything were to be done, it should go back to the people who paid it. That plan, of course, was not in any way practicable as it would have been an impossibility to remit back, partly to the people who pay liquor tax, partly to people who pay gasoline tax and partly to those who pay head tax. The head tax could have been put back on the old basis but that would not have been of any benefit to those receiving assistance.

Your decision in 1945 has been justified by future events. On August 1, 1946 there was an unexpended balance in the Assistance Fund of \$2,449,169.45. This means that in the period from July 1, 1945 to August 1, 1946 the income in that fund was more than one million two hundred thousand dollars greater than the expenditures. The fund today is more than amply financed and the increase in the assistance grants which I am suggesting that you now enact can be taken care of without any increase in taxation. Budgets are also being revised upward to take care of the increased cost of living but even in spite of all these increases there is no question but that when this Legislature meets next winter they will find a large unexpended balance in the Assistance Fund.

The particular reason for the calling of this Extraordinary Session arose when Congress, just prior to their recent adjournment, enacted an amendment to the Social Security Act which increases the amount which the federal government will pay to old age and blind assistance clients. Beginning October 1 the federal government will pay a maximum of \$25.00 to each client, whereas the limit at the present time is \$20.00 per client. As of today the State of Nebraska is fully matching federal aid but the state law limits individual payments to \$40.00 no matter how much the federal government is willing to furnish. Due to the increase in the cost of living I do not feel that the \$40.00 payment is sufficient to meet the intent of this law and I called this session of the Legislature so that you may increase it. During the time I have been Governor you have increased the maximum payment to old age assistance and blind clients from \$30.00 to \$40.00. It now appears necessary to increase it further.

Reciting a little more history, I would like to point out that in 1940 the average payment in Nebraska was \$17.79, while the national average was approximately \$20.00, this state being about \$2.20 below the

national average. For the month of May, 1946, the last for which figures are available, the national average was \$31.99, while the average in Nebraska was \$32.22, our state thus being above the national average. This would seem to prove that you legislators who served during the past three sessions have attempted to be fair in this matter.

There is much misunderstanding relative to the Assistance Law and many suggest that payments be upon a flat or uniform basis. This is not provided for in either the federal law or the state law. Instead both of them place the payments upon a "need" basis. This means that if there is any outside income it shall be deducted from the payment the state makes. Increases in the cost of living should be provided for, however, and I feel it necessary that during this period especially, budgets be revised often and I likewise think it necessary that the maximum payment be increased. You have the opportunity to take care of the matter at this time.

In paragraph 2 of my Call you are authorized to amend Section 68-202 to redefine eligibility to receive old age assistance funds. This is suggested because of a request that people in county and municipal hospitals should be made eligible, whereas they are not so at the present time.

Paragraph 3 permits amending that part of the Appropriation Bill which provided funds for the construction of buildings under the jurisdiction of the Board of Control.

The situation surrounding our insane hospitals is especially bad. Hundreds of people who have been committed are still on the waiting list and being held in jails and in private homes, whereas the State should be caring for them. It is hoped that you will so change the allotments for these buildings that we can immediately get started on the necessary building program. The Board of Control would also like to put into effect a shorter work week for its employees in state institutions and if you will permit \$100,000 of this building appropriation to be spent for repairs and alterations on present existing buildings, the Board feels that its appropriation for maintenance will be sufficient to put into effect this program. I believe it should be done.

Paragraph 4 places before you the possible appropriation of sufficient funds to cover cost of administering the National School Lunch Act. This has been requested by many people and deserves your attention.

Paragraph 5 permits the appropriation of funds to the Superintendent of Public Instruction for the administration of the federal act providing for on-the-job training for veterans. I feel that the State Superintendent and his staff have done a very good job in getting this pro-

gram underway, in spite of financial handicaps. Their funds are very limited, however, and I believe we should protect the interests of the veterans by providing the money necessary to properly administer this act.

Paragraph 6 provides for an amendment to Section 79-2817, which places a limitation on tuition which may be charged by junior colleges. In 1945 you increased the high school tuition but at that time it was not suggested that junior colleges be given similar treatment. These junior colleges are now receiving many registrations from returning veterans and their tuition will be paid by the federal government under the G. I. Bill of Rights. The junior colleges feel, however, that the limit should be removed or at least materially increased. By making this change now, it can be made to apply to the coming school year.

Paragraph 7 permits the reenactment of the Nebraska Merit System Act. This act you will remember was passed by you in 1945. Upon final passage it received 27 votes and its constitutionality has been attacked because it did not receive 29 votes, the majority required to create a new department of state government. The Supreme Court may uphold the act as already passed but if you will reenact this with 29 votes it will save the expense of a lawsuit and will permit more permanent planning. I believe that this act has served a very fine purpose and my experience as Governor convinces me that it will be a godsend to the man who will be inaugurated as Governor next January, relieving him of a great deal of pressure for positions which should properly be filled upon a merit basis. The Nebraska Merit System Act is in my judgment a very fine one. It permits executives to discharge employees at any time, thus making for cooperation and loyalty within each department. By filling the stenographic and clerical positions upon a merit basis, however, the executives are saved a great deal of trouble.

Paragraph 8 permits the enactment of a statute providing the same privilege in a fall election as is now provided in a primary when the surnames of candidates for the office are similar. It appears to be only fair that this change should be made.

Paragraph 9 suggests an amendment to the Constitution of the State of Nebraska which in a recent case was construed by our Supreme Court to mean that holders of executive state offices are not eligible for any other executive state office during the term for which they are appointed or elected. I feel that any governor who desires to give the state a good administration should be permitted to change executive officers around, placing them in positions where he feels they will best fit. He should also be permitted to promote executive officers to positions of greater responsibility. Under the Constitution as it now stands, such action is not permitted and it appears that I made illegal appoint-

ments several years ago when I named Ralph L. Cox, then Director of Agriculture and Inspection, to the Board of Control, when I likewise named O. M. Olsen, Labor Commissioner, to be a judge of the Workmen's Compensation Court, and when I named Lloyd D. Mengel, State Sheriff, to be State Fire Marshal. This same provision in the Constitution means that R. L. Cochran was really not eligible to be elected Governor in 1934 when he was first chosen to that position. I do not see that this provision in the Constitution serves any useful purpose and I recommend that you submit the matter to the voters at the November election.

The last item in my Call permits the appropriation of funds for the necessary expense of the Extraordinary Session of the Legislature.

I assure you I will be happy to cooperate with you during the time you are in session. I do not believe there is any necessity for a long session but I do feel that you have the opportunity to do some very fine and constructive work on behalf of the people of Nebraska.

Respectfully submitted,
(Signed) Dwight Griswold
Governor

The committee escorted the Governor from the legislative chamber.

BILLS ON FIRST READING

The following bills were read the first time by title:

LEGISLATIVE BILL 1. By C. Petrus Peterson of Lancaster

A bill for an act to amend sections 68-206, Revised Statutes of Nebraska, 1943, and 68-404, Revised Statutes Supplement, 1945, relating to public assistance; to increase the maximum amount that may be paid per month to any person as old age assistance and as blind assistance; to provide that medical, surgical and hospital care shall be excluded in determining the maximum amount per month thus paid; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 2. By Charles F. Tvrdik of Douglas and Earl J. Lee of Dodge

A bill for an act to amend section 68-202, Revised Statutes Supplement, 1945, relating to public assistance; to re-define who are eligible to receive old age assistance; to authorize the payment out of old age assistance funds of hospital care of recipients of old age

assistance confined in hospitals operated and maintained by any county or municipality within this state; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 3. By C. Petrus Peterson of Lancaster

A bill for an act to amend subsection (1) of section 49, Chapter 242, Session Laws of Nebraska, 1945; to provide for expenditure of the funds appropriated and allocated out of the Post War Construction Fund to the Board of Control upon such projects designated in this act as the Board of Control may find and determine can be constructed within the limits of the appropriation; to repeal the original subsection; and to declare an emergency.

LEGISLATIVE BILL 4. By C. Petrus Peterson of Lancaster

A bill for an act to appropriate to the Superintendent of Public Instruction for the remainder of the biennium ending June 30, 1947, all funds received from the United States under the National School Lunch Act and the sum of ten thousand dollars from the state general fund to cover costs of administration and disbursement of such funds so received; and to declare an emergency.

LEGISLATIVE BILL 5. By Walter R. Raecke of Merrick

A bill for an act to appropriate to the Superintendent of Public Instruction for the remainder of the biennium ending June 30, 1947, all funds received from the United States under Public Law 679 of the 79th Congress; to appropriate the sum of twenty-five thousand dollars from the state general fund to cover costs of administration arising in connection with compliance by the state with such Act of Congress and other activities relating to veterans' education and training; and to declare an emergency.

LEGISLATIVE BILL 6. By James H. Anderson of Scotts Bluff

A bill for an act to amend section 79-2817, Revised Statutes of Nebraska, 1943, relating to junior colleges; to remove the limitation of the maximum amount that may be charged for tuition fees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 7. By John E. Mekota of Saline

A bill for an act relating to the public service; to create the Nebraska Merit System; to provide a council and director for its administration; to prescribe their duties, powers and compensation; to except certain agencies or divisions thereof from certain provisions

of this act; to amend sections 8-103, 48-157, 51-403, 53-108, 68-304, 81-107, 81-152, 81-827 and 83-126, Revised Statutes of Nebraska, 1943; to repeal the original sections and also Chapter 238, Session Laws of Nebraska, 1945; and to declare an emergency.

LEGISLATIVE BILL 8. By Cliff N. Ogden of Douglas

A bill for an act to amend section 32-505, Revised Statutes of Nebraska, 1943, relating to elections; to prescribe what names of candidates may appear on the general election ballot; to provide that where candidates for the same office have surnames that are the same in spelling or sound, any such candidate may have his post-office address and occupation placed on the general election ballot; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 9. By Joseph C. Reavis of Richardson

A bill for an act for submission to the electors of an amendment of Section 2, Article IV, of the Constitution of Nebraska, relating to the eligibility of executive officers to other state offices; to remove the restriction of ineligibility of state officers to other state offices mentioned in Article IV of the Constitution of Nebraska during the period for which they have been elected or appointed; to provide for submission of the proposed amendment to the electors at the general election in November, 1946; to provide for the manner of submission and form of ballot; to provide the effective date thereof; and to declare an emergency.

LEGISLATIVE BILL 10. By A. J. Brodahl of Saunders

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-ninth (Extraordinary) Session of the Legislature of the State of Nebraska; to appropriate the sum of ten thousand dollars therefor; and to declare an emergency.

MOTION—Rule Suspension, Reference

Mr. President: I move that the rules be suspended and the bills this day introduced be referred to standing committees. (Signed) C. Petrus Peterson

The motion prevailed with 43 ayes, 0 nays and 0 not voting.

Unanimous Consent

Mr. James H. Anderson asked unanimous consent that the name of Mr. J E Conklin be added to L. B. 6.

No objection, so ordered.

The legislature was at ease from 11:05 to 11:10.

Unanimous Consent

Mr. Sorrell asked unanimous consent that his name be added as co-introducer to L. B. 1 and 4.

No objection, so ordered.

BILLS REFERRED TO STANDING COMMITTEES

L.B.	Committee
1	Labor and Public Welfare
2	Labor and Public Welfare
3	Appropriations
4	Appropriations
5	Appropriations
6	Education
7	Government
8	Government
9	Government
10	Appropriations

MOTION—Rule Suspension, Committee Hearings

Mr. President: I move that the rules be suspended and that bills introduced today be heard in committees tomorrow at two o'clock p. m. (Signed) C. Petrus Peterson

Mr. President: I move that Mr. Peterson's motion be amended to read "hearings be had Monday at 2 p. m." rather than Friday at 2 p. m. (Signed) Sam Klaver

A record vote was requested by Mr. Klaver.

Mr. Klaver moved a Call of the House.

The roll was taken and showed all members present.

Mr. James H. Anderson made a motion that the Call be raised and the motion prevailed.

The vote on Mr. Klaver's amendment follows:

Voting in the affirmative, 18:

Anderson, L.	Crossland	Klaver	Sorrell
Babcock	Doyle	Krause	Tvrdik
Burney	Foster	Mekota	Weborg
Burnham	Garber	Norman	
Cronin	Jeffords	Pizer	

Voting in the negative, 21:

Anderson, J.	Dooley	Hubka	Raasch
Brodahl	Hanna	Kain	Raecke
Carlberg	Heiliger	Lee	Reavis
Carmody	Hern	Ogden	Seaton
Conklin	Hoyt	Peterson	Wood
Cullingham			

Not voting, 4:

Adams	Lusienski	Mueller	Ryan
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Mr. Klaver's amendment to Mr. Peterson's motion was lost.

Mr. Peterson withdrew his motion.

MOTION—Committee Hearings

Mr. President: I move that the rules be suspended and that the hearing on L. B. 1 be set for tomorrow. (Signed) Daniel Garber

The motion prevailed with 33 ayes, 8 nays and 2 not voting.

MOTION—Committee Hearings

Mr. President: I move that the rules be suspended and that L. B. 2 be set for hearing Friday afternoon, August 23, 1946 at 2 p. m. (Signed) Earl J. Lee

Mr. President: I move that Senator Lee's motion be amended by including L. B. 3, 4, 5, 6, 7, 8, 9 and 10. (Signed) James H. Anderson

Mr. Anderson's amendment was adopted with 31 ayes, 10 nays and 2 not voting.

Mr. Lee's motion, as amended by Mr. Anderson was adopted with 32 ayes, 10 nays and 1 not voting.

MOTION—Supplies

Mr. President: I move that the Clerk be authorized to furnish supplies for the Legislature. (Signed) Fred A. Seaton

The motion prevailed.

NOTICE OF COMMITTEE HEARINGS

Government

L. B. 7 Friday, August 23, 1946 2:00 p.m.
 L. B. 8 Friday, August 23, 1946 2:00 p.m.
 L. B. 9 Friday, August 23, 1946 2:00 p.m.

Appropriations

- L. B. 3 Friday, August 23, 1946 2:00 p.m.
- L. B. 4 Friday, August 23, 1946 2:00 p.m.
- L. B. 5 Friday, August 23, 1946 2:00 p.m.
- L. B. 10 Friday, August 23, 1946 2:00 p.m.

Labor and Public Welfare

- L. B. 1 Friday, August 23, 1946 2:00 p.m.
- L. B. 2 Friday, August 23, 1946 2:00 p.m.

Education

- L. B. 6 Friday, August 23, 1946 3:00 p.m.

MOTION—Supplies

Mr. President: I move that the Clerk furnish the new member, Mrs. Nell Krause, with the Statutes and Session Laws and other usual supplies. (Signed) C. Petrus Peterson

The motion prevailed.

Adjournment

Mr. President: I move that the rules be suspended and that we adjourn until 11 o'clock tomorrow morning. (Signed) Fred A. Mueller

The motion prevailed with 38 ayes, 0 nays and 5 not voting.

Hugo F. Srb
Clerk of the Legislature

SECOND DAY

Legislative Chamber, Lincoln, Nebraska

August 23, 1946

Pursuant to adjournment, the Legislature met at 11:05 a. m., President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Hubka, Reavis and Sorrell.

The Journal for the first day was approved as corrected.

Communications

Two letters from the Kearney Parent-Teacher Association, addressed to Mr. Mueller, regarding the school lunch program.

Letters urging support of the school lunch program, from the Omaha Council of Parent-Teacher Associations were sent to the following Senators: Sam Klaver, J E Conklin, James A. Ryan, Harry A. Foster and Charles F. Tvrdik.

MESSAGE FROM THE GOVERNOR

Appointments

August 23, 1946

To the President, the Speaker and
Members of the Legislature.

Gentlemen:

I desire to inform your honorable body that I have made the following appointments:

On May 10, 1945 I appointed Charles E. Jackman, Grand Island, as Judge of the Workmen's Compensation Court, for the term expiring June 30, 1951.

On May 10, 1945 I appointed Earl Moyer, Madison, as a member of the State Racing Commission, for the term expiring March 30, 1947.

On May 10, 1945 I appointed the following members of the Nebraska Aeronautics Commission: Donald D. Mapes, Norfolk, for the term expiring March 1, 1950; William W. Cook, Beatrice, for the term expiring March 1, 1949; Max Kier, Lincoln, for the term expiring March 1, 1948; Clyde Sharrar, Omaha, for the term expiring March 1, 1947 and Harold Jessen, Ainsworth, for the term expiring March 1, 1946. On April 1, 1946 I reappointed Harold Jessen for the term expiring March 1, 1951.

On May 21, 1945 I appointed Stanley Matzke, Seward, as Director of Insurance.

On June 6, 1945 I appointed Martin W. Dimery, Sidney, as a member of the Nebraska Real Estate Commission for the term expiring August 28, 1946. On August 28, 1946 I reappointed Martin W. Dimery for the term expiring August 28, 1950.

On July 1, 1945 I appointed Albert Arms, Dunning, as Judge of the Workmen's Compensation Court, for the term expiring June 30, 1947.

On November 16, 1945 I appointed I. V. Packard, Lincoln, as Director of Aeronautics, for a term not to exceed two years.

On February 2, 1946 I appointed Dr. W. S. Petty as Director of Health for the term expiring January 9, 1947.

On April 1, 1946 I appointed H. J. Schwab, Scottsbluff, as a member of the State Racing Commission for the term expiring March 30, 1949.

On July 1, 1946 I appointed Donald R. Hodder, Lincoln, as Director of Insurance for the term expiring January 9, 1947.

On July 22, 1946 I appointed Merle Kingsbury of Ponca as a member of the Nebraska Public Library Commission for the term expiring June 8, 1951.

On August 28, 1946 I appointed Irwin Adamson, Cody, as a member of the Nebraska Brand Committee for the term expiring August 28, 1950.

Respectfully submitted,
(Signed) Dwight Griswold
Governor of Nebraska

Committee on Committees

Mr. Charles F. Tvrdik announced a meeting of the Committee on Committees to consider the Governor's appointments, Tuesday morn-

ing, August 27, 1946, immediately after the adjournment of the Legislature.

Adjournment

At 11:30 a. m., Mr. Tvrdik made a motion to adjourn until 9 o'clock, a. m., Saturday, August 24, 1946.

The motion prevailed unanimously.

Hugo F. Srb
Clerk of the Legislature

THIRD DAY

Legislative Chamber, Lincoln, Nebraska

August 24, 1946

Pursuant to adjournment, 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. Reavis and Messrs. Sorrell and Ryan and Mrs. Krause, who were excused for part of the session.

The Journal for the Second Day was approved.

STANDING COMMITTEE REPORTS

• Labor and Public Welfare

LEGISLATIVE BILL 1. Placed on General File.

LEGISLATIVE BILL 2. Placed on General File.

Education

LEGISLATIVE BILL 6. Placed on General File.

Government

LEGISLATIVE BILL 8. Placed on General File.

LEGISLATIVE BILL 7. Placed on General File.

LEGISLATIVE BILL 9. Placed on General File.

GENERAL FILE

LEGISLATIVE BILLS 1 and 2. Passed over.

Mr. Tvrdik made a motion to take up L. B. 6, which prevailed with 28 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 6. Read and considered.

Referred to E and R for review.

LEGISLATIVE BILL 1. Read and considered.

Mr. Klaver offered the following amendment:

I move that Legislative Bill 1 be amended in the following particulars:

1. Amend page 2 of the bill by inserting a new section to be numbered 3, reading as follows:

“Sec. 3. To aid and assist in carrying out the provisions of this act authorizing an increase in the amount of old age and blind assistance payments, there is hereby appropriated out of the money in the general fund, not otherwise appropriated, and ordered transferred to the state assistance fund, to be administered and disbursed by the Board of Control of State Institutions, the sum of \$837,257.57.”

2. Amend the title, line 9, by inserting after the punctuation following the word “paid” the following:

“to provide an appropriation;”,

and renumber the sections accordingly.

Excused Members Return

Messrs. Sorrell and Ryan and Mrs. Krause returned.

Personal Privilege

Mr. Seaton rose to a question of personal privilege to introduce Mr. Dick Marvel, Hastings, Nebraska, the newly elected State Commander of the American Legion.

LEGISLATIVE BILL 1. (Cont.)

A record vote was requested on Mr. Klaver's amendment.

Voting in the affirmative, 16:

Adams	Foster	Hoyt	Mueller
Burnham	Garber	Klaver	Ryan
Carmody	Heiliger	Lusienski	Sorrell
Doyle	Hern	Mekota	Tvrdik

Voting in the negative, 26:

Anderson, J.	Cronin	Kain	Pizer
Anderson, L.	Crossland	Krause	Raasch
Babcock	Cullingham	Lee	Raecke
Brodahl	Dooley	Norman	Seaton
Burney	Hanna	Ogden	Weborg
Carlberg	Hubka	Peterson	Wood
Conklin	Jeffords		

Not voting, 1:

Reavis

Mr. Klaver's amendment was lost.

Mr. Burney offered the following amendment:

Amend Sec. 1 of L. B. 1, Page 2, lines 10 and 11, by striking the words "exclusive of medical, surgical and hospital care."

Amend Sec. 2, lines 18 and 19, by striking the words "exclusive of medical, surgical and hospital care",

And amend the title accordingly.

A record vote was requested on Mr. Burney's amendment.

Voting in the affirmative, 4:

Burney	Crossland	Jeffords	Lee
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Voting in the negative, 35:

Adams	Dooley	Klaver	Raasch
Anderson, J.	Doyle	Krause	Raecke
Anderson, L.	Foster	Lusienski	Ryan
Babcock	Garber	Mekota	Seaton
Burnham	Hanna	Mueller	Sorrell
Carmody	Heiliger	Norman	Tvrdik
Conklin	Hern	Ogden	Weborg
Cronin	Hoyt	Peterson	Wood
Cullingham	Kain	Pizer	

Not voting, 4:

Brodahl	Carlberg	Hubka	Reavis
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Mr. Burney's amendment was lost.

Mr. Klaver offered the following amendment:

I move that Legislative Bill 1 be amended in the following particulars:

1. Amend page 2, section 1, line 11 of the bill by inserting after the word "surgical" the following: ", dental".
2. Amend page 2, section 2, line 18 of the bill by inserting after the word "surgical" the following: ", dental".
3. Amend the title, line 7, by inserting after the word "surgical" the following: ", dental".

STANDING COMMITTEE REPORTS

Appropriations

- LEGISLATIVE BILL 3.** Placed on General File.
LEGISLATIVE BILL 4. Placed on General File.
LEGISLATIVE BILL 5. Placed on General File.
LEGISLATIVE BILL 10. Placed on General File.

RESOLUTION

- LEGISLATIVE RESOLUTION 1.** Re: Assistance, Recreational Purposes.

Introduced by John F. Doyle of Greeley.

WHEREAS, the Board of Control, in providing for the amount found to be necessary to meet the need for assistance of those entitled to old age and blind assistance, have not taken into consideration the necessity for funds for recreational purposes, and

WHEREAS, it is desirable that the Board of Control include funds for recreation to recipients in fixing the amount necessary for assistance.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEBRASKA:

1. That, subject to the limitation of the maximum amount per month that may be paid, the State of Nebraska shall, through the Board of Control, upon every old age and blind assistance grant, pay an additional \$3.50 per month to meet the need for recreation in providing for the need for assistance of the recipients.

Recess

At 12:15 p. m., on motion by Mr. Hern, the Legislature recessed until 1:30 p. m.

After Recess

The Legislature reconvened at 1:30 p. m., President Johnson presiding.

The roll was called and all members were present, with the exception of Mr. Reavis.

GENERAL FILE

- LEGISLATIVE BILL 1.** (Cont.)

Mr. Klaver withdrew his amendment which was pending.

Referred to E and R for review.

LEGISLATIVE BILL 2. Read and considered.

Referred to E and R for review.

LEGISLATIVE BILL 8. Read and considered.

Referred to E and R for review.

LEGISLATIVE BILL 7.

Mr. Peterson asked unanimous consent to waive the reading of the bill.

No objection was offered and it was so ordered.

Mr. Mekota made a motion to advance to E and R for review.

Laid over temporarily.

LEGISLATIVE BILL 9. Read and considered.

Mr. Peterson made a motion to indefinitely postpone L. B. 9.

The motion prevailed.

LEGISLATIVE BILL 7. (Cont.)

A record vote was requested on Mr. Mekota's motion to advance.

Voting in the affirmative, 22:

Adams	Hern	Mekota	Raecke
Anderson, J.	Hoyt	Norman	Seaton
Brodahl	Hubka	Ogden	Sorrell
Conklin	Kain	Peterson	Tvrdik
Cullingham	Krause	Pizer	Wood
Heiliger	Lee		

Voting in the negative, 18:

Anderson, L.	Cronin	Hanna	Mueller
Burney	Crossland	Jeffords	Raasch
Burnham	Dooley	Klaver	Ryan
Carlberg	Doyle	Lusienski	Weborg
Carmody	Garber		

Not voting, 3:

Babcock	Foster	Reavis
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The motion prevailed.

Mr. Jeffords made a motion to return L. B. 7 to General File.

A record vote was requested.

Voting in the affirmative, 17:

Anderson, L.	Cullingham	Garber	Mueller
Burney	Dooley	Hanna	Norman
Burnham	Doyle	Hern	Weborg
Carmody	Foster	Jeffords	Wood
Crossland			

Voting in the negative, 19:

Adams	Hoyt	Mekota	Raecke
Anderson, J.	Hubka	Ogden	Ryan
Brodahl	Kain	Peterson	Seaton
Conklin	Krause	Pizer	Tvrdik
Heiliger	Lusienki	Raasch	

Not voting, 7:

Babcock	Cronin	Lee	Sorrell
Carlberg	Klaver	Reavis	

Mr. Jeffords' motion to return L. B. 7 to General File did not prevail.

LEGISLATIVE BILL 3. Read and considered.

Referred to E and R for review.

LEGISLATIVE BILL 4. Read and considered.

Mr. Hanna made a motion to indefinitely postpone L. B. 4.

After discussion, Mr. Carmody moved the previous question.

The President stated, "The question is, shall the debate cease?"

Mr. Carmody's motion prevailed, with 36 ayes, 1 nay and 6 not voting.

A record vote was requested on Mr. Hanna's motion.

Voting in the affirmative, 5:

Burney	Crossland	Garber	Hanna
Cronin			

Voting in the negative, 34:

Adams	Dooley	Krause	Raasch
Anderson, J.	Doyle	Lusienski	Raecke
Anderson, L.	Foster	Mekota	Ryan
Brodahl	Heiliger	Mueller	Seaton
Burnham	Hern	Norman	Sorrell
Carlberg	Hoyt	Ogden	Tvrdik
Carmody	Jeffords	Peterson	Weborg
Conklin	Kain	Pizer	Wood
Cullingham	Klaver		

Not voting, 4:

Babcock	Hubka	Lee	Reavis
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Mr. Hanna's motion did not prevail.

Referred to E and R for review.

LEGISLATIVE BILL 5. Read and considered.

Mr. Raecke offered the following amendment, which was adopted.

I move to amend Legislative Bill 5 in the following particulars:

1. Amend page 2, section 2, lines 9 to 10, inclusive, by striking the same and inserting in lieu thereof:

"are incidental to cooperation with the Veterans' Administration of the United States in administration of on-the-job training of veterans, and education and training of veterans in educational or training institutions as defined in said Public Law 679."

2. Amend the title, lines 9 and 10, inclusive, by striking the same and inserting in lieu thereof the following:

"the state with such Act of Congress and such other activities as are incidental to cooperation with the Veterans' Administration of the United States in administration of on-the-job training of veterans, and education and training of veterans in educational or training institutions as defined in said Public Law 679."

Referred to E and R for review.

LEGISLATIVE BILL 10.

Mr. Brodahl asked unanimous consent to waive the reading of the bill.

No objection was offered and it was so ordered.

Referred to E and R for review.

Adjournment

A roll call was requested to see how many members would be present on Monday, August 26.

Twenty four members indicated they would be present, and the remainder were excused for the day.

At 5:05 p. m. Mr. Peterson made a motion to adjourn until 9:00 a. m., Monday, August 26, 1946.

The motion prevailed.

Hugo F. Srb
Clerk of the Legislature

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska

August 26, 1946

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and twenty-seven members were present, the others being excused for the session.

The Journal for the Third Day was approved as corrected.

The Legislature was at ease from 9:15 to 9:40 a.m.

STANDING COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 6. Placed on Select File.
LEGISLATIVE BILL 4. Placed on Select File.
LEGISLATIVE BILL 8. Placed on Select File.
LEGISLATIVE BILL 10. Placed on Select File.
LEGISLATIVE BILL 5. Placed on Select File with amendment.

E and R amendment to L. B. 5:

In general file amendment No. 2, 7th line, strike the period before the quotation marks and in lieu thereof insert a semicolon.

(Signed) Roy B. Carlberg, Chairman

Adjournment

At 10:00 a.m., Mr. Peterson moved that the Legislature adjourn until 9:00 a.m., Tuesday, August 27.

The motion prevailed.

Hugo F. Srb
Clerk of the Legislature

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska

August 27, 1946

Pursuant to adjournment, the Legislature met at 9:05 a. m., President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present with the exception of Messrs. Cullingham, Ryan, Sorrell and Wood, who were excused.

The Journal for the Fourth Day was approved.

COMMUNICATIONS

A petition addressed to the Legislature from Mr. B. S. Keck, regarding Old Age Assistance.

STANDING COMMITTEE REPORTS

Enrollment and Review

- LEGISLATIVE BILL 1.** Placed on Select File.
- LEGISLATIVE BILL 3.** Placed on Select File.
- LEGISLATIVE BILL 7.** Placed on Select File as amended.

E and R amendments to L. B. 7:

1. In the bill, page 5, Section 11, Line 6, strike "*made*" before "*be*" and in lieu thereof insert "*may*".

2. In the bill, page 6, Section 18, Line 2, strike the period after the word "*Act*" and insert a period after the last quotation mark in the same line.

- LEGISLATIVE BILL 2.** Placed on Select File.

(Signed) Roy B. Carlberg, Chairman

RESOLUTION**LEGISLATIVE RESOLUTION 1.**

Mr. Kain raised the question as to whether the resolution was germane to the Call of the Governor.

The President ruled that the subject matter contained in the Resolution was germane, and within the Call.

The Resolution was laid over.

MOTION—Rule Suspension

Mr. President: I move that the rules be suspended and that we take up the bills on Select File. (Signed) C. Petrus Peterson

The motion prevailed with 36 ayes, 0 nays and 7 not voting.

SELECT FILE

LEGISLATIVE BILL 6. Advanced to E and R for engrossment.

LEGISLATIVE BILL 4. Advanced to E and R for engrossment.

LEGISLATIVE BILL 8. Advanced to E and R for engrossment.

LEGISLATIVE BILL 10.

Mr. Carlberg offered the following amendment, which was adopted by unanimous consent.

In the bill, page 2, section 2, lines 9, 10 and 11: strike "Standing Committee" in line 9 and all of line 10 and the balance of the word "committee" contained in line 11 and in lieu thereof insert "Clerk of the Legislature and when approved by him".

Advanced to E and R for engrossment.

LEGISLATIVE BILL 5. E and R amendment, found in the Legislative Journal for the Fourth Day was adopted.

Advanced to E and R for engrossment.

LEGISLATIVE BILL 1. Advanced to E and R for engrossment.

LEGISLATIVE BILL 3. Advanced to E and R for engrossment.

LEGISLATIVE BILL 7. Laid over.

LEGISLATIVE BILL 2.

Mr. Lusinski and Mr. Peterson offered the following amendment:

Amend section 1, page 2, line 15 of the bill by inserting after the punctuation following the word "assistance" the following:

"Provided, however, where absence from the state is conclusively shown to have been caused by impaired health and for the purpose of seeking relief therefrom, the period of such absence shall not be excluded."

Mr. James H. Anderson offered the following amendment to Mr. Peterson's and Mr. Lusienski's amendment, which was adopted by unanimous consent:

Insert after the word "*where*" and before the word "*absence*" the words "*, prior to August 1, 1946,*"

Mr. Peterson's and Mr. Lusienski's amendment, as amended by Mr. Anderson, was adopted by unanimous consent.

Advanced to E and R for engrossment.

LEGISLATIVE BILL 7. E and R amendments found in the Legislative Journal for the Fifth Day were adopted.

Mr. Jeffords made a motion to indefinitely postpone L. B. 7.

A record vote was requested.

Voting in the affirmative, 17:

Anderson, L.	Cronin	Garber	Lusienski
Burney	Crossland	Hanna	Mueller
Burnham	Dooley	Jeffords	Raasch
Carlberg	Doyle	Klaver	Weborg
Carmody			

Voting in the negative, 22:

Adams	Heiliger	Lee	Pizer
Anderson, J.	Hern	Mekota	Raecke
Babcock	Hoyt	Norman	Reavis
Brodahl	Hubka	Ogden	Seaton
Conklin	Kain	Peterson	Tvrdik
Foster	Krause		

Not voting, 4:

Cullingham	Ryan	Sorrell	Wood
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Mr. Jeffords' motion did not prevail.

Advanced to E and R for engrossment.

Visitors

Mr. Pizer introduced former Speaker Robert Crosby and Mrs. Crosby of North Platte. Mr. Crosby came forward and addressed the Legislature briefly.

RESOLUTION**LEGISLATIVE RESOLUTION 1.**

Mr. Doyle offered the following amendment, which was adopted with 28 ayes, 4 nays and 11 not voting.

Amend L. R. 1 by striking the last paragraph and inserting in lieu thereof the following:

"1. That, subject to the limitation of the maximum amount per month that may be paid, the State of Nebraska shall, through the Board of Control, upon every old age and blind assistance grant, include an amount to meet the need for recreation in providing for the need for assistance of the recipients."

Laid over.

STANDING COMMITTEE REPORTS**Enrollment and Review**

- LEGISLATIVE BILL 1.** Correctly engrossed.
- LEGISLATIVE BILL 2.** Correctly engrossed.
- LEGISLATIVE BILL 3.** Correctly engrossed.
- LEGISLATIVE BILL 6.** Correctly engrossed.
- LEGISLATIVE BILL 4.** Correctly engrossed.
- LEGISLATIVE BILL 8.** Correctly engrossed.
- LEGISLATIVE BILL 10.** Correctly engrossed.
- LEGISLATIVE BILL 5.** Correctly engrossed.
- LEGISLATIVE BILL 7.** Correctly engrossed.

(Signed) Roy B. Carlberg, Chairman

MOTION—Invite Chancellor of University

Mr. President: I move that the Legislature invite the new Chancellor of the University of Nebraska, Dr. Gustafson, to address the Legislature tomorrow at 10:30 a. m. (Signed) C. Petrus Peterson.

The motion prevailed.

The chairman announced a meeting of the Taxation Committee of the Legislative Council.

A meeting of the entire Legislative Council was announced for Wednesday afternoon, August 28.

The Committee on Committees met immediately following adjournment of the Legislature.

Member Excused

Mr. Tvrdik was excused for Wednesday, August 28, 1946.

Adjournment

At 11:10 a. m., Mr. Heiliger made a motion to adjourn until 9:00 a. m. Wednesday, August 28.

The motion prevailed.

Hugo F. Srb
Clerk of the Legislature

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, August 28, 1946

Pursuant to adjournment, the Legislature met at 9:10 a. m., President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Cullingham, Hubka, Lee, Ryan and Tvrdik, who were excused.

The Journal for the Fifth Day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 1.

Mr. Doyle made a motion to adopt Resolution 1.

A record vote was requested.

Voting in the affirmative, 21:

Adams	Foster	Jeffords	Peterson
Anderson, L.	Garber	Klaver	Pizer
Burnham	Heiliger	Lusienski	Seaton
Conklin	Hern	Mueller	Sorrell
Cronin	Hoyt	Norman	Weborg
Doyle			

Voting in the negative, 10:

Anderson, J.	Burney	Kain	Raasch
Babcock	Carlberg	Ogden	Raecke
Brodahl	Crossland		

Not voting, 12:

Carmody	Hanna	Lee	Ryan
Cullingham	Hubka	Mekota	Tvrdik
Dooley	Krause	Reavis	Wood

The Resolution was adopted.

Report on Employees

The following is a list of employees hired for the 59th (Extraordinary) Session:

1.	L. T. Fleetwood	Asst. Clerk	da	\$10.00
2.	J. W. Lundy	Sgt.-at-Arms	"	5.50
3.	F. R. Miller	Asst. Sgt.-at-Arms	"	5.00
4.	Martin L. Pederson	Postmaster	"	4.50
5.	Rev. Wm. P. Bancroft	Chaplain	"	4.50
6.	Grace Wilson	Engrossing Clerk	"	6.50
7.	Erma Goering	Docket Clerk	"	6.00
		Proof Reader		
8.	Hollis Thurber	Bookkeeper	"	6.00
9.	Bruce Campbell	Stencils—Typist	"	6.00
10.	Donna Cleavenger	Secretary—Proof		
		Reader	"	6.00
11.	Mrs. J. F. Henninger	Secretary	"	6.00
12.	Viola Schmidt	Secretary	"	6.00
13.	G. F. Martin	Chief Bill Room Clerk	"	6.50
14.	Gus Newman	Asst. Bill Room Clerk	"	5.00
15.	Orville Weakley	Asst. Custodian	"	4.50
16.	A. V. Kreps	Asst. Custodian	"	4.50
17.	Gertrude Tyler	Telephone Operator		
		Proof Reader	"	4.50
18.	Harold L. Mack	Page	"	4.00
19.	Mrs. R. P. Fenton	Page	"	4.00
20.	Gretchen Bowers	Page	"	4.00
21.	Grace Leavitt	Proof Reader	hour	.75
22.	Clarence M. Davis	Legal Advisor	da	25.00
		and mileage		16.50

(Signed) Hugo F. Srb, Clerk

The Legislature was at ease from 9:30 to 10:00 a. m.

Speaker Peterson Presiding**STANDING COMMITTEE REPORTS****Committee on Committees**

Mr. President: Your Committee on Committees wishes to report favorably on the following appointments:

Charles E. Jackman	Judge, Workmen's Compensation Court
Earl Moyer	State Racing Commission
Donald D. Mapes	Nebraska Aeronautics Commission
William W. Cook	Nebraska Aeronautics Commission
Max Kier	Nebraska Aeronautics Commission
Clyde Sharrar	Nebraska Aeronautics Commission
Harold Jessen	Nebraska Aeronautics Commission
Martin W. Dimery	Nebraska Real Estate Commission

Albert Arms	Judge, Workmen's Compensation Court
I. V. Packard	Director of Aeronautics
Dr. W. S. Petty	Director of Health
H. J. Schwab	State Racing Commission
Donald R. Hodder	Director of Insurance
Merle Kingsbury	Nebraska Public Library Commission
Irwin Adamson	Nebraska Brand Committee
Stanley Matzke	Director of Insurance (Up to the time of his resignation)
	(Signed) Tom Dooley, Vice Chairman

MOTION—To Adopt and Vote

Mr. President: I move that the report of the Committee on Committees be adopted and that the appointments be confirmed by the Legislature, and that each appointment be voted on separately. (Signed) Tom Dooley

The motion prevailed.

Vote on Mr. Jackman

Affirmative, 32; negative, 0; not voting 11.

The President declared the appointment of Mr. Jackman confirmed.

Vote on Mr. Moyer

Affirmative, 33; negative, 0; not voting 10.

The President declared the appointment of Mr. Moyer confirmed.

Vote on Mr. Mapes

Affirmative, 33; negative, 0; not voting, 10.

The President declared the appointment of Mr. Mapes confirmed.

Vote on Mr. Cook

Affirmative, 33; negative, 0; not voting, 10.

The President declared the appointment of Mr. Cook confirmed.

Vote on Mr. Kier

Affirmative, 33; negative, 0; not voting, 10.

The President declared the appointment of Mr. Kier confirmed.

Vote on Mr. Sharrar

Affirmative, 33; negative, 0; not voting, 10.

The President declared the appointment of Mr. Sharrar confirmed.

Vote on Mr. Jessen

Affirmative, 32; negative, 0; not voting, 11.

The President declared the appointment of Mr. Jessen confirmed.

Vote on Mr. Dimery

Affirmative, 35; negative, 0; not voting, 8.

The President declared the appointment of Mr. Dimery confirmed.

Vote on Mr. Arms

Affirmative, 35; negative, 0; not voting, 8.

The President declared the appointment of Mr. Arms confirmed.

Vote on Mr. Packard

Affirmative, 34; negative, 0; not voting, 9.

The President declared the appointment of Mr. Packard confirmed.

Vote on Dr. Petty

Affirmative, 36; negative, 0; not voting, 7.

The President declared the appointment of Dr. Petty confirmed.

Vote on Mr. Schwab

Affirmative, 37; negative, 0; not voting, 6.

The President declared the appointment of Mr. Schwab confirmed.

Vote on Mr. Hodder

Affirmative, 37; negative, 0; not voting, 6.

The President declared the appointment of Mr. Hodder confirmed.

Vote on Mr. Kingsbury

Affirmative, 35; negative, 0; not voting, 8.

The President declared the appointment of Mr. Kingsbury confirmed.

Vote on Mr. Adamson

Affirmative, 37; negative, 0; not voting, 6.

The President declared the appointment of Mr. Adamson confirmed.

Vote on Mr. Matzke

Affirmative, 37; negative, 0; not voting, 6.

The President declared the appointment of Mr. Matzke confirmed.

The Legislature was at ease from 10:16 to 10:30 a. m.

Visitor

Speaker Peterson introduced Dr. R. G. Gustafson, the Chancellor of the University of Nebraska, who came forward and addressed the Legislature.

Member Excused

Senator Norman was excused for one hour on Thursday morning, August 29, 1946.

The Clerk was instructed to notify the absent members of the hour of the convening of the Legislature for the next day.

Adjournment

Mr. President: I move that the rules be suspended and that the Legislature adjourn until 8:00 a. m., Thursday, August 29. (Signed) Wm. Hern

The motion prevailed with 36 ayes, 0 nays and 7 not voting.

Hugo F. Srb

Clerk of the Legislature

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, August 29, 1946

Pursuant to adjournment, the Legislature met at 8:05 a. m., President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Cullingham and Norman, who were excused.

The Journal for the Sixth Day was approved.

ATTORNEY GENERAL'S OPINION

August 28, 1946

Hon. Charles F. Tvrdik
Chairman of Committee on Committees
Legislature of Nebraska
Capitol Building
Lincoln, Nebraska

Dear Senator Tvrdik:

In your letter of August 27th you request our opinion as follows:

“The Committee on Committees of the Legislature would like your opinion as to whether or not confirmation of appointments of the Governor can properly be made at a Special Session without the same having been mentioned in the call.

“In the list of appointments submitted to the Legislature, Mr. Stanley Matzke, as Director of the Department of Insurance, was included. Since Mr. Matzke resigned and the name of his successor was also included, is it proper to approve the appointment of Mr. Matzke up to the time of his resignation?

“The Committee is withholding its report to the Legislature pending your opinion on the matter.”

The answer to your question depends on the construction to be placed on certain provisions of our State Constitution.

Section 10, Article III of the Constitution provides that the Legislature "shall meet in regular session at 12:00 o'clock (noon) on the first Tuesday in January in the year next ensuing the election of the members thereof."

Section 8, Article IV, provides:

"The Governor may, on extraordinary occasions, convene the legislature by proclamation, stating therein the purpose for which they are convened, and the legislature shall enter upon no business except that for which they were called together."

Section 10, Article IV, provides:

"The governor shall nominate and by and with the advice and consent of the senate, (expressed by a majority of all senators elected, voting by yeas and nays,) appoint all officers whose offices are established by the constitution, or which may be created by law, and whose appointment, or election is not otherwise by law or herein provided for; and no such officer shall be appointed or elected by the legislature."

Section 11, Article IV, contains the following provisions:

"In case of a vacancy during the recess of the senate, in any office which is not elective, the governor shall make a temporary appointment *until the next meeting of the senate*, when he shall nominate some person to fill such office; and any person so nominated, who is confirmed by the senate, (a majority of all the senators elected concurring by voting yeas and nays), shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified." (emphasis supplied)

Constitutional provisions should be construed so as to ascertain and give effect to the intent and purpose of the framers and the people who adopted it. 16 C. J. S. 51, Sec. 16. The general rules of statutory construction ordinarily apply to constitutions as well (16 C. J. S. 51, Sec. 15) and its provisions should be construed so as to harmonize, if possible.

Section 8, Article IV, of the Constitution provides "the legislature shall enter upon no business except that for which they were called together." An examination of the Governor's proclamation calling the present session of the Legislature fails to reveal any reference to confirmation of appointments of officers. Standing alone, the provision of Section 8, Article IV, above quoted, might well be construed to forbid the confirmation of interim appointments at special sessions of the Legislature unless such business is included in the call. However, such a construction would, in our opinion, conflict with the provision of Section 11, Article IV, of the Constitution above quoted that "the governor shall make a temporary appointment until the next meeting of the senate," etc.

It seems clear that the phrase "the next meeting of the senate" must be construed to refer to special as well as to regular sessions of the Legislature, and that it was the intention of the framers of the Constitution and of the people who adopted it that interim appointments by the Governor to fill vacancies should be presented to the next meeting of the senate, whether in regular or special session, without regard to whether or not such business was included in the Governor's proclamation calling the Legislature together. The object and purpose of the provision requiring confirmation by the senate is to provide a certain check and control over the Governor's power of appointment, and this object would be defeated rather than advanced by the view that the Governor, by omitting such business from the call, might delay the confirmation until the next regular session.

The courts have uniformly held that the confirmation by the senate of appointments made by the Governor is not a legislative act and may be made at a special as well as at a regular session of the Legislature, even though such business was not included in the call. See *State, ex rel. Sikes v. Williams*, 222 Mo. 268, 121 S. W. 64, 17 Ann. Cas. 1006; *Advisory Opinion to the Governor*, 64 Fla. 16, 59 So. 782; *The People, ex rel. Knight v. Blanding*, 63 Cal. 333; 42 Am. Jur. 964, Sec. 113.

While the wording of the constitutional provisions in the cases above cited was somewhat different from that of our Constitution, it is nevertheless our opinion that the word "business" as it occurs in Section 8, Article IV, refers to legislative business and does not include purely administrative acts such as confirmation of appointments by the Governor.

It is our opinion that confirmation of the appointments of the Governor can properly be made at a special session of the Legislature, even though such business was not mentioned in the Governor's proclamation calling the Legislature together.

Respectfully yours,

WALTER R. JOHNSON
Attorney General

(Signed) Homer L. Kyle
Assistant Attorney General

HLK: REZ

To Record Vote

Mr. President: Had I been present I would have voted for the Doyle Resolution. (Signed) James A. Ryan.

RESOLUTION

LEGISLATIVE RESOLUTION 2. Re: Liberality in assistance payments.

Introduced by Fred A. Mueller of Buffalo.

WHEREAS, the cost of living has increased greatly within the last two years; and

WHEREAS, in recognition of this fact, the Congress of the United States has made available to the states additional funds to pay assistance grants; and

WHEREAS, the principal reason for convening of this extraordinary session of the Legislature was to take advantage of the additional funds thus made available; and

WHEREAS, it is estimated that only twenty-nine per cent of the recipients of old age and blind assistance will receive benefit by reason of raising the maximum amount that may be paid to any such recipient per month; and

WHEREAS, all recipients of old age and blind assistance should receive some benefit from the additional funds made available; and

WHEREAS, it is reported by the Governor in his message to the Legislature that there is a balance of approximately two and one half million dollars in the assistance fund; and

WHEREAS, the problem of raising the amount paid to recipients of assistance is largely one of administrative action rather than legislative determination, but that this Legislature has the right to declare the policy that should be followed by state officers and employees in administering the assistance laws:

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF NEBRASKA:

1. That all old age and blind assistance grants should be re-investigated and re-examined as soon as possible to ascertain the need for assistance, in view of the fact that there are ample funds available and that there has been a marked increase in the cost of rent, food, clothing, shelter, fuel and other factors required to be taken into consideration in determining the need for assistance.

2. That all old age assistance boards and case workers should be urged by the Board of Control to adopt a more lenient attitude in investigating and passing on applications for old age and blind assistance and determining the amount to be paid to recipients thereof.

Unanimous Consent

Mr. Mueller asked unanimous consent to consider L. R. 2 following Final Reading.

No objection was offered and it was so ordered.

MOTION—To Suspend Rules

Mr. President: I move that the rules be suspended and we proceed to vote on bills on final reading. (Signed) James H. Anderson

The motion prevailed with 39 ayes, 0 nays and 4 not voting.

Explanation of Vote

Mr. President: Had I been present, I would have voted for Resolution 1, and for the several appointments of the Governor. (Signed) Charles F. Tvrdik.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1. With emergency.

A bill for an act to amend sections 68-206, Revised Statutes of Nebraska, 1943, and 68-404, Revised Statutes Supplement, 1945, relating to public assistance; to increase the maximum amount that may be paid per month to any person as old age assistance and as blind assistance; to provide that medical, surgical and hospital care shall be excluded in determining the maximum amount per month thus paid; to repeal the 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, 41:

Adams	Crossland	Jeffords	Pizer
Anderson, J.	Dooley	Kain	Raasch
Anderson, L.	Doyle	Klaver	Raecke
Babcock	Foster	Krause	Reavis
Brodahl	Garber	Lee	Ryan
Burney	Hanna	Lusienski	Seaton
Burnham	Heiliger	Mekota	Sorrell
Carlberg	Hern	Mueller	Tvrdik
Carmody	Hoyt	Ogden	Weborg
Conklin	Hubka	Peterson	Wood
Cronin			

Voting in the negative, 0.

Not voting, 2:

Cullingham 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.

To Record Vote

Had I been present I would have voted "aye" on final reading of L. B. 1.

Sidney J. Cullingham

William J. Norman

LEGISLATIVE BILL 2. With emergency.

A bill for an act to amend section 68-202, Revised Statutes Supplement, 1945, relating to public assistance; to re-define who are eligible to receive old age assistance; to authorize the payment out of old age assistance funds of hospital care of recipients of old age assistance confined in hospitals operated and maintained by any county or municipality within this state; to repeal the 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, 41:

Adams	Crossland	Jeffords	Pizer
Anderson, J.	Dooley	Kain	Raasch
Anderson, L.	Doyle	Klaver	Raecke
Babcock	Foster	Krause	Reavis
Brodahl	Garber	Lee	Ryan
Burney	Hanna	Lusienski	Seaton
Burnham	Heiliger	Mekota	Sorrell
Carlberg	Hern	Mueller	Tvrdik
Carmody	Hoyt	Ogden	Weborg
Conklin	Hubka	Peterson	Wood
Cronin			

Voting in the negative, 0.

Not voting, 2:

Cullingham 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.

To Record Vote

Had I been present I would have voted "aye" on final reading of L. B. 2.

Sidney J. Cullingham

William J. Norman

Speaker Peterson Presiding**LEGISLATIVE BILL 3.** With emergency.

A bill for an act to amend subsection (1) of section 49, Chapter 242, Session Laws of Nebraska, 1945; to provide for expenditure of the funds appropriated and allocated out of the Post War Construction Fund to the Board of Control upon such projects designated in this act as the Board of Control may find and determine can be constructed within the limits of the appropriation; to repeal the original subsection; 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, 39:

Adams	Cronin	Hubka	Pizer
Anderson, J.	Crossland	Jeffords	Raasch
Anderson, L.	Dooley	Kain	Raecke
Babcock	Doyle	Klaver	Reavis
Brodahl	Foster	Krause	Ryan
Burney	Garber	Lee	Seaton
Burnham	Hanna	Mekota	Tvrdik
Carlberg	Heiliger	Mueller	Weborg
Carmody	Hern	Ogden	Wood
Conklin	Hoyt	Peterson	

Voting in the negative, 1:

Lusinski

Not voting, 3:

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

To Record Vote

Had I been present I would have voted "aye" on final reading of L. B. 3.

Sidney J. Cullingham

William J. Norman

Explanation of Vote.

I realize the necessity of immediate construction of some buildings but the 'blank check' feature of L. B. 3 precludes my support because of a dangerous precedent for the future. (Signed) Ed. F. Lusinski

LEGISLATIVE BILL 6. With emergency.

A bill for an act to amend section 79-2817, Revised Statutes of Nebraska, 1943, relating to junior colleges; to remove the limitation of the

maximum amount that may be charged for tuition fees; to repeal the 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, 40:

Adams	Crossland	Jeffords	Pizer
Anderson, J.	Dooley	Kain	Raasch
Anderson, L.	Doyle	Klaver	Raecke
Babcock	Foster	Krause	Reavis
Brodahl	Garber	Lee	Ryan
Burney	Hanna	Lusienski	Seaton
Burnham	Heiliger	Mekota	Sorrell
Carlberg	Hern	Mueller	Tvrdik
Carmody	Hoyt	Ogden	Weborg
Conklin	Hubka	Peterson	Wood

Voting in the negative, 1:

Cronin

Not voting, 2:

Cullingham 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.

To Record Vote

Had I been present I would have voted "aye" on final reading of L. B. 6. (Signed) William J. Norman

LEGISLATIVE BILL 4. With emergency.

A bill for an act to appropriate to the Superintendent of Public Instruction for the remainder of the biennium ending June 30, 1947, all funds received from the United States under the National School Lunch Act and the sum of ten thousand dollars from the state general fund to cover costs of administration and disbursement of such funds so received; 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, 34:

Adams	Doyle	Lee	Raecke
Anderson, J.	Foster	Lusienski	Reavis
Babcock	Heiliger	Mekota	Ryan
Brodahl	Hern	Mueller	Seaton
Burnham	Hoyt	Ogden	Sorrell
Carlberg	Hubka	Peterson	Tvrdik
Carmody	Kain	Pizer	Weborg
Conklin	Klaver	Raasch	Wood
Dooley	Krause		

Voting in the negative, 7:

Anderson, L.	Cronin	Garber	Jeffords
Burney	Crossland	Hanna	

Not voting, 2:

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

To Record Vote

Had I been present I would have voted "aye" on final reading of L. B. 4.

Sidney J. Cullingham

William J. Norman

LEGISLATIVE BILL 8. With emergency.

A bill for an act to amend section 32-505, Revised Statutes of Nebraska, 1943, relating to elections; to prescribe what names of candidates may appear on the general election ballot; to provide that where candidates for the same office have surnames that are the same in spelling or sound, any such candidate may have his post-office address and occupation placed on the general election ballot; to repeal the 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, 31:

Adams	Doyle	Krause	Raasch
Anderson, J.	Foster	Lee	Raecke
Anderson, L.	Heiliger	Lusienski	Ryan
Babcock	Hern	Mekota	Seaton
Brodahl	Hoyt	Mueller	Sorrell
Burnham	Jeffords	Ogden	Tvrdik
Conklin	Kain	Peterson	Wood
Dooley	Klaver	Pizer	

Voting in the negative, 8:

Carlberg	Cronin	Hanna	Reavis
Carmody	Crossland	Hubka	Weborg

Not voting, 4:

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

To Record Vote

Had I been present I would have voted "aye" on final reading of L. B. 8.

Sidney J. Cullingham

William J. Norman

LEGISLATIVE BILL 10. With emergency.

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-ninth (Extraordinary) Session of the Legislature of the State of Nebraska; to appropriate the sum of ten thousand dollars therefor; 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, 42:

Adams	Crossland	Kain	Pizer
Anderson, J.	Dooley	Klaver	Raasch
Anderson, L.	Doyle	Krause	Raecke
Babcock	Foster	Lee	Reavis
Brodahl	Garber	Lusienski	Ryan
Burney	Hanna	Mekota	Seaton
Burnham	Heiliger	Mueller	Sorrell
Carlberg	Hern	Norman	Tvrdik
Carmody	Hoyt	Ogden	Weborg
Conklin	Hubka	Peterson	Wood
Cronin	Jeffords		

Voting in the negative, 0.

Not voting, 1:

Cullingham

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

To Record Vote

Had I been present I would have voted "aye" on final reading of L. B. 10. (Signed) Sidney J. Cullingham

Member Excused

Mr. Sorrell was excused for the remainder of the Session.

MOTION—Return to Select File

Mr. President: I move that L. B. 7 be returned to E and R for a specific amendment: "Strike the enacting clause". (Signed) Carl P. Jeffords

The motion did not prevail, with 11 ayes, 26 nays and 6 not voting.

President Johnson Presiding**BILLS ON FINAL READING (Cont.)****LEGISLATIVE BILL 5. With emergency.**

A bill for an act to appropriate to the Superintendent of Public Instruction for the remainder of the biennium ending June 30, 1947, all funds received from the United States under Public Law 679 of the 79th Congress; to appropriate the sum of twenty-five thousand dollars from the state general fund to cover costs of administration arising in connection with compliance by the state with such Act of Congress and such other activities as are incidental to cooperation with the Veterans' Administration of the United States in administration of on-the-job training of veterans, and education and training of veterans in educational or training institutions as defined in said Public Law 679; and to declare an emergency.

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

Voting in the affirmative, 41:

Adams	Crossland	Jeffords	Peterson
Anderson, J.	Dooley	Kain	Pizer
Anderson, L.	Doyle	Klaver	Raasch
Babcock	Foster	Krause	Raecke
Brodahl	Garber	Lee	Reavis
Burney	Hanna	Lusienski	Ryan
Burnham	Heiliger	Mekota	Seaton
Carlberg	Hern	Mueller	Tvrdik
Carmody	Hoyt	Norman	Weborg
Conklin	Hubka	Ogden	Wood
Cronin			

Voting in the negative, 0.

Not voting, 2:

Cullingham Sorrell

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

To Record Vote

Mr. President: Had I been present I would have voted "aye" on L. B. 5 on Final Reading. (Signed) Sidney J. Cullingham

LEGISLATIVE BILL 7. With emergency.

A bill for an act relating to the public service; to create the Nebraska Merit System; to provide a council and director for its administration; to prescribe their duties, powers and compensation; to except certain agencies or divisions thereof from certain provisions of this act; to amend sections 8-103, 48-157, 51-403, 53-108, 68-304, 81-107, 81-152, 81-827 and 83-126, Revised Statutes of Nebraska, 1943; to repeal the original sections and also Chapter 238, Session Laws of Nebraska, 1945; 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, 22:

Adams	Heiliger	Lee	Raecke
Anderson, J.	Hern	Mekota	Reavis
Babcock	Hoyt	Ogden	Seaton
Brodahl	Hubka	Peterson	Tvrdik
Conklin	Kain	Pizer	Wood
Foster	Krause		

Voting in the negative, 15:

Anderson, L.	Cronin	Hanna	Raasch
Burney	Crossland	Jeffords	Ryan
Burnham	Dooley	Klaver	Weborg
Carmody	Garber	Mueller	

Not voting, 6:

Carlberg	Doyle	Norman	Sorrell
Cullingham	Lusienski		

A constitutional two-thirds majority having failed to vote in the affirmative, the bill failed of passage with the emergency clause attached.

Whereupon the President stated: "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 0.

Voting in the negative, 30:

Anderson, L.	Foster	Klaver	Raecke
Babcock	Garber	Krause	Reavis
Burney	Hanna	Lee	Ryan
Burnham	Heiliger	Mekota	Seaton
Carmody	Hern	Ogden	Tvrdik
Cronin	Hoyt	Pizer	Weborg
Crossland	Jeffords	Raasch	Wood
Dooley	Kain		

Not voting, 13:

Adams	Conklin	Hubka	Norman
Anderson, J.	Cullingham	Lusienski	Peterson
Brodahl	Doyle	Mueller	Sorrell
Carlberg			

A constitutional two-thirds majority having failed to vote in the affirmative, the bill failed of passage with the emergency clause stricken.

To Record Vote

Had I been present I would have voted "aye" on Final Reading on L. B. 7. (Signed) Sidney Cullingham

Personal Privilege

Mr. Burney introduced his son, Lt. Howard Keith Burney to the Legislature.

RESOLUTION

LEGISLATIVE RESOLUTION 2.

Mr. Mueller made a motion to adopt L. R. 2.

Mr. Peterson offered the following amendment to L. R. 2: "Strike paragraph 5".

Mr. Peterson's amendment was adopted with 22 ayes, 0 nays and 21 not voting.

A record vote was requested on L. R. 2.

Voting in the affirmative, 13:

Adams	Foster	Lusienski	Ryan
Anderson, L.	Heiliger	Mueller	Seaton
Burnham	Klaver	Pizer	Tvrdik
Doyle			

Voting in the negative, 16:

Anderson, J.	Carlberg	Krause	Raasch
Babcock	Cronin	Lee	Raecke
Brodahl	Crossland	Norman	Reavis
Burney	Kain	Ogden	Wood

Not voting, 14:

Carmody	Garber	Hubka	Peterson
Conklin	Hanna	Jeffords	Sorrell
Cullingham	Hern	Mekota	Weborg
Dooley	Hoyt		

The Resolution was not adopted.

STANDING COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1. Correctly enrolled.
LEGISLATIVE BILL 2. Correctly enrolled.
LEGISLATIVE BILL 3. Correctly enrolled.
LEGISLATIVE BILL 6. Correctly enrolled.
LEGISLATIVE BILL 4. Correctly enrolled.
LEGISLATIVE BILL 8. Correctly enrolled.
LEGISLATIVE BILL 5. Correctly enrolled.
LEGISLATIVE BILL 10. Correctly enrolled.

(Signed) Roy B. Carlberg

President Signs

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

L. B. 1	L. B. 6	L. B. 10
L. B. 2	L. B. 4	L. B. 5
L. B. 3	L. B. 8	

Legislative Resolution 1.

MOTION—Session Laws and 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 of the Fifty-ninth (Extraordinary) Session, a copy of the permanent Legislative Journal of said session and a copy of the Sessions Laws passed thereat. (Signed) William Hern.

The motion prevailed.

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-ninth (Extraordinary) Session of the Legislature. (Signed) James A. Ryan

The motion prevailed.

MOTION—Approve Journal

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

The motion prevailed.

MOTION—Approve Appointment of Employees

Mr. President: I move that the appointment of the employees of the Legislature, as shown by the report submitted by the Clerk on August 28, 1946 at the salaries indicated, be approved. (Signed) A. J. Brodahl

The motion prevailed.

Note of Appreciation

To the members and officers of
the Legislature:

The courtesies and kindnesses of the members of the Legislature and its officers and employees during this short session are sincerely appreciated. (Signed) Clarence M. Davis, Legal Advisor

Visitor

Mr. James H. Anderson introduced to the Legislature Mr. A. T. Howard, Chairman of the Republican State Central Committee

Farewell by Members

The President offered an opportunity to those members not filing for re-election, or who are not planning to be back next session, to speak a few words of farewell. Response was made by Messrs. Brodahl, Cronin, Ogden, Crossland, Ryan, Mekota, Reavis, James H. Anderson and Mrs. Krause.

Speaker Peterson made a motion that the members of the Legislature give a standing vote of appreciation to President Johnson. President Johnson responded with a few words in farewell.

Visitor

Mr. Earl Lee introduced his son, Mr. Jack Lee, to the members of the Legislature.

STANDING COMMITTEE REPORTS**Enrollment and Review**

Presented to the Governor for approval August 29, 1946 at 11:05 a. m.

L. B. 1	L. B. 3	L. B. 5	L. B. 8
L. B. 2	L. B. 4	L. B. 6	L. B. 10

(Signed) Roy B. Carlberg, Chairman

MOTION—Notify the 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) C. Petrus Peterson

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

Peterson, Chairman; Crossland, Lusienski, Babcock, Krause.

Governor Griswold was escorted to the rostrum and addressed the Legislature.

Adjournment

Mr. President: The Fifty-ninth (Extraordinary) Session of the Legislature of Nebraska having finished all business before it, I move that it now adjourn sine die. (Signed) Daniel Garber

The motion prevailed.

Hugo F. Srb
Clerk of the Legislature

LEGISLATIVE BILLS**Approved After Adjournment**

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

August 30, 1946

Legislative Bill 1
Legislative Bill 2
Legislative Bill 3
Legislative Bill 4
Legislative Bill 5
Legislative Bill 6
Legislative Bill 8
Legislative Bill 10

REPORT ON SALARIES OF LEGISLATIVE EMPLOYEES

From August 19 to August 31, incl., 1946

Employee	Position	Rate of Pay	Total
L. T. Fleetwood	Asst. Clerk	\$10.00 da	\$ 70.00
J. W. Lundy	Sgt.-at-arms	5.50 da	38.50
F. R. Miller	Asst. Sgt-at-arms	5.00 da	35.00
Martin L. Pederson	Postmaster	5.00 da	35.00
Rev. Wm. P. Bancroft	Chaplain	4.50 da	31.50
Grace Wilson	Engrossing Clerk	6.50 da	39.00
Erma Goering	(Docket Clerk	6.00 da	
	(Proof Reader	.75 hr	60.00
Hollis S. Thurber	Bookkeeper	6.00 da	48.00
Bruce Campbell	Stencils - Typist	6.00 da	42.00
Donna Cleavenger	(Secretary	6.00 da	
	(Proof Reader	.75 hr	72.00
Mrs. J. F. Henninger	Secretary	6.00 da	42.00
Viola Schmidt	Secretary	6.00 da	42.00
G. F. Martin	Chief Clk. Bill Room	6.50 da	48.75
Gus Neumann	Asst. Clk Bill Room	5.00 da	35.00
Orville Weakley	Asst. Custodian	4.50 da	54.00
A. V. Kreps	Asst. Custodian	4.50 da	45.00
Gertrude Tyler	(Telephone Operator	4.50 da	
	(Proof Reader	.75 hr	36.00
Harold L. Mack	Page	4.00 da	28.00
Mrs. R. P. Fenton	Page	4.00 da	28.00
Gretchen Bowers	Page	4.00 da	28.00
Grace Leavitt	Proof Reader	.75 hr	21.00
Clarence M. Davis	Atty. for E and R	25.00 da	
	and mileage	16.50	141.50
			<hr/>
		TOTAL	\$1,020.25*

*Deducted from this amount
on account of withholding tax.....\$ 56.60

Hugo F. Srb,
Clerk of the Legislature

STANDING COMMITTEES OF THE LEGISLATURE

Fifty-ninth (Extraordinary) Session

Agriculture—Carmody, Chairman

Weborg	Burnham	Mekota
Hoyt	Hern	Krause
Burney	Jeffords	

Appropriations—Brodahl, Chairman

Garber	Dooley	Norman
Crossland	Heiliger	Raasch
Conklin	Mueller	Tvrđik
Cronin		

Banking, Commerce & Insurance—Lee, Chairman

L. Anderson	Hubka	Ryan
Babcock	Ogden	Sorrell
Doyle	Peterson	

Claims & Deficiencies—James H. Anderson, Chairman

Wood	Cullingham	Pizer
Babcock		

Committee on Committees—Tvrđik, Chairman

Dooley	Cullingham	Norman
Weborg	Hanna	Raecke
James H. Anderson	Jeffords	Reavis
Carmody	Mekota	Krause

Education—Ogden, Chairman

Burney	Hoyt	Sorrell
Kain	Krause	Weborg
Adams	Seaton	

Enrollment and Review—Carlberg, Chairman

Government—Sorrell, Chairman

Wood	Hanna	Krause
Hern	Ogden	Weborg
Burney	Peterson	

Intergovernmental Cooperation—Reavis, Chairman

James H. Anderson	Kain	Lee
Dooley		

STANDING COMMITTEES

Alternate:

Cronin	Ogden	Krause
Mekota	Raecke	

Judiciary—Mekota, Chairman

Hubka	Carmody	Raecke
Klaver	Doyle	Reavis
Carlberg	Lee	

Labor & Public Welfare—Hanna, Chairman

Peterson	Burnham	Lusienski
Hern	Foster	Ryan
L. Anderson	Jeffords	

Public Health & Miscellaneous Subjects—Jeffords, Chairman

Babcock	L. Anderson	Foster
Adams		

Public Works—Cullingham, Chairman

James H. Anderson	Kain	Ryan
Burnham	Lusienski	Seaton
Hoyt	Pizer	

Revenue (taxation)—Raecke, Chairman

Lusienski	Foster	Reavis
James H. Anderson	Hanna	Wood
Cullingham	Klaver	

Rules—Krause, Chairman

James H. Anderson	Lusienski	Reavis
Cullingham		